

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. LOTT. Mr. President, I thank the chairman of the Subcommittee on Transportation and the ranking member for their efforts. I believe we are about ready to wrap up this very important appropriations bill. There are good-faith negotiations underway right now. I am hopeful in the next few minutes we will have an agreement on how to deal with the Baucus-Gramm matter. I think we have a reasonable suggestion that can be agreed to. Certainly we hope so.

Then when that is done, we will be able to go to third reading and final passage of the transportation appropriations bill tonight. There has been some suggestion that we carry this over until tomorrow, but as we know, things have a way of growing overnight.

The chairman and the ranking member are absolutely right, as we are very close to completing this appropriations bill. So if Members will be patient a few more minutes, I think we can get it completed and go to final passage.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, we will go tomorrow morning at 9:30 immediately to the reconciliation bill, which is the welfare package. Under the rules I think there are 10 hours allowed for that. Some of that time may be yielded back. So we would spend the bulk of the day tomorrow on that issue with the vote coming sometime late tomorrow afternoon. I believe the Democratic leader would appreciate it coming later on in the afternoon. We will work with him to get a time that meets with his needs.

Then we would go to some conference reports that may be available. Recorded votes may be requested on those—legislative appropriations, D.C. appropriations. Then we would hope to take up the HUD-VA appropriations bills tomorrow night, and stay with that until we have other conference reports that may be available.

There has been an agreement reached and the conferees' signatures acquired on the health insurance reform package. Senator KASSEBAUM, Senator KENNEDY, many others have done a lot of good work on that. So we should be able to take up that health insurance package on Friday.

I understand agreement has also been reached on the safe drinking water conference report, which is a very important bill. And we have sort of a deadline on that one. If we do not act on it

by Friday, there is some \$725 million that would move over into another fund. So really good work is being done.

Also, there has been a press conference this afternoon with regard to the terrorism task force efforts. We have had our colleagues on both sides of the aisle working with the Chief of Staff and the White House. And they had announced earlier this afternoon, or about 2 hours ago, that they had made substantial progress. We believe we can take up an agreed-to package on the terrorism issue hopefully tomorrow or Friday.

So a lot of good work has been done today. We will have this final vote here hopefully in just a few minutes and begin with welfare reform in the morning. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

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

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

AMENDMENT NO. 5146

(Purpose: To prevent the Department of Transportation from penalizing Maine or New Hampshire for non-compliance with federal vehicle weight limitations)

Mr. COHEN. Mr. President, on behalf of myself, Senator SNOWE, Senator SMITH, and Senator GREGG, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Ms. SNOWE, Mr. SMITH, and Mr. GREGG, proposes an amendment numbered 5146.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place:

No funds appropriated under this act shall be used to levy penalties prior to September 1, 1997 on the States of Maine or New Hampshire based on non-compliance with federal vehicle weight limitations.

Mr. COHEN. Mr. President, this is an amendment that pertains to the States of Maine and New Hampshire, dealing with weight limit for trucks.

We have worked in close conjunction with the Senator from New Jersey, the Senator from Montana, and the Senator from Rhode Island. They have agreed that the amendment should be adopted. It would defer imposition of penalties or the use of funds to impose penalties prior to September 1, 1997.

That is acceptable to both sides.

Mr. LAUTENBERG. Mr. President, I think this is a good solution to a difficult problem. I commend the Senators from New Hampshire and Maine for their cooperation here. We accept it on this side.

Mr. HATFIELD. Mr. President, the amendment has been one of long standing on our list. I am happy to be able to dispose of it.

It has been cleared, as indicated by the Senator from Maine, by the authorizing committees, by the ranking member, as well as the chairman of the authorizing committee, and has been cleared by the two managers.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5146) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. HATFIELD. I move to table the motion.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 5147 TO AMENDMENT NO. 5141

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. BOND, Mr. COATS, Mr. ABRAHAM, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. LEVIN, and Mr. WARNER, proposes an amendment numbered 5147 to Amendment No. 5141.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . Prior to September 30, 1996, the Secretary of the Treasury and the Secretary of Transportation shall conduct a review of the reporting of excise tax data by the Department of the Treasury to the Department of Transportation for fiscal year 1994 and its impact on the allocation of Federal-aid highways.

If the President certifies that all of the following conditions are met:

1. A significant error was made by Treasury in its estimate of Highway Trust Fund revenues collected in fiscal year 1994;

2. The error is fundamentally different from errors routinely made in such estimates in the past;

3. The error is significant enough to justify that fiscal year 1997 apportionments and allocations of Highway Trust Funds be adjusted; and finds that the provision in B appropriately corrects these deficiencies, then subsection B will be operative.

(b) CALCULATION OF FEDERAL-AID HIGHWAY APPORTIONMENTS AND ALLOCATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), for fiscal year 1997, the Secretary of Transportation shall determine the Federal-aid highway apportionments and allocations to a State without regard to the approximately \$1,596,000,000 credit to the Highway Trust Fund (other than the mass Transit Account) of estimated taxes paid by States that was made by the Secretary of the Treasury for fiscal year 1995 in correction of an accounting error made in fiscal year 1994.

(2) ADJUSTMENTS FOR EFFECTS IN 1996.—The Secretary of Transportation shall, for each State—

(A) determine whether the State would have been apportioned and allocated an increased or decreased amount for Federal-aid highways for fiscal year 1996 if the accounting error referred to in paragraph (1) had not been made (which determination shall take into account the effects of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1921)); and

(B) after apportionments and allocations are determined in accordance with paragraph (1)—

(i) adjust the amount apportioned and allocated to the State for Federal-aid highways for fiscal year 1997 by the amount of the increase or decrease; and

(ii) adjust accordingly the obligation limitation for Federal-aid highways distributed to the State under this Act.

(3) NO EFFECT ON 1996 DISTRIBUTIONS.—Nothing in this section shall affect any apportionment, allocation, or distribution of obligation limitation, or reduction thereof, to a State for Federal-aid highways for fiscal year 1996.

(4) EFFECTIVE DATE.—This section shall take effect on September 30, 1996.

Mr. GRAMM. Mr. President, I think we have put together a good compromise here. It sets up three conditions that have to be met. It mandates that the Secretary of the Treasury and the Secretary of Transportation will look at the issue, which has been raised by our colleague from Montana, and if they make three findings concerning its significance—if the President, based on their study, makes those three findings, then the provision of the Senator from Montana will be offered in the bill. The Senator from Montana has agreed to this amendment. I thank him for working with us on this.

Mr. BAUCUS. Mr. President, this is an accommodation to allow us to proceed with the bill. I think it meets the objective of the Senator from Texas, and as to another look at the degree to which there is an accounting clerical error, it is also significant. It is my view that it is. It is altogether appropriate that we crafted the amendment in a way so that the Senators who were concerned about this issue are better reassured that this error was, in fact, made.

Second, it accommodates our interests because it is quite clear that an error was made, and I feel quite confident that the administration, in reexamining this, will make the proper certification. Nevertheless, it helps us get a little better record and a better sense of what actually did happen here. That suits the interests of all Senators all the way around.

