Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, and Mr. DORGAN conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1022

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 1022 to S. 1048, the Transportation appropriations bill.

Mr. SHELBY. Mr. President, I know of no further discussion on amendment No. 1022.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1022) was agreed to.

AMENDMENTS NOS. 1035 THROUGH 1044, EN BLOC

Mr. SHELBY. Mr. President, I send a managers' package of amendments to the desk and ask that they be considered, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 1035 through 1044, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1035 through 1044) were agreed to, as follows:

AMENDMENT NO. 1035

(Purpose: To extend the expiration date of a general provision from the fiscal year 1997 transportation appropriations act)

On page 52, at line 1, insert the following:

SEC. 339. Subsection (d)(4) of 49 U.S.C. 31112 is amended by striking ''September 30, 1997'' and inserting ''February 28, 1998''.

AMENDMENT NO. 1036

(Purpose: To make technical corrections to sec. 332 of the bill and to make minor funding changes to the bill)

On page 12, line 19, strike ''$286,000,000'' and insert: ''$190,000,000''.

On page 23, line 10, strike ''$90,000,000'' and insert: ''$190,000,000''.

On page 24, line 8, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 10, strike ''$2,310,000'' and insert: ''$2,210,000''.

On page 24, line 19, strike ''$2,000,000,000'' and insert: ''$2,008,000,000''.

On page 25, line 5, strike ''$780,000,000'' and insert: ''$788,000,000''.

On page 46, line 16, strike the word ''persons'' and insert: ''passengers''.

On page 46, line 18, strike ''363,000'' and insert: ''300,000''.

On page 26, before line 20, insert the following: ''$4,645,000 for the Little Rock, Arkansas Junction Bridge project;''.

AMENDMENT NO. 1037

(Purpose: To recognize transit bus projects)

At the appropriate place in title III, insert the following:

SEC. 340. Of funds made available under this Act for discretionary grants for replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, up to $20,000,000 may be provided to the State of Michigan and $12,000,000 to the State of Illinois.

AMENDMENT NO. 1038

(Purpose: To provide for a study of the metropolitan planning process in Denver)

On page 24, line 3, strike the period at the end of the line and insert the following: '': *Provided*, That within the funds made available under this head, $500,000 may be made available to the Colorado Department of Transportation to study the metropolitan planning process and organization in the Denver metropolitan area. The study shall be based on a scope of work agreed to by Douglas County (on behalf of selected Denver regional county governments and municipal governments), the Denver Regional Council of Governments, and the Colorado Department of Transportation. Within 24 months of enactment of this Act, the recommendations of this study will be transmitted to the Senate and House Committees on Appropriations.''

AMENDMENT NO. 1039

(Purpose: To make a technical correction relating to the Right-or-Way Revolving Fund)

On page 15, line 4, after the word ''loans'' insert: ''to be repaid with other than Federal funds''.

AMENDMENT NO. 1040

(Purpose: To clarify Sec. 335 of the bill)

On page 50, line 11, insert the following:

(D) Nothing in this Act shall be construed to affect any existing statutes of the several States that define the obligations of such States to native Hawaiians, native Americans, or Alaskan natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

AMENDMENT NO. 1041

(Purpose: To facilitate the application of the pilot record-sharing provisions of title 49, United States Code, added by the Federal Aviation Reauthorization Act of 1996, to air carriers operating non-scheduled operations under part 135 of the FAA regulations)

At the appropriate place in title III, insert the following:

SEC. 3 . PILOT RECORD SHARING.

The Administrator of the Federal Aviation Administration shall—

(1) work with air carriers conducting non-scheduled operations under part 135 of the Federal Aviation Administration's regulations (14 C.F.R. 135.1 et seq.) to implement the requirements of section 44936(f) of title 49, United States Code, effectively and expeditiously; and

(2) implement those requirements with respect to such air carriers not later than February 1, 1998, or sooner if, in working with such air carriers, the Administrator determines that the provisions of that section can be effectively implemented for such air carriers.

AMENDMENT NO. 1042

(Purpose: To require the Secretary of Transportation to exercise the exemption authority under section 41714 of title 49, United States Code, with respect to certain air service between slot-controlled airports subject to that authority and nonhub points, within 120 days after receiving a request for such an exemption)

At the appropriate place in title III, insert the following:

SEC. 3 . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

Section 41714 of title 49, United States Code, is amended by adding at the end thereof the following:

''(i) EXPEDITIOUS CONSIDERATION OF CERTAIN EXEMPTION REQUESTS.—Within 120 days after receiving an application for an exemption under subsection (a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a), the Secretary shall grant or deny the exemption. The Secretary shall notify the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure of the grant or denial within 14 calendar days after the determination and state the reasons for the determination.''.