I thank my colleague from Texas for helping craft this amendment. I urge its adoption.

Mr. COATS. Mr. President, I think it is also important to understand why some of us are so sensitive on issues like this. Coming from a donor State, a State that over the years has consistently contributed substantially more to the highway trust fund than it receives back, we are sensitive about any changes in formulas that result in a further loss of funds to our State.

Now, it appears that a technical error was made and not a formula change. The resulting formula change corrects that area rather than being a formula designed to benefit some States at the expense of others. I think a number of us who come from those donor States—and 16 of the 19 States affected here that lose money are donor States—felt that we needed a certification as to the validity of that particular technical error and the fact that this proposal by the Senator from Montana corrects that error in the correct fashion. So the certification here will allow us to receive that information.

I think it will leave us with some feeling that we are adopting the right procedures here in terms of certifying the accuracy of this.

So I thank the Senator from Montana for his willingness to work with us. I particularly thank the Senator from Texas for his ability to discern and take a complex issue and put it into understandable amendment form in a fairly short amount of time. I thank him for his efforts.

Mr. LEVIN. Mr. President, let me also thank the Senator from Texas, the Senator from Indiana, the Senator from Montana, and others for working on the second-degree amendment.

I have a question of the Senator from Texas.

Does the second-degree amendment make any change in the underlying formula?

Mr. GRAMM. No.

Mr. LEVIN. Let me add one comment and one thought to what the Senator from Indiana said. All but three or four of the States which would lose money if this allocation were made according to the amendment are States which already are ahead of the game. They are donee States—three or four. Those of us that are donor States, so-called, there are 20 of us. When we look at this kind of amendment and see that, it obviously makes us somewhat skeptical. Again, most of the States by far that would be on the giving end are the same States that already are, under the formula, on the giving end. That may be a coincidence. It may be that the alleged error happened to work out that way.

But I want to join the Senator from Indiana in expressing the sensitivity of the States that already give much more than they get back under the formula.

My question to the Senator from Texas is this: Can he state for the Record what those three findings are?

Mr. GRAMM. Let me get back the copy of the amendment.

The three findings are—let me make it clear because I want to be certain, given what the Senator from Indiana said, we are not making the judgment here of whether or not an error was made. It is my belief that probably is not the case, as the Senator from Montana believes that it was the case. We are setting up objective criteria to have a judgment, so we are not prejudging that based on anything we say here.

Let me just read it.

The Secretary of the Treasury and the Secretary of Transportation shall conduct a review of the reporting of excise tax data by the Department of Treasury to the Department of Transportation for FY '94 and its impact on the allocation of Federal aid highways.

If the President certifies that all of the following conditions are met:

1. A significant error was made by Treasury in its estimate of highway trust fund revenues collected in FY '94;

2. The error is fundamentally different from errors routinely made in such estimates in the past;

3. The error is significant enough to justify that FY '97 apportionments and allocations of highway trust funds be adjusted; and finds that provisions in B—

That is the Baucus amendment.

appropriately corrects these deficiencies, then subsection B—

Which is the Baucus amendment.

will be operative.

Mr. LEVIN. I thank the Senator.

I ask unanimous consent that I be added as a cosponsor to that second-degree amendment.

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

Mr. BOND. Mr. President, I ask on behalf of the Senator from Virginia, Senator WARNER, that he be added as a cosponsor to the amendment.

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

Mr. BOND. Mr. President, I join in thanking my colleague from Montana for his willingness to work with us on this amendment.

Mr. COATS. Mr. President, I would also like to add my name as a cosponsor to the Gramm amendment, if I am not already on it.

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

Is there further debate on the amendment? If not, the question is on agreeing to the second-degree amendment of the Senator from Texas.

The amendment (No. 5147) was agreed to.

The PRESIDING OFFICER. The question is now on the underlying Baucus amendment, the first-degree amendment.

The amendment (No. 5141) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SHILOH INTERCHANGE

Mr. BURNS. Mr. President, I would like to discuss the importance of the Shiloh Interchange in Billings, MT.

ISTEA authorized this project for \$11 million. However, since that authorization the cost of the project has increased by an additional \$3 million. The Senator from Oregon is aware of the request I have made to include an additional \$3 million for this project.

Mr. HATFIELD. Yes, you have requested additional funds for this project. However, criteria established in the One-hundred-and-fourth Congress by the Transportation Appropriations Subcommittee of the House precludes me from being able to accommodate the Senator from Montana's request.

The subcommittee has an ironclad rule that no highway projects which are not authorized be included for funding under the appropriations bill. In addition, no increases above the authorized levels will be included. Given the level of single-purpose projects included in ISTEA the ability of the Appropriations Committee to accommodate the Senator's request has been severely reduced, and such adjustments need to be made in the authorizing legislation.

Mr. BURNS. I appreciate the Chairman's clarification and consideration. Have any non-authorized levels for highway projects been included in either the FY96 law or the current bill being considered by the Senate?

Mr. HATFIELD. No, there are no increases above the authorized level in the fiscal year 1996 act or the fiscal year 1997 bill currently under consideration.

Mr. BURNS. I thank the Chairman, and I yield the floor.

SURFACE TRANSPORTATION BOARD

Mr. BURNS. Mr. President, as we focus upon the Transportation budget for the upcoming fiscal year, I would like to discuss with you a number of points regarding the Surface Transportation Board [STB] in light of the ICC Termination Act.

The statutorily mandated time frames have been complied with in the latest merger.

The STB should assign a priority to the handling of old cases. For example, those cases pending more than 3 or 4 years before the effective date of the ICC Termination Act. In addition, the STB's own release as to its recent public vote in the Union Pacific/Southern Pacific merger, it was indicated that considerable weight was given to the managerial judgment of the applicants. Since that application had been pending prior to the effective date of the ICC Termination Act, similar treatment should be given to the other long-pending cases.

The STB's policy should be based on the widest perspective as to railroad proposals, be they mergers, constructions, line extensions, or rates, that will benefit area-wide economies in addition to the applicants themselves. Also, the Board should encourage rail

proposals compatible with the requirements of appropriate environmental laws and should continue its policy of promoting competition in rail transportation which I believe will benefit the consumer.

Mr. HATFIELD. The Senator's points are well-taken. Long-pending cases of this type should be decided promptly. Such action would be particularly warranted with rail proposals that will benefit area-wide economies, promote competition, or foster the objectives of our environmental laws. I would hope that such public interest considerations would merit early resolution.

Mr. BURNS. I thank the Chairman.

MICHIGAN TRANSIT PROJECTS IN THE TRANSPORTATION APPROPRIATIONS BILL, FISCAL YEAR 1997

Mr. LEVIN. Mr. President, my colleague from Michigan and I would like to join the distinguished chairman of the Senate Appropriations Committee in a brief colloquy regarding Michigan transit projects in the bill before the Senate.

We are seeking to resolve the differences between the House and Senate Appropriations Committee reports on Transportation appropriations for fiscal year 1997 that relate to section 3 bus and bus facility funding for Michigan. Hopefully, the proposal from the Michigan Department of Transportation, as embodied in the chart below, can be useful to the conference committee when it meets. I ask unanimous consent that the chart be inserted into the record following our discussion.

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

(See exhibit 1.)

Mr. LEVIN. We have sent the chart to the Michigan House Members whose districts are affected. Because of the short time, explicit support for this arrangement has not been received from all of them. However, this distribution appears to be a fair compromise between the House and the Senate committees report language. Barring any significant objection from Michigan's House Members, I urge the conferees to retain the total Senate funding level of \$20 million provided for section 3 transit projects and accommodate the distribution in the chart.

I would hope that the distinguished chairman of the Senate Appropriations Committee would do his utmost to preserve the Senate level in conference. As the Senator from Oregon is aware, his State is a donor State like Michigan, and as such, receives less than an even return on the gas taxes contributed into the Highway Trust Fund, from which transit funds are derived. Though that return was improved by ISTEA for highways, States like Michigan, and I suspect Oregon, continue to be significant donor States on transit projects. This formula matter must be addressed when Congress next takes up reauthorization of ISTEA.

Mr. HATFIELD. I appreciate the interest of the Senators and their input in helping to recommend a resolution

of the differences between the House and Senate report language on transit projects in Michigan.

Mr. ABRAHAM. I fully support the remarks of my fellow Michigan Senator regarding the unfair distribution of transit funds, and how the Senate must insist on the higher total funding level of \$20 million for the State of Michigan. However, I wish to further elaborate on the distribution of these funds within the State of Michigan.

The Michigan Department of Transportation has provided our offices with a project by project breakdown of this distribution, which Senator LEVIN has introduced. Per the fiscal year 1996 Transportation Appropriations Conference report, the full \$1.23 billion final project funding is recommended for the Lansing Intermodal Facility. Furthermore, we, in coordination with the Michigan Department of Transportation [MDOT], recommend that at least \$1.8 million be appropriated for the Grand Rapids Area Transit Authority, and at least \$900,000 to the Kalamazoo Transit Authority for buses and an intermodal facility. Finally, MDOT believes that as a start-up project, no more than \$764,000 is needed for the Dearborn Intermodal Facility. No more than the remaining \$7.13 million, in our coordinated opinion with MDOT, should be appropriated to MDOT for statewide distribution. There are other projects enumerated in the MDOT proposal, which melds the House and Senate marks, which we also believe deserve the designated level of support.

Mr. President, I would ask the chairman of the Appropriations Committee whether he cares to comment on this proposal?

Mr. HATFIELD. Considering the extensive discussions I know the two Senators from Michigan have conducted with their State and local governments over this proposal, I wish to assure both Senators that I will make every effort to ensure their proposal is given full consideration in conference discussions with the House.

EXHIBIT 1

| Transit agency | Description | Federal funds |
|-----------------|---------------------------|---------------|
| Lansing | Facility | \$1,230,000 |
| SMART | Buses and facility | 1,800,000 |
| GRATA | Facility | 1,800,000 |
| Flint | Facility | 1,800,000 |
| Kalamazoo | Facility | 576,000 |
| Kalamazoo | Buses and facility | 900,000 |
| DDOT | Buses and facility | 2,000,000 |
| Dearborn | Intermodal facility | 764,000 |
| Detroit | Intermodal facility | 2,000,000 |
| Subtotal | | 12,870,000 |
| Total | | 20,000,000 |

ADVANCED TECHNOLOGY BUS

Mrs. BOXER. Mr. President, I would like to ask the esteemed chairman of the Senate Appropriations Committee, Senator HATFIELD, if he would yield to a question regarding the transportation appropriations bill.

Mr. HATFIELD. I would be pleased to yield to the Senator from California.

Mrs. BOXER. Thank you. I first want to personally praise the distinguished chairman for this appropriations bill

which does so much to enhance the safety and infrastructure investment in our Nation's transportation systems. I know the Senator is a long-time supporter of renewable energy technologies and transportation which uses clean fuels that preserve air quality in our Nation's cities.

I am particularly pleased at the committee's decision to approve the President's request for funding the Advanced Technology Transit Bus [ATTB]. This project, under development in Los Angeles, uses the expertise of our defense aerospace industry to build a next-generation transit bus that will run on a variety of clean fuels, will provide considerable maintenance savings to our transit agencies and will provide conveniences for disabled passengers.

The committee included by request for \$13.1 million in bus discretionary funding to deploy five bus prototypes for transit agencies participating in the project across the country. The President had also requested \$6.5 million in his budget to complete the research program under the National Planning and Research budget of the Federal Transit Administration. The committee fully funded the President's request for Transit Planning and Research, but did not specifically refer to the Advanced Technology Transit Bus. As the chairman knows, the prototype development will be dependent on the completion of the research phase.

I ask the chairman whether the Transportation Appropriations committee report excludes support for the ATTB research funding? In addition, since fuel cell technology is one of the propulsion systems proposed for the ATTB, would some funding for the Fuel Cell Transit Bus Program also be available to the ATTB project?

Mr. HATFIELD. I assure my colleague from California that the committee report does not mean the committee does not support research funding for the ATTB. I point out that the report also states that the committee has not earmarked projects mentioned in the House report that are not listed in this report. This action is taken without prejudice to final decisions on project funding that will be made in conference. The fuel cell component of the ATTB is an important part of the project, and I will make every effort to ensure that it is considered for funding.

Mrs. BOXER. I thank the Senator for his support for the research and deployment of the Advanced Technology Transit Bus.

Mrs. FEINSTEIN. I would like to engage in a colloquy with the chairman of the committee to clarify the subcommittee's intent with respect to the committee report language relating to the BART-SFO extension.

Specifically, I would like to address the stipulation contained in the committee report that would prevent the Federal Transit Administration from entering into a full funding grant agreement for the BART-SFO exten-

sion until all litigation regarding the project has been resolved. I have very strong concerns that this requirement could result in indefinite delays in the project. Further, I understand Secretary Peña, Governor Wilson, and the Federal Transit Administration [FTA] share these same concerns.

I understand it is not the chairman's intent with this report language to kill this project. Further, the chairman does not intend to impose any restrictions on the BART-SFO extension that have not previously been demanded of this and other transit projects seeking full funding grant agreements from the FTA.

I have a July 30 letter from Secretary Peña stating that the language contained in the committee report could encourage lawsuits and further that he would prefer not to see this language included. I understand the chairman does not intend to encourage frivolous lawsuits with this language, and further, I understand in speaking with the chairman that I can be assured this committee report language will be revised during the conference negotiations with the House to reflect the chairman's intent to move ahead with this project.

Mr. HATFIELD. That is my understanding.

Mrs. BOXER. I ask the President if the chairman would yield to another question.

Mr. HATFIELD. I would be happy to yield to the senator from California.

Mrs. BOXER. We appreciate the chairman's past support for this project and knows he understands the value of providing key connections for transit with other modes of travel, such as airports. We also appreciate his concerns over local participation in the decision-making for such a project. We would like to remind the chairman that this project has been on the local ballots and approved by our voters on three previous occasions. It enjoys wide community support. We understand from the county counsel of San Mateo County that as of July 16, 1996, any new initiative petition would be too late to qualify for the November 1996 ballot.