AMENDMENT NO. 1043

(Purpose: To express the sense of the Senate concerning the imminent expiration of highway and mass transit spending authorizations and the function of this bill)

On page 51, after line 25, add the following:

SEC. . SENSE OF THE SENATE CONCERNING REAUTHORIZATION OF HIGHWAY AND MASS TRANSIT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) on October 1, 1997, authorization for most of the programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), including mass transit programs, will expire;

(2) States, local governments, and the national economy depend on Federal investment in the transportation infrastructure of the United States;

(3) it is the duty of Congress to reauthorize the programs to ensure that the investment continues to flow and that there is no interruption of critical transportation services or construction; and

(4) the public and Congress should have a substantial opportunity to review, comment on, and comprehensively debate committee-reported proposals to reauthorize the programs well in advance of their expiration to ensure that the programs adequately reflect the needs of the United States and the contributions of the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this Act should not be considered to be a substitute for a comprehensive measure reauthorizing highway and mass transit spending programs and should not be interpreted to authorize or otherwise direct the distribution of funds to the States under expiring formulas under title 23 or 49, United States Code, in fiscal year 1998.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of this important sense of the Senate. It should help to dispel any concerns that Members may have had regarding the Transportation appropriations bill and its potential effect on the ongoing reauthorization process for highway and transit funding. This measure puts the Senate's intention on record that none of the funds in S. 1048 are to be distributed according to the old, unfair formulas.

Mr. President, the State of Michigan has long been contributing more into the highway trust fund than it receives in Federal money for highways or mass transit, due to the old discriminatory formulas. The changes to previous law included the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] slightly improved Michigan's return. Unfortunately, it largely continued the decades-old unfair pattern of sending significantly more to small States than they contributed without any valid justification. My State's problem has been further compounded by limitations on obligations through the appropriations process that reduce our total dollar return. As a result, our average ratio of contributions to obligations for highway funding under ISTEA has been approximately 80.5 percent, while mass transit has been even worse with an average ratio of 42.3 percent.

I am pleased that the committee's bill provides nearly a $3 billion higher obligation limitation on highway spending. Unfortunately, a chart has been included in the RECORD at the beginning of debate on this bill which implies that those funds will be distributed according to the old, expiring ISTEA formulas. That is incorrect and the subcommittee chairman has stressed that the chart was for illustrative purposes only and not intended to direct these funds. I encourage Members to ignore that distribution. Michigan would, because of the increased obligation limitation, receive at least an additional approximately $100 million in fiscal year 1998, if ISTEA's average formula distribution was still in effect, over last year. It would be difficult for any State not to get an increase when the obligation limitation is raised, as it has been in the bill before us.

However, I encourage my colleagues not to focus on the formulas of the past. There are at least five major reauthorization proposals to be considered for fiscal year 1998 and beyond. Of those five, Michigan would do best under the Transportation Empowerment Act [TEA–2] and could have approximately $175 million more in obligation authority available in fiscal year 1998 assuming this bill's obligation limitation than in fiscal year 1997. Next best would be the STEP–21 proposal providing about $141 million more in fiscal year 1998. ISTEA does not work for Michigan and many other States, and Members should analyze these other proposals to determine whether they provide more fairness.

Mr. President, this sense of the Senate makes it very clear that S. 1048 does not reauthorize highway or mass transit spending programs. The Senate is still waiting for the Environment and Public Works, and the Banking Committees, to produce fair bills that will allow the continued flow of infrastructure investment dollars to the States from the funds provided in S. 1048. These bills need to be provided to the full Senate well in advance of the October 1, 1997, authorization expiration of these programs. No Member of the Senate or the public should be precluded from the opportunity to fully and carefully review the proposals reported by the committees.

Recently, I received a letter from the president of the American Association of State Highway and Transportation Officials [AASHTO], who is very concerned that Congress' "delay [in moving a reauthorization bill] will negatively impact our Nation's transportation system and our economy." He is right to be concerned. There is no committee-reported proposal for the Senate to consider and we are about to recess until September. Unless, by some miracle, a fair and equitable bill is reported the first day we return, Congress is very unlikely to meet the October 1 deadline. No Senator should be placed in the position of supporting an unfair bill to meet that deadline because the Committees have failed to act punctually.

Mr. President, I urge my colleagues to support the resolution.

AMENDMENT NO. 1044

(Purpose: To provide for the development and operation of the Nationwide Differential Global Positioning System)

On page 4, line 11, strike the numeral and insert "$2,435,400,000".