Is it the chairman's understanding that the committee report language will not necessitate another vote in 1996 if the time for qualifying such initiative has expired?

Mr. HATFIELD. That is my understanding. I thank the Senators for bringing their concerns to me.

DIGITAL BRITE RADAR INDICATOR TOWER EQUIPMENT (DBRITE) AT THE GAINESVILLE-ALACHUA REGIONAL AIRPORT

Mr. MACK. Mr. President, I would like to engage the Chairman in a brief colloquy on critical issues affecting the Gainesville-Alachua Regional Airport and the State of Florida.

Mr. HATFIELD. I would be pleased to engage in a colloquy with the Senator from Florida on this matter.

Mr. MACK. I would first like to thank the Chairman for his leadership

and the fine work of his subcommittee in keeping the highways, railways and airways of this Nation safe and effective in meeting the transportation needs of our citizens.

Mr. HATFIELD. I thank my friend and colleague.

Mr. MACK. I believe you are aware, Mr. Chairman, of the situation confronting the Gainesville-Alachua Regional Airport in their effort to obtain a radar upgrade and the installation of a DBRITE system.

Gainesville was one of four airports specified by Congress in the reports accompanying the fiscal year 1988 and fiscal year 1990 Transportation appropriation bills to receive radar upgrades. To date, all but Gainesville have received radar upgrades. I find it very frustrating that the FAA has not fully implemented the direction in these reports. At the time the FAA requested the DBRITE system, they considered it a crucial safety factor for air traffic utilizing the Ocala, Gainesville, and north Florida region. Now, as a contract tower with 35 percent less manpower, this system appears even more essential. The DBRITE system would provide local controllers with real time pictures of all air traffic in the North Central Region, complementing the capacities and coverage of Jacksonville Airport.

I noted this year's Transportation Appropriations Committee Report contains language encouraging the FAA to honor prior commitments. Accordingly, Mr. Chairman, as it has now been almost 8 years since Congress allocated funds for Gainesville's DBRITE system, I would expect the FAA to take heed of this language and provide this much needed system to Gainesville-Alachua Regional Airport.

Mr. HATFIELD. Mr. President, I can sympathize with the frustration expressed by the junior Senator from Florida on behalf of the Gainesville/Ocala communities and regional airport. If the FAA had recognized a legitimate need which still exists, I certainly think it appropriate for the FAA to move forward in the delivery of the DBRITE system for the Gainesville-Alachua Regional Airport.

Mr. MACK. Mr. President, as an additional matter, I would like to bring to the chairman's attention another problem confronting the Gainesville-Alachua Regional Airport Authority and the surrounding areas and communities in finalizing their eligible FAA noise grant funding.

I have been informed that as a result of judicial inverse condemnation proceedings, the city was forced to acquire certain properties and relocate former owners and occupants from certain sites covered by Federal Aviation Regulations, Part 150, Airport Noise Compatibility. This action required significant financial commitments from the local authorities, the city of Gainesville, and the Regional Airport Authority which these parties were apparently led to believe would be eligible

for reimbursement through the AIP Noise Grant Program.

Would you not concur, Mr. Chairman, that this matter warrants FAA consideration?

Mr. HATFIELD. Mr. President, I can assure the Senator from Florida that I certainly think this is a matter which the FAA should carefully review. And, I look forward to working with him to bring both these matters to a resolution before the Congress finalizes the fiscal year 1997 legislation.

VTS 2000 COLLOQUY

Mr. JOHNSTON. I would like to engage into a colloquy with the distinguished chairman and ranking member of the Transportation Appropriations Subcommittee. Mr. President, I would like to commend the Transportation Appropriations Subcommittee on its committee report which provides funding to complete the final development of the Vessel Traffic System [VTS] 2000. This is a system that is necessary to enhance the safety and environmental quality of our country's vital ports and waterways. In the recent past, and quoted in the committee's report, the GAO has estimated the cost of establishing these VTS Systems at the originally envisioned 17 ports at a cost of up to \$310 million. Through a competitive bidding process and the widespread use of commercial off-the-shelf and non-developmental equipment, the estimated costs have now been dramatically reduced. In fact, recent estimates of the costs are well below those estimated by the GAO—now less than \$200 million. And that number could be substantially reduced depending on what type of systems are implemented as part of VTS 2000.

Mr. LAUTENBERG. I appreciate my colleague's remarks. The VTS 2000 program was one that we considered very carefully during markup of the Transportation appropriations bill this year. I believe that the VTS 2000 system provides great promise in promoting the safety and environmental protection of our Nation's waterways. The conference committee will indeed consider very carefully during our deliberations these cost issues you have just raised.

Mr. BREAUX. Mr. President, I would like to associate myself with the remarks made by my colleagues regarding the VTS 2000 system. The study which was recently published by the Marine Board of the National Research Council concluded that "there is a compelling national interest in protecting the environment and in providing safe and efficient ports and waterways." and that "VTS can be a significant factor in enhancing the safety and efficiency of ports and waterways . . .". Establishing VTS systems at our Nation's important ports and waterways is absolutely vital. Also, I agree with my colleague that the estimated cost to produce and field the systems has been dramatically reduced. In addition, I would like to highlight the fact that the estimated annual costs to operate the system once it has been de-

ployed have also been greatly reduced. Whereas some have estimated the annual operating costs of a VTS system to be \$65 million, the Coast Guard now believes that those costs will be only \$42 million per year for installation at all proposed posts, which includes the \$20 million currently being spent annually on five operational ports. I would also note that there are a variety of creative ways to meet those annual operating obligations which should be fully reviewed once a final VTS system is proposed.

Mr. LAUTENBERG. Mr. President, I appreciate the very knowledgeable comments of Senator BREAUX. He is correct that there are significant potential cost reductions in both the establishment and operation of the VTS 2000 system. Both of my colleagues can rest assured that I will keep these issues clearly in focus as we deliberate the fiscal year 1997 Transportation appropriations bill in conference with the other body.

Mr. HATFIELD. I also appreciate the very knowledgeable comments of both of my distinguished colleagues from Louisiana. Maintaining the safety and environmental quality of this Nation's waterways remain critically important objectives of this subcommittee. The important cost issues raised by the Senators from Louisiana should be carefully considered by the conference committee as well as the completion of a final VTS system.

MID-AMERICA AVIATION RESOURCE CONSORTIUM

Mr. NICKLES. Senator HATFIELD, I strongly support the Senate report language which opposes the House's earmark of \$1,700,000 for the Mid-America Aviation Resource Consortium [MARC]. In order to fund the facility in Minnesota, the House transferred funds out of the air traffic controller training program from the FAA Academy in Oklahoma City. This is an imprudent transfer of funds to a program which has not received the necessary support to continue.

I refer my colleagues to the conference report that accompanied the fiscal year 1996 bill which stated, "The conferees agree to provide \$250,000 for continued support of the Mid-America Aviation Resource Consortium as proposed by the House, but intend that this be the final year of Federal support for this facility unless requested in the President's budget." Funding for this facility was not requested in the President's fiscal year 1997 budget.

I would like to include in the RECORD a letter from Mr. Richard Sanford, director of the Florida Aviation Management Development Associates, an FAA contractor, to Senator MACK which references the reallocation of \$1.7 million in the House bill. Mr. Sanford writes, "This action, taken against the wishes of the FAA, effectively reduces the [FAA Academy's] budget and directly decrements \$1.7 million from a competitively awarded instructional services contract held by the University of Oklahoma. I am very concerned that

this action serves to penalize desired academic/business partnerships in the interests of supporting a consortium whose members have neither competed for the business nor are the FAA's preferred instructional service provider(s)."

I urge Senate conferees on the fiscal year 1997 transportation appropriations bill to insist upon the Senate position.

Mr. HATFIELD. Senator NICKLES, I appreciate your interest in this important issue and your strong commitment to safety training at the FAA. I oppose the House effort to reallocate \$1,700,000 from the FAA Academy to MARC and will remind conferees of the intention of the fiscal year 1996 conference report to terminate funding for MARC. Finally, I will urge the fiscal year 1997 conference to maintain the position outlined in the Senate provision.

Mr. NICKLES. I ask unanimous consent the letter from Mr. Sanford be printed in the RECORD.

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

FAMDA, A JOINT VENTURE,
Palm Coast, FL, July 10, 1996.

Senator CONNIE MACK,
Hart Office Building,
Washington, DC.

DEAR SENATOR MACK: The Federal Aviation Administration has elected to model partnerships between the Government, academia, and business by awarding both technical and non-technical instructional services contracts to organizations featuring such partnerships. In the technical training area, the partnership with the FAA at the FAA Academy in Oklahoma City is shared by the University of Oklahoma with American Systems Corporation as a subcontractor. In the non-technical area, Florida Aviation Management Development Associates (FAMDA), a joint venture between the University of Central Florida and American Systems Corporation (ASC) supports the Center for Management Development (CMD) in Palm Coast, Florida.

A short time ago, the House Appropriations Subcommittee signed out their appropriations bill which, among other things, directed the reallocation of \$1.7M originally budgeted to support instructional activities at the FAA Academy in Oklahoma City to the Mid-America Aviation Research Consortium (MARC), a group of educational institutions which have positioned themselves to provide technical training support to the FAA. This action, taken against the wishes of the FAA, effectively reduces the Academy budget and directly decrements \$1.7M from a competitively awarded instructional services contract held by the University of Oklahoma. I am very concerned that this action serves to penalize desired academic/business partnerships in the interests of supporting a consortium whose members have neither competed for the business nor are the FAA's preferred instructional services provider(s). I am also mindful that this same flawed strategy could be applied to the Center for Management Development in Palm Coast to the detriment of the University of Central Florida and ASC.

Senator Don Nickles is leading an effort to restore the \$1.7M in funding to the FAA Academy and, ultimately, the University of Oklahoma. I urge you to lend your support to his efforts and favorably resolve this issue in conference. I have attached information

which may provide additional insight on this issue.

Thank you for your continued support of CMD and the FAMDA joint venture.

Sincerely,

RICHARD M. SANFORD,
Managing Director.

Mr. KERRY. This is a good bill, Mr. President, responsibly and carefully assembled by the distinguished chairman, the ranking Democratic member, the subcommittee and its staff. I compliment them on their work and support its passage.

Even so, Mr. President, due to the very difficult budget environment in which we are laboring, this bill does not do complete justice to what I believe are vital transportation infrastructure needs, a reality on which I believe I could find considerable agreement with the chairman and ranking member. For example, Massachusetts and other States need more funding for mass transit and passenger rail than the committee could provide.

Federal funding for Amtrak has declined by approximately one-quarter since 1995. This year, the Senate bill appropriates \$592 million for Amtrak for 1997 which is \$130 million more than the House provided. I commend the committee for at least including this amount for Amtrak because the House's amount is a slow-motion death penalty. The capital-intensive nature of passenger rail makes it unlikely to survive as a viable transportation mode without some kind of Government support. And I do not know why we find that surprising. We heavily subsidize scheduled air travel, general aviation, and highways. It is entirely appropriate—and beneficial to our Nation—that we subsidize passenger rail.

The United States still falls short among the nations of the world in per capita spending on passenger rail—behind such countries as Belarus, Botswana, and Guinea, not to mention the nations of Western Europe. It is my hope that the Senate position on funding for Amtrak will be sustained in the conference committee to resolve the differences between the bills passed by the House and the Senate. And as a member of the Senate Commerce Committee, which has reported legislation to restructure Amtrak in order to place it on a path toward greater fiscal stability and accountability, I am very hopeful that we can enact reauthorization legislation before the end of the 104th Congress.

I strongly support the Senate actions to fund the Northeast Corridor Improvement Project [NECIP] which is vital to reducing congestion in the corridor and which, in turn, will result in important environmental, energy and employment benefits. We must move ahead with track work, upgrading maintenance facilities and completion of the electrification of the northern section as soon as possible. The \$200 million in funding this legislation provides for NECIP will enable this important work to move forward. Again, I urge the members of the Committee

who will be conferees to insist on the Senate position on NECIP in the conference committee. I would like to express my gratitude to Chairman HATFIELD and Ranking Member LAUTENBERG for their continuing and dependable support of NECIP.

Another area of special importance to Massachusetts is mass transit. I cannot avoid being disappointed by this bill's funding level for mass transit operating assistance. Recent cuts in funding have had a devastating effect on mass transit systems in my State. In Massachusetts, statutory caps are imposed on the amount of funding transit authorities can receive from State and local sources. Therefore, cuts in Federal assistance have a direct, immediate, and unavoidable impact on service to seniors, workers and students in my State. Having voiced my concern, I do want to acknowledge that I realize this problem is not attributable to the will of the subcommittee, its chairman, or its ranking member.

My constituents living and working in the Boston area are very appreciative for the funding included in the bill for the South Boston Piers Transitway, which is a critical component of the State Implementation Plan to comply with Clean Air Act requirements, and is anticipated to serve 22,000 riders daily. The transitway will be integrated with the extensive network of transit, commuter rail and bus service at South Station.

I also appreciate support for the restoration of historic Union Station in Springfield, MA, which will allow for the consolidation of regional transportation services in western Massachusetts in a single intermodal facility for local bus lines, intercity bus systems, trains, taxis, and limousine service. The restoration of the facility will be accompanied by renovation of the facility to accommodate commercial tenancy.

Also welcome is the committee's recommended funding for the development of the Cape Cod Intermodal Center which will accommodate intercity buses, regional buses, local shuttles, intercity trains, Amtrak summer tour trains, and bicyclists and will provide connections to the steamship authority's Hyannis terminal and to Barnstable Municipal Airport.