At the appropriate place in title III, insert the following:

SEC. 3 . (a) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred to in this section as "GWEN") as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the "Nationwide Differential Global Positioning System" (referred to in this section as "NDGPS").

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

(2) to the maximum extent practicable, use contractor services to install the NDGPS;

(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as "CORS") system of the National Geodetic Survey of the Department of Commerce; and

(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Transportation may—

(1) manage and operate the NDGPS;

(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

(e) The Secretary of Transportation may—

(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

(A) investigate improvements (including potential improvements) to the NDGPS;

(B) develop standards for the NDGPS; and

(C) sponsor the development of new applications for the NDGPS; and

(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

(A) the Federal Government;

(B) State and local governments; and

(C) the general public.

Mr. DEWINE. Mr. President, I would like to take a moment to commend the chairman of the Appropriate Subcommittee on Transportation, Senator SHELBY, for the work he has done on this bill. It is not easy to balance the competing interests in any appropriations bill, but I think it is even more difficult on transportation appropriations. I would also like to call attention to one area of the Senate's bill which is very different than the House version.

The Federal Automated Surface Observing System [ASOS] program, which began in the late 1980's, is sponsored by the Federal Aviation Administration [FAA], the National Weather Service [NWS], and the Department of Defense [DOD] and currently includes approximately 860 ASOS units. For its part, the FAA has completed procurement of its 539 baseline ASOS network. Of these units, 476 were installed, yet only 129 systems had been commissioned as of December 21, 1996.

Specifically, the Senate bill would provide $24.85 million for the Automated Surface Observing System [ASOS]. This amount is $10 million more than the Federal Aviation Administration [FAA] requested. According to the committee report, $14.85 million is to be used to commission systems that have already been purchased.

The $14.85 million requested by the administration would pay for getting these systems on-line, providing essential weather services to airports that now have them. The House language on this system is similar. I think it makes sense to do this. After all, the Federal Government purchase these units. They might as well be used.

Where the House and Senate language differ is in the use of the funds that the administration did not request. The House bill would provide

$7.5 million for procurement of additional weather observing systems and direct the FAA to compare costs and capabilities of similar systems and to purchase new systems only after full and open competition between all qualified vendors.

In contrast, the Senate report provides FAA with an additional $10 million to purchase 50 new ASOS units. If the past is an accurate indicator, these units will sit idle until FAA finds the funds to get them running. In essence, what we are doing is purchasing technology with great potential but fraught with high maintenance costs and unusable for a number of years for every airport that needs a weather observation system, when many airports can use off-the-shelf technology that can be used immediately.

In 1995, the General Accounting Office [GAO] released a report on ASOS. I would like to highlight some of their findings. First, GAO found that six of the eight sensors in the ASOS system do not meet key performance specifications. Second, ASOS shortfalls are caused by contractor failure to deliver products that meet specifications and Government failure to furnish sufficient equipment. Third, the NWS does not have adequate personnel or integrated information systems for it to isolate and correct ASOS failures at FAA sites. Fourth, ASOS does not satisfy the weather observational needs of many users. And, finally ASOS users state that incorrect ASOS observations could risk aviation efficiently and safety. I don't believe that Congress should force the FAA to purchase more ASOS units until the problems with the ones they already have can be worked out.

For this reason, I believe the House language on weather observation systems is a better option for airports. I hope my friend from Alabama will examine carefully the House approach on this issue and I urge him to opt for the House's approach to maximize airport safety.

Mr. SHELBY. I thank the Senator from Ohio for his statement. I have listened with interest to his remarks and recognize his concerns. The Senator from Ohio has raised very compelling arguments and I will carefully consider his request during the conference committee deliberations.

CHILD SIZE CRASH TEST DUMMIES

Mr. SPECTER. Mr. President, I wish to address the distinguished chairman of the subcommittee regarding the issue of funding for an innovative research project aimed at developing a child size crash test dummy which will be undertaken by a collaborative private sector group that includes several Pennsylvania universities.

The project will develop a new crash test dummy particularly suited for research on automobile occupant safety because it will generate data on children's unique biological features and the behavior of children under crash conditions.

I am advised that the House has provided $100,000 for this purpose within the budget for the National Highway Traffic Safety Administration. Would the distinguished chairman be willing to work with me and our House counterparts to explore funding for this important safety initiative?

Mr. SHELBY. Mr. President, the Senator from Pennsylvania correctly notes that this will be an issue we address in conference with the House and I would be glad to work with him on exploring funding possibilities for an initiative which could protect our children from injuries sustained in automobile accidents.

Mr. DURBIN. Mr. President, I rise today in order to engage the chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, in a brief colloquy regarding the Northeast Illinois Regional Commuter Railroad Corporation—Metra. I commend both Senators SHELBY and LAUTENBERG for their tireless efforts on behalf of our Nation's transportation systems. And I congratulate them on bringing this bill to the floor.

Mr. President, as Senator SHELBY knows, Metra is the second largest commuter rail system in the country, carrying over 270,000 riders a day. Metra's 12 rail lines serve more than 100 towns and municipalities with 238 stations and a stop at O'Hare International Airport. It maintains a 97 percent on time performance while operating over 500 route miles. In short, Metra is an effective, first-class transit system that fills an enormous commuter need in the Northern Illinois/Chicago region.

Metra anticipates that by the year 2020, the population of its service territory will grow by 25 percent and employment in that area will increase 37 percent. In order to prepare for this growth and meet additional needs, Metra plans to expand and upgrade service on three lines. Specifically, Metra plans to upgrade and expand North Central Service and the Metra Milwaukee West Line; upgrade and extend the South West Service to Manhattan, Illinois; and upgrade and extend the Union Pacific line to LaFox and Elburn, IL. The total cost of this project is $301 million over 6 years.

The House included $5 million in the fiscal year 1998 Transportation appropriations bill for engineering and design on tracks, signals, bridges, and earthwork associated with this project.

Mr. President, I would like to ask Senator SHELBY if he considers Metra to be a priority new start transit project and if he and Senator LAUTENBERG would be willing to work to include the House language in conference.

Mr. SHELBY. I thank the Senator from Illinois. As Senator DURBIN knows, the committee has worked with him over the years to fund various Metra expansion projects, most recently a new service line—the North Central Service. I appreciate his leadership on this project.

Metra expansion is vitally important to the Chicago/Northern Illinois service region. The Metra project is certainly a priority new start transit project that is worthy of Federal funding.

I will work with Senator LAUTENBERG and our House colleagues in the conference committee to make sure that the Senator's interests in this important project are represented at the conference committee.

I look forward to working with Senator DURBIN on this project in the years to come.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related Agencies appropriations bill for fiscal year 1998.

I congratulate the distinguished chairman of the subcommittee, Senator SHELBY, for bringing his first transportation appropriations bill to the full Senate. I commend the chairman for bringing the Senate a balanced bill.

As all Members know, transportation spending was a priority area within the bipartisan budget agreement. With passage of this bill, we begin to increase funding for our Nation's infrastructure as we promised during negotiations on the balanced budget agreement.

The Senate-reported bill provides $12.6 billion budget authority [BA] and $13.2 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highways, mass transit, aviation activities, the U.S. Coast Guard, and transportation safety agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $12.7 billion in budget authority and $37.6 billion in outlays for fiscal year 1998.

The reported bill is $0.2 billion in budget authority and $3 million in outlays below the subcommittee's section 602(b) allocation.

This spending is $0.5 billion in budget authority below the President's fiscal year 1998 budget request for the subcommittee, and $0.15 billion in outlays above the president's request.

The Senate-reported bill is $0.6 billion in discretionary BA and $0.2 billion in outlays below the House version of the bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring on this bill be inserted in to the RECORD.

I support the bill and urge its adoption.

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	—	11,957	—	698	12,655
Outlays	59	36,890	—	665	37,614
Senate 602(b) allocation:					
Budget authority	—	12,157	—	698	12,855
Outlays	59	36,893	—	665	37,617
President's request:					
Budget authority	300	12,173	—	698	13,171
Outlays	299	36,502	—	665	37,466
House-passed bill:					
Budget authority	300	12,217	—	698	13,215
Outlays	299	36,855	—	665	37,819
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority	—	(200)	—	—	(200)

S. 1048, TRANSPORTATION APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Outlays	—	(3)	—	—	(3)
President's request:					
Budget authority	(300)	(216)	—	—	(516)
Outlays	(240)	388	—	—	148
House-passed bill:					
Budget authority	(300)	(260)	—	—	(560)
Outlays	(240)	35	—	—	(205)

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

Mr. SMITH of New Hampshire. Mr. President, I would like to engage in a discussion with the bill manager on an amendment that I filed yesterday. Will the Senator from Alabama yield for a question?

Mr. SHELBY: Yes, I will yield to the Senator from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, I filed an amendment yesterday that I hope will not be necessary. The issue concerns truck weight limitations on interstate highways and potential sanctions on the States of New Hampshire and Maine.