Once again, I thank the chairman and ranking member, who have labored conscientiously and diligently to do as much good in the transportation arena for the Nation and its people as possible under the budget restrictions imposed on them. I also want to acknowledge with appreciation the work of the staff with whom I am familiar, Pat McCann, Peter Rogoff, and Anne Miano. I offer my strongest encouragement to the conferees the Senate will name to work out differences between the House-passed and Senate-passed bills. This is a good bill, and I fervently hope the conference agreement will contain its best features. It matters to the nation and its people in 1996, and it will matter in the future.

Mrs. BOXER. Mr. President, I would like to speak today in support of the transportation appropriations bill for fiscal year 1997.

I commend the leadership of the Transportation Subcommittee, Chairman HATFIELD and ranking member, Senator LAUTENBERG, for their hard work in fashioning a program of infrastructure investment and safety enhancement with such little resources available to the subcommittee under this budget.

This bill makes considerable improvements over the House-passed legislation. These improvements will provide better air quality, better mobility for our citizens and safer skies. The recent tragedies from the air disasters from Florida and New York sadly underscored the fact that we have not done all that we can to make our skies safer.

I represent a State with 32 commercial airports, including at least half a dozen international airports, that handle more than 123 million passengers a year. So, I have a particularly strong interest in being sure that aviation security is our highest priority in air travel.

As a member of the House Government Operations Committee that held extensive hearings on the Pan Am Flight 103 disaster in 1989, and later as Chair of its Subcommittee on Government Activities and Transportation, I strongly urged greater attention to aviation security.

I want to also add my thanks to the chairman for the increased funding for aviation safety. Funding in the bill will add 250 more air traffic controllers and provide needed investment in our airways infrastructure, including \$1.46 billion in airport improvement program funding. The House provided only \$1.3 billion, a cut of \$150 million from this year's level.

I am particularly pleased that the Senate committee provided the full amount requested by the President for the northern California TRACON. This is the regional radar facility for air traffic. The Senate's funding of the \$3.7 million requested keeps this facility on track for commissioning in November 2000.

The Senate bill also provides \$3.1 million for the precision approach path indicators, a state-of-the-art navigational systems for our airports. This funding will enable the Los Angeles company which manufactures this equipment to keep their production lines open.

I also believe ocean traffic safety will be enhanced by a provision that would prohibit funds to prohibit the Coast Guard from implementing regulations that would permit vessels to operate with a narrower margin of safety between Santa Barbara and San Francisco. This is a high-traffic area, particularly for oil tankers. The provision prohibits a vessel traffic safety fairway which is less than 5 miles wide. I authored a similar provision as a Member of the House. It makes good sense.

On enhancing trade, the Senate could do no better than its support for the Alameda transportation corridor. The Senate Appropriations Committee's support for the Alameda corridor project was our last major hurdle for moving this major trade project forward.

Last year in the National Highway System bill, we declared the project a "high priority corridor," eligible for a Federal loan. We worked with the President's top financing and transportation experts to fashion a loan package, and the President requested the \$59 million appropriation to pay the subsidy cost for a \$400 million loan for the \$2 billion project.

The House supported that program, and now we have the Senate on board. The House and Senate approach the loan in different ways. Although this is not the approach that I would have recommended, Senator HATFIELD preferred using part of the funds provided under the State infrastructure bank program to provide a direct Federal loan for the project instead of the House's plan under the Federal Railroad Administration's loan guarantee program.

We can work out the best approach in conference. But there is no doubt that the House and Senate, Democrat and Republican, mayors of Long Beach and Los Angeles and the Governor of California and the President of the United States all support \$59 million in Federal seed money to build this project. It will eliminate more than 200 intersections with the rail link to the largest port complex in the United States, the ports of Los Angeles and Long Beach. It will provide a modern gateway to Pacific Rim trade for our exporters across the country.

The Senate bill provides \$234 million more for transit than the House bill, including \$134 million more for local rail systems. Each weekday more than 6.8 million commuters use some form of transit, eliminating the need for more than 1,000 lanes of urban highways. I think that is a good investment in terms of improved air quality and economic productivity for our people.

The bill provides needed transit investment for California communities, including \$5.5 million for a new transit center for Stockton which will anchor its major downtown redevelopment plans and \$2.5 million to consolidate several, duplicative transit operations around Lake Tahoe into an efficient system using the latest in intelligent transportation technology. The bill provides \$3 million for the Los Angeles Neighborhood Initiative and \$600,000 for a new multimodal transit center in Thousand Oaks.

I am particularly pleased at the committee's decision to approve the President's request for funding the advanced technology transit bus. This project, under development in Los Angeles, uses the expertise of our defense aerospace industry to build a next-generation transit bus that will run on a vari-

ety of clean fuels, will provide considerable maintenance savings to our transit agencies and will provide conveniences for disabled passengers.

The committee included my request for \$13.1 million in bus discretionary funding to deploy five bus prototypes for transit agencies participating in the project across the country.

Do I agree with everything in this bill? No, of course not. We do not meet the President's request for operating money for the Federal Aviation Administration. On the transit side, I am troubled by the freeze on operating assistance and the low funding for our major fixed rail transit projects in San Francisco and Los Angeles.

I am particularly concerned over the language in the Committee Report for the Bay Area Rapid Transit project to link up with San Francisco International Airport. I appreciate the chairman's generosity in personally meeting with me and Senator FEINSTEIN to hear our request for funding. Although the committee provided \$20 million for the Bay Area rails program, it included harsh and overly restrictive report language.

I believe it is well within reason to restrict Federal funding until BART has presented a detailed financing plan and met all local funding commitment criteria. However, to hold up a full funding grant agreement "until all litigation regarding this project is resolved" is highly unrealistic. This language must send a chill down the spine of every major transit general manager. What project is next? Lawsuits are not uncommon on any public works project, and there are legal avenues already available particularly to address the environmental impact issues.

I ask unanimous consent to have printed in the RECORD a letter from Mr. Gordon Linton, administrator of the Federal Transit Administration, in this regard.

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

U.S. DEPARTMENT
OF TRANSPORTATION,
FEDERAL TRANSIT ADMINISTRATION,
Washington, DC, July 31, 1996.

HON. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S.
Senate, Washington, DC.

DEAR CHAIRMAN HATFIELD: I write to express concern about language in the Senate report accompanying the fiscal year 1997 U.S. Department of Transportation and Related Agencies Appropriations Act that would prohibit the Federal Transit Administration (FTA) from executing a Full Funding Grant Agreement or issuing a Letter of No Prejudice for the Bay Area Transit District's extension to San Francisco International Airport (the "SFO extension") "until all litigation" against the project "has been resolved . . ." For the reasons presented below, I respectfully request that this language be deleted in conference.

First, let me emphasize that, for good reason, no such directive has been applied to any fixed guideway project in FTA's thirty-five year history. All large transit projects, like all large public works projects, are inevitably the subject of some litigation. We

cannot expect otherwise. Indeed, all Federal transit grantees undertaking new starts set aside contingency line items in their budgets to finance the litigation they can and should anticipate in the ordinary course of business. Resolution of such litigation often takes many years.