Last year's appropriations legislation for the Department of Transportation included an amendment sponsored by Senators COHEN, SNOWE, GREGG, and myself which established a moratorium on the Department of Transportation's authority to withhold highway funds from New Hampshire and Maine because of their allowance of heavier trucks on Interstate 95. That moratorium is set to expire on September 1, 1997.

Under section 127 of our surface transportation law, States may not allow trucks over 80,000 pounds on the Interstate System without risking the loss of highway funds, even though many State roads allow 100,000-pound trucks, as is the case in New Hampshire and Maine. While I do not wish to get into a policy discussion on truck weights, there is a safety argument to be made in keeping these heavier trucks on the Interstate System, which is built to higher standards. That debate should be appropriately reserved for ISTEA reauthorization, currently under way in the Environment and Public Works Committee. It is there that we will debate any proposed changes to Federal truck weight limits.

Nevertheless, we are faced with the expiration of the sanctions moratorium on September 1 and the fact that the Environment and Public Works Committee has not yet dealt with this issue in ISTEA. It is for these reasons that I now seek assurances from the Transportation Department that sanctions would not be imposed before ISTEA is reauthorized and fiscal year 1998 apportionments are released.

Is it the Senator's understanding that the Department of Transportation would not have the authority to withhold highway funds from New Hampshire and Maine for the remainder of this fiscal year or until such time as the highway program is reauthorized and fiscal year 1998 funds are apportioned to the States?

Mr. SHELBY: Yes, that is correct. There would not be an opportunity for sanctions under section 127 of our surface transportation law until fiscal year 1998 highway funds are apportioned, which would not occur until Congress reauthorizes the surface transportation programs.

Mr. SMITH of New Hampshire. I want to thank the manager of this bill for that clarification. I yield the floor.

Mr. LEVIN. Mr. President, I would like to engage the chairman of the Transportation Appropriations Subcommittee in a brief colloquy on the matter of guidance for the distribution of fiscal year 1998 highway and transit appropriations provided by the bill before us.

It is my understanding that S. 1048 would not, if it became law, direct or otherwise assume that the allocation and apportionment of highway obligation authority to the States from the highway trust fund shall be distributed under the expiring ISTEA formulas or any other distribution scheme. Would the chairman confirm that understanding?

Mr. SHELBY. The Senator from Michigan is correct. This bill simply provides an overall limitation on States' highway obligations from the highway trust fund of $21.8 billion and is completely silent on its distribution among the States.

Mr. LEVIN. So, just to be clear, there is no way to accurately determine what share or total that any State can expect to receive of that $21.8 billion in fiscal year 1998. Is that correct?

Mr. SHELBY. Again, the Senator from Michigan is correct. That distribution will be determined when Congress works out whatever transportation law will replace ISTEA.

Mr. LEVIN. As a Senator from a donor State, I appreciate the Senator's remarks. I am looking forward to improving Michigan's return on gas tax dollars contributed into the highway trust fund and wanted to be certain that Senate action on this bill did not preclude or prejudge that debate.

From my review of the mass transit provisions in the bill, it appears that the committee has assumed the old distribution formulas and allocation method. This is a problem for Michigan, and perhaps the chairman's State too, since Michigan is a significant donor State in terms of receipts of transit grants versus contributions to the mass transit account of the highway trust fund. In fact, the Michigan Department of Transportation calculates that Michigan's return at approximately $.53 on the gas tax dollar. According to the Community Transportation Association of America, Alabama receives approximately $.16 per gas tax dollar.

I am particularly concerned about section 49 U.S.C. 5309(m), which treats bus and bus facilities very poorly in relation to other categories. And, I believe that section 5307 and related sections should be modified to more accurately reflect States' contribution into the mass transit account. These expiring sections and others in title 49 need to be rewritten to provide greater fairness to States that do not have subways or major fixed guideway facilities.

Does the Committee's bill assume that funds appropriated in this bill for mass transit grant and loan formulas and other mass transit program will be distributed according to the authorizations in title 49 that expire on October 1, 1997?

Mr. SHELBY. We have assumed current law with respect to transit programs, until such time as a reauthorization bill is enacted. With respect to formula and discretionary grants, the bill sets obligation limitations on contract authority for both programs and appropriates $190 million for formula grants. It is our understanding that the only significant amount of contract authority for transit programs that is expected to carry over into fiscal year 1998 is $392 million for transit new start projects. In the absence of a reauthorization bill, the only significant new funding for transit formula and discretionary grant programs next year would be the amount appropriated for formula grants in this bill and the amount remaining available for new start projects. The Federal Transit Administration would apportion the appropriated funds for formula grants according to current formulas, and the new start funding would be distributed based on statutory direction in this bill. Both those distributions would be revisited when reauthorization legislation has been enacted and, presumably, has created new contract authority for these programs.

Mr. LEVIN. I thank the Chairman for his willingness to clarify these matters, though the mass transit situation is very unfortunate from an equity point of view. This is obviously not the best situation. We need to move an authorization bill for both highway and mass transit programs before October 1, 1997. Debate and resolution of that matter is long overdue. I realize these are difficult and significant matters and that the balanced budget agreement has locked in a lower level of spending on transportation than most of us would have liked, but we will need sufficient time to analyze and debate whatever bill that the Senate Environment and Public Works, and the Banking Committees report to the Senate. It would be very, very unfortunate, if there is an attempt to present a bill to the Senate without adequate time to consider it before the October 1 deadline.

SAINT LAWRENCE SEAWAY

Mr. KOHL. Let me take this opportunity to thank both the chairman and ranking member of the subcommittee, Senators SHELBY and LAUTENBERG, and their staffs, for all their hard work in putting together the transportation appropriations bill. Every Member of the Senate should greatly appreciate the bipartisan and good faith manner in which they tackled the daunting task of meeting our Nation's infrastructure priorities.

There are many transportation programs and priorities funded by this bill that are important to my State of Wisconsin and the Great Lakes region. I would like to take a moment to discuss one particular Great Lakes priority, the Saint Lawrence Seaway Development Corporation [SLSDC].

Mr. President, since its creation in 1959, SLSDC has provided safe, efficient, and reliable commercial shipping and lockage services through the Saint Lawrence Seaway. The Seaway serves as the gatekeeper for all oceangoing vessel traffic coming to and from the Great Lakes. As such, SLSDC's work is vital to the Great Lakes region, which is responsible for nearly half of America's industrial and agricultural output. That output translates into iron ore for America's steel miles, low-sulphur coal for public utilities and Midwestern export grain for the world market. Simply put, the economic viability of the Great Lakes and the country depends on the efficient operation of the Seaway and SLSDC. Of equal importance are the environmental and safety functions performed through the Seaway.

As you know, the administration has proposed that SLSDC be restructured as a performance-based organization [PBO]. I have endorsed this proposal as a critical and innovative step in ensuring the long-term stability of commercial shipping in the Seaway System and throughout the Great Lakes region, and am currently working with other Great Lakes' Senators to prepare the necessary authorizing legislation.

Last year, in the transportation appropriations bill for fiscal year 1997, the Senate included a sense-of-the-Senate amendment that the Congress should consider such legislation in the 105th Congress. We are hopeful that the Senate will approve the PBO legislation before the end of this session, although we recognize that there's much work left to be done.

As you know, one of the unique features of the PBO initiative is the financing mechanism, which would link SLSDC's funding level to performance—that is, the annual funding level would be calculated according to average tonnage figures through the Seaway. Thus, the PBO initiative authorizing legislation will move SLSDC financing from appropriated funds to an automatic, annual, performance-based payment. The administration's budget request reflected this distinction by not including a request for appropriated funds for SLSDC. I bring this up for discussion simply to avoid confusion as to the appropriations level included in the Senate transportation appropriations bill for fiscal year 1998.

Mr. SHELBY. I'm glad the Senate brought this matter to the attention of the full Senate. Although you and I discussed this matter during committee consideration of the bill, I am pleased to have the opportunity to explain this matter to the rest of our Senate colleagues. Many details of this new proposed agency performance based organization structure will have to be sorted out in the authorization process, including the funding proposal. In order to give the authorizing committees as much time as possible before making a final decision regarding this proposal, the Senate Appropriations Committee did not include any appropriated funds or bill language for the SLSDC for fiscal year 1998.

Mr. KOHL. I appreciate your fair and unbiased assessment of the PBO initiative, Mr. Chairman. We have every hope of moving the authorizing legislation this session. However, as you and I both know, Congress can be unpredictable. Sometimes we advance ideas quickly, and other times, our work is frustratingly slow. For this reason, I want to reiterate our understanding that if Congress does not enact PBO authorizing legislation for SLSDC by the beginning of fiscal year 1998, the Senate will ensure in conference with the House that SLSDC will be funded.

Mr. SHELBY. Yes, the Senate will ensure that the SLSDC is adequately funded and has the resources it needs to operate effectively and efficiently, whether or not the PBO legislation is enacted into law.

Mr. KOHL. I thank the Chairman.

INTERSTATE 4–R PROGRAM

Ms. MIKULSKI. Mr. President, I have a question for the distinguished Senator from Alabama and the distinguished Senator from New Jersey concerning discretionary funding for the Interstate 4–R Program. The report accompanying S. 1048 includes language recognizing certain projects that should receive priority attention when the Federal Highway Administration awards discretionary grants.

In Frederick, MD, there is a project to upgrade Interstate 70 at its conjunction with Interstate 270, U.S. 15, U.S. 40, and U.S. 340. The complicated interchanges of these two expressways and the other U.S. highways have numerous ramp movements which need to be reconstructed and upgraded in order to provide efficient and safe access. The current interchange forces traffic onto local streets jeopardizing safety for local residents.

I ask my colleagues whether they believe the upgrading of I–70 in Frederick would qualify as a project that might receive funds under the Interstate 4–R Program.

Mr. SHELBY. Yes, I believe that the project, as the Senator describes it, would be an excellent example of the type of work intended to be funded under this program.

Mr. LAUTENBERG. I agree, Mr. President. The I–70 interchange in Frederick, MD, is the type of project that is worthy of funding under the 4–R Program.

Mr. SARBANES. Mr. President, I want to join with my colleague, Senator MIKULSKI, in endorsing the inclusion of I–70/I–270 in Frederick, MD, on the priority list for discretionary highway funding. Anyone who drives on I–70 or I–270 in Frederick knows what a serious traffic and safety problem we have in this area. The highway narrows from 6 lanes to 4 lanes creating a bottleneck. There are missing interchanges with I–270 and U.S. 15, forcing cars and trucks onto city streets and adding to existing congestion; and the substandard condition of the highway and resulting congestion means accidents and delays for commuters, interstate truckers, tourists, businesses, and employers alike. With traffic volumes in the area projected to more than double in the next 20 years, there has been a clear need to address this problem. I want to thank the distinguished managers of the bill for their assurances.

Ms. MIKULSKI. I also want to thank the managers for the courtesy and their leadership on this legislation.

HARTSFIELD INTERNATIONAL AIRPORT

Mr. COVERDELL. Would the distinguished chairman of the Senate Appropriations Subcommittee on Transportation yield?

Mr. SHELBY. I would be happy to yield to the senior Senator from Georgia?

Mr. COVERDELL. The city of Atlanta and Hartsfield International Airport have requested a $150 million letter of intent, commonly referred to as an LOI, from the FAA in connection with the construction of a commuter runway. Atlanta's Hartsfield International Airport is the second busiest airport in the country and a critical link in our national air transportation system. A major airline headquarted in Atlanta alone has over 600 flights per day out of Atlanta. Over the past several years, there has been an increase in delays at the airport. When Atlanta has a problem with congested air traffic, the effects ripple throughout the national system. Delays at Hartsfield create waves of delay across the country. I strongly believe this project should receive priority consideration from the FAA for an LOI and would ask the chairman and the ranking member, the senior Senator from New Jersey, to support this request.

Mr. CLELAND. Would my colleague from Georgia yield?

Mr. COVERDELL. The distinguished chairman was gracious enough to yield me time. I would be happy to yield to my colleague from Georgia if it is acceptable to the chairman.

Mr. SHELBY. Certainly, it is my pleasure to yield to the junior Senator from Georgia.

Mr. CLELAND. I thank the chairman. I wholeheartedly agree with my colleague from Georgia. Hartsfield is operating beyond its capacity during peak departure and arrival times. This produces excessive delays, inconveniences passengers, disrupts flight schedules, and increases operational cost for Hartsfield's carriers.

Commuter, typically turboprop, and other prop aircraft operations compose approximately 18 percent of the airport's activity. These aircraft weigh much less than air carrier jets. During final approach, additional intrail separation must be used when a turboprop is behind an air carrier jet due to wake turbulence. This additional separation imposes delay to aircraft behind the turboprop, delaying passengers and increasing costs resulting from the downwind portion of flight. By removing the vast majority of commuter aircraft from both the downwind and final approach segments of flight, delay is reduced for both air carrier and commuter aircraft. Thus, an additional runway to handle turboprops and light commuter jets would provide many benefits to all Hartsfield carriers.

I support priority consideration by the FAA and urge the FAA to issue an LOI for Atlanta. Would the chairman and the ranking member agree with me and the senior Senator from Georgia that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, on behalf of the subcommittee, I would agree that the efficiency of Atlanta's Hartsfield International Airport is important to the Nation and vital to the Southeast. The FAA should issue an LOI for construction of a commuter runway at Hartsfield.

Mr. LAUTENBERG. I concur with my colleague and support the request. This project is an important investment not only for Atlanta, but for the national air transportation system.