The language in the Senate report would require than a \$1.2 billion investment in economic growth, congestion mitigation, and enhanced mobility for the Bay Area somehow proceed with no grievances against the project from contractors, suppliers, property owners, competing providers of transportation, or interested parties opposing the project. Whatever the intent, the language would hold the BART SFO extension hostage to any party making a claim—whether meritorious or spurious—against the project for the purpose of extracting money or other concessions from BART and Federal and local taxpayers.

Second, notwithstanding the persistent threats of environmental litigation against the SFO extension, both FTA and BART have every confidence in the adequacy of our environmental studies for this project and in our compliance with the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and all other applicable Federal and local environmental law and regulations. Let me assure you that there has never been a transit project that was the subject of NEPA and CEQA documents so thorough and voluminous as those for this project.

Finally, the selection of the locally preferred alternative for the SFO extension was the result of a very open, vigorous, and lengthy debate. Clearly, not everyone will be pleased with the tough decisions that must be made to pursue a project so vital and visible as this one; such is the nature of the transportation industry and the legacy of the Federal transit program's reliance on local decisionmaking to best serve a locality's needs. Litigation against a project ought to stand or fall on its own merits in the courts; it ought not be allowed to skew the orderly, even-handed development of legislation for the Federal transportation programs.

I have sent a similar letter to Congressman Wolf. Please let me know if I can be of any assistance in this matter.

Sincerely,

GORDON I. LINTON.

Mrs. BOXER. I look forward to continued conversations with the chairman and BART officials to bring some better understanding of their respective concerns before the Senate completes a conference report on the bill.

I also look forward to further conversations on how we can increase funding for the Los Angeles Red Line extension. The \$55 million provided in the bill will have a serious impact on the project's construction schedule. The amount is about a third of the President's request. The shortfall could lead to \$300 million in cost increases from delays. More than 5,000 jobs would be lost. Ultimately, this shortfall will lead to slower highway speeds and costly delays that our stressed Los Angeles highway network and its commuters can hardly sustain.

We still have more work to do in conference to improve the infrastructure investments for California. Overall, the Senate bill provides greater help for my State, and I am hopeful these last few differences can be settled so we can

send the bill to the President for his signature.

Mrs. MURRAY. Mr. President, I rise today in strong support of the transportation appropriations bill. I want to applaud Senators HATFIELD and LAUTENBERG for their strong leadership over an area of increased competition for fewer dollars.

This legislation though, is bitter-sweet, as it marks the final transportation bill for Chairman HATFIELD. My neighbor to the south has been a compassionate champion for our Nation's infrastructure. The loss to this body and the Pacific Northwest will be felt for a very long time.

The State of Washington has witnessed tremendous growth over the last decade, accompanied by traffic congestion on roads that have not kept pace with this region's large influx of residents. I am pleased that this bill seeks to accommodate much of that growth within the Puget Sound region.

The committee has included funds which support a commuter rail service between the cities of Everett, Seattle, and Tacoma. This line would form the foundation for a larger regional transit service in the Puget Sound that is set for a vote this November. This commuter service would operate trains on existing track between the most heavily populated centers of Washington State.

The committee also included funding to aid commuters traveling from suburban cities to downtown Seattle. These funds will enable King County Metro to connect the cities of Kenmore, Redmond, Renton, Tukwila, and Auburn with Seattle, through smaller neighborhood buses that meet larger commuter buses heading into the city.

Further, I am thrilled that the bill has included funds that support a comprehensive transportation solution to congestion around the Kingdome and new baseball stadium. Together with King County, the city of Seattle, the Washington State Department of Transportation, the Port of Seattle, the Baseball Stadium Public Facilities District and Burlington Northern-Santa Fe Railroad, these dollars will create a transit center facilitating access for both transit and pedestrians through the area.

Last, Mr. President, I wanted to commend the committee for allowing Wenatchee to finish construction on the Chelan-Douglas Multimodal Center. The city of Wenatchee and Link Transit Systems have been working on the Multimodal Transportation Center project for 3 years. These funds will finish construction on the project and improve pedestrian and bicycle access.

All of these projects utilize several different modes of transportation to move quickly and efficiently move our growing population. I appreciate the committee's hard work in light of difficult budget choices and urge my colleagues' support of this critical appropriations bill.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related Agencies appropriations bill for fiscal year 1997.

I commend the distinguished chairman of the Appropriations Committee for bringing us a balanced bill considering the current budget constraints.

The Senate reported bill provides \$12.6 billion in new budget authority [BA] and \$12.3 billion in new outlays to fund the programs of the Department of Transportation, including federal aid highway, mass transit, and aviation activities.

When outlays from prior-year budget authority is taken into account, the bill totals \$12.6 billion in BA and \$36.1 billion in new outlays.

The subcommittee is essentially at its 602(b) allocation in both BA and outlays.

The Senate reported bill is \$184 million in outlays below the President's 1997 request. The bill does provide for the President's request of \$250 million for state infrastructure banks.

The Senate reported bill is \$240 million in BA below the House version of the bill. Both House and Senate bills provide the same amount of outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

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

TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—
SENATE-REPORTED BILL—FISCAL YEAR 1997

[In millions of dollars]

| | Budget authority | Outlays |
|--|------------------|---------|
| Defense discretionary: | | |
| Outlays from prior-year BA and other actions completed | | 37 |
| H.R. 3675, as reported to the Senate | | |
| Scorekeeping adjustment | | |
| Subtotal defense discretionary | | 37 |
| Nondefense discretionary: | | |
| Outlays from prior-year BA and other actions completed | | 23,748 |
| H.R. 3675, as reported to the Senate | 11,950 | 11,668 |
| Scorekeeping adjustment | | |
| Subtotal nondefense discretionary | 11,950 | 35,416 |
| Mandatory: | | |
| Outlays from prior-year BA and other actions completed | | 602 |
| H.R. 3675, as reported to the Senate | 608 | 602 |
| Adjustment to conform mandatory programs with Budget Resolutions assumptions | -3 | |
| Subtotal mandatory | 605 | 602 |
| Adjusted bill total | 12,555 | 36,055 |
| Senate Subcommittee 602(b) allocation: | | |
| Defense discretionary | | 37 |
| Nondefense discretionary | 11,950 | 35,416 |
| Violent crime reduction trust fund | | |
| Mandatory | 605 | 602 |
| Total allocation | 12,555 | 36,055 |
| Adjusted bill total compared to Senate Subcommittee 602(b) allocation: | | |
| Defense discretionary | | |
| Nondefense discretionary | | |
| Violent crime reduction trust fund | | |
| Mandatory | | |
| Total allocation | | |

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I support the bill and urge its adoption.