Mr. COVERDELL. I appreciate the chairman's and ranking member's support for this project, which is vital to the city of Atlanta and Hartsfield International Airport. Would you be willing to include language in the conference report to the fiscal year 1998 Transportation appropriations bill which indicates that this project should receive priority consideration by the FAA?

Mr. SHELBY. Yes, I would be happy to work with both Senators from Georgia and try to include such language in the conference report.

Mr. LAUTENBERG. I also would be willing to work with the chairman and both Senators from Georgia.

Mr. COVERDELL. I would like to thank the chairman, the ranking member, and my colleague from Georgia for their help in this matter. I yield the floor.

Mr. CLELAND. I would also like to thank the chairman, the ranking member, and my colleague from Georgia for their help. I yield the floor.

STRUCTURE RESEARCH

Mr. LEVIN. Mr. President, I would like to engage the subcommittee chairman in a brief colloquy regarding a small, but important project underway in Michigan. As he may know, the State of Michigan and the Federal Highway Administration are working together in the use of advanced carbon and glass composites as reinforcements for concrete to replace steel in the manufacture of prestressed bridge beams and bridge decks. The House Appropriations Committee report encourages FHWA, through its structures research program, to assist the State in designing and deploying monitoring protocols and systems. I would hope that the Senator from Alabama would be able to support that language in conference.

Mr. SHELBY. I am aware of the structure research that the Senator from Michigan has described and will work with him to ensure that his interests are recognized during conference committee consideration of this matter.

Mr. LEVIN. I thank the chairman for his assistance.

Mr. BROWNBACK. First of all, I would like to thank the Senator from Alabama for his hard work on this bill and to commend him for his diligence in furthering this important legislation.

I would like to talk about a provision that is a part of the House counterpart to this bill and which addresses issues related to the impact in Wichita, KS, of the Union Pacific and Southern Pacific merger. At this time, I ask unanimous consent that the report language included in the House bill be inserted for the RECORD.

Mr. President, the impact of this merger is of great importance to the community of Wichita, KS. Since the railroad runs through the center of the city, the increased train traffic resulting from the merger may affect significantly the flow of traffic through the city. Various alternatives to mitigate this impact are currently being considered, including the building of grade separations through the city or the building of a bypass around the city. The Surface Transportation Board is currently evaluating the feasibility of each of the alternatives, and is expected to release its recommendations for easing the impact of the additional trains in early September. The language that I am requesting to be included in the RECORD would simply state that the STB should revisit its recommendations if any substantial changes are made in the assumptions used to complete this study. This would include assumptions in the number of trains that are expected to pass through the city or the speed at which the trains travel. I would also like to point out that not only will this provisions not have any current budgetary impact, it will help to ensure that the Federal Government will not finance costly bailout in the future because of faulty planning.

I would like to get assurances from the Senator from Alabama that he will pay close attention to the concerns of the community of Wichita during the Conference Committee consideration of this issue.

Mr. SHELBY. I thank the Senator from Kansas for his interest in this issue. I understand that the impact of the Union Pacific-Southern Pacific merger will continue to be a concern to the community of Wichita. I assure the Senator from Kansas that I will work with him during the House-Senate Conference Committee consideration of this issue.

Mr. BROWNBACK. I thank the Senator from Alabama.

Mr. McCAIN. Mr. President, the Senate has now completed action on 9 of the 13 annual appropriations bills that fund the Government and we are now nearing the close of debate on the Transportation appropriations bill. We have completed action on those bills in record time, for which I congratulate the managers of those measures.

These bills contain many good provisions and generally provide appropriate levels of funding to continue the necessary functions of the Federal Government.

But, Mr. President, by my reckoning, in the process of acting on these 10 measures, the Senate will have wasted almost $10 billion on wasteful, unnecessary, low priority, pork-barrel projects. This is an appalling waste of taxpayers dollars—almost a billion dollars for every appropriations bill we have considered so far, and we still have three more appropriations bills to go.

This bill is typical of the types of earmarks and set-asides that members add to the multi-billion-dollars bills.

This bill and report earmark billions of dollars for specific highways, railroads, bridges, boats, hangers, and even a covered bridge. Yes, a covered bridge. The report earmarks $2 million of Federal highway funds to restore a covered bridge in Vermont.

The report directs the Coast Guard to buy twice as many coastal patrol boats from the Bollinger Machine Shop and Shipyard in Louisiana as were requested by the Coast Guard—at a cost of $68.1 million for 15 boats.

Another $4 million is earmarked to renovate a hanger at the Kodiak, AK Coast Guard facility, a project which was not included in the budget request.

The bill earmarks $26 million to repair three bridges in Hawaii, Louisiana, and Georgia