Mr. HATFIELD. Mr. President, I know of no further amendments to be offered.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the

amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—95

| | | |
|-----------|------------|---------------|
| Abraham | Feingold | Lott |
| Akaka | Feinstein | Lugar |
| Ashcroft | Ford | Mack |
| Baucus | Frahm | McConnell |
| Bennett | Frist | Mikulski |
| Biden | Glenn | Moseley-Braun |
| Bingaman | Gorton | Moynihan |
| Bond | Graham | Murkowski |
| Boxer | Gramm | Murray |
| Bradley | Grassley | Nickles |
| Breaux | Gregg | Nunn |
| Brown | Harkin | Pell |
| Bryan | Hatch | Pressler |
| Bumpers | Hatfield | Reid |
| Burns | Hefflin | Robb |
| Byrd | Helms | Rockefeller |
| Campbell | Hollings | Roth |
| Chafee | Hutchison | Santorum |
| Coats | Inhofe | Sarbanes |
| Cochran | Inouye | Shelby |
| Cohen | Jeffords | Simpson |
| Conrad | Kassebaum | Smith |
| Coverdell | Kempthorne | Snowe |
| Craig | Kennedy | Specter |
| D'Amato | Kerrey | Stevens |
| Daschle | Kerry | Thomas |
| DeWine | Kohl | Thompson |
| Dodd | Lautenberg | Thurmond |
| Domeneici | Leahy | Warner |
| Dorgan | Levin | Wellstone |
| Exon | Lieberman | Wyden |
| Faircloth | | |

NAYS—2

Kyl McCain

NOT VOTING—3

Johnston Pryor Simon

The bill (H.R. 3675), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Now, Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. HATFIELD, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. SHELBY, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Ms. MIKULSKI and Mr. REID conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I want to call attention to a matter relating to one of our staff people, Pat McCann, who is the staff director for the majority party. He is a very interesting person who has been on this committee, the transportation subcommittee, for 13 years. It is illustrative of another matter, and that is how our committee must operate on a bipartisan basis.

When we bring a bill to the floor we have to have comanagers, in which the ranking member and whoever he or she may be, a Democrat and a Republican, and the Chair, have to have agreed to the bill and therefore present a united front. I say this is unusual about committees in the Senate, but we are the only committee that has to report bills by law. We have to keep this country going and, therefore, we have to report 13 bills, come whatever may.

I happened to be chairing the Appropriations Committee in a previous cycle, from 1981 to 1987. I, at that time, had an opportunity to hire on the committee Pat McCann, as the Republican majority at that time. But subsequent chairmen of that committee, the full committee, Senator Stennis and Senator BYRD, followed the same pattern that I followed and that is that we do not wipe out our staff in each election cycle, because they are truly professionals, serving both sides of the committee. So Pat McCann continued on in that professional role.

My immediate predecessor, Senator LAUTENBERG, now the ranking member, as the chairman of that subcommittee, continued Pat McCann, and Anne Miano, our assistant staff director, was hired by Senator D'AMATO when he chaired that particular subcommittee. As it was with Peter Rogoff, who is now the staff director for the minority. They continued all through these various changes of party and majorityship.

So I not only pay tribute to Pat McCann for his faithful service, totally professional service that he has provided the committee, but to all the staff on our particular committee.

I thank also at this time the outstanding work of Senator LAUTENBERG. We could not have brought this bill to the floor without Senator LAUTENBERG's leadership, and we could not have resolved the many conflicts and problems that we faced in this committee.

Again, I say to Anne Miano, Peter Rogoff, Pat McCann that we only are able to do this when we have this kind of staff. We look good, and at the same time we have to realize it is more than just our charming personalities. It is the fine work of staff that has made possible the producing of this bill.

So I just want to call attention to Pat's leaving of the Senate. He is going to move through the conference with us. By the time we get that conference report back here, he will probably be up in the balcony, up in the gallery. I hope he is not editorializing verbally up there as we proceed with the conference report, because I expect it to be of such quality that we will be able to pass it with a voice vote within a very, very brief time.

I thank the Chair.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, want to add some words of commendation and appreciation to the staff, particularly on this occasion when Pat McCann will have seen the last transportation appropriations bill that he is going to have to work on. I reminded him, sometime he is going to look back here, where it is a quarter to 10 at night, he has not had dinner, has not seen his family, he has not been able to watch the Olympics, how much he is going to miss this place. He started to weep, and I could see a tear fall down his cheek, but he will be strong.

On a serious note, Pat's service has been truly exemplary of bipartisanship. He came to me as a Republican, stayed with me as a Republican and left as a Republican. That is really bipartisan. But we have worked very well together—again, trying to be serious, Pat and Peter, the two senior people on each of the subcommittee staffs, the majority and the minority, have given loyal service wherever and whenever called upon to do so.

We are going to miss Pat. He brings a special touch and a good sense of humor and knows the subject extremely well, and he had the good judgment to send his daughter to college in New Jersey. Princeton, of course, is a nice place to have a child. Mine didn't go there. He felt it was too close to dad or too close to home. Pat has been a marvelous, marvelous influence on staff and on Members as well.

So it is with other members. Peter Rogoff is really busy these days. We learned the difference between being in the majority and being in the minority. It is numbers of people that you have to do the job. Peter has been a very able assistant throughout this.

I thank also Anne Miano. I have gotten to know Anne over the years and watched her approach motherhood and do that very well, while also staying on top of the work she has here.

Joyce Rose who has been helpful, Carole Geagley and Mike Brennan, his first time on the bill. To all the staff, my deepest appreciation and thanks for a good job.

When I look at how complicated things are right now and see how sparse the funding for major, significant programs has become, we just dealt with over 37 billion dollars' worth of funding, very important transpor-

tation programs dealing with aviation, highways, rail, Coast Guard, and I think have done it with balance and with consideration for the value of all of the programs.

That resulted, Mr. President, from the influence of Senator HATFIELD, his leadership, his constancy, his conscientious belief that things have to be right among all, not just a few. It has enabled me to feel very good and feel like a full partner, though in the minority status and throughout the negotiation and the planning and the hearings and the markup of this bill.

So, we note with a degree of sadness, though he will be here with other bills, this is the last time that we will have Senator HATFIELD's valued hand as chairman. I hope, too, the conference will go through on a voice vote and, as a tribute to MARK HATFIELD, perhaps I can call on the goodness of the hearts of our colleagues to do it just that way.

As a friend, as a leader, as an outstanding citizen and American, MARK HATFIELD has been an enlightenment for many of us and particularly for me in the years I have had a chance to work with him.

We close this bill hoping our colleagues are satisfied with the job we have tried to do as best we can. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

NOMINATIONS OF ADM. JAY L. JOHNSON, U.S. NAVY, TO BE ADMIRAL

Mr. THURMOND. Mr. President, this is a joint statement by Senator NUNN and myself on behalf of the Committee on Armed Services.

Today, the Armed Services Committee voted unanimously to favorably report the nomination of Adm. Jay Johnson for reappointment to the grade of admiral and assignment as the Chief of Naval Operations.

The vote followed both a closed session and an open hearing of the Committee on Armed Services in which the Members considered information provided by the Department of Defense relevant to admiral Johnson's qualifications to be Chief of Naval Operations.

During the hearing, Admiral Johnson discussed his attendance at Tailhook. In addressing the Committee he stated, "While I can't change the past, I can—and did—learn from it; so did the rest of the Navy. I was cautioned by the Secretary of the Navy for not being proactive in monitoring the conduct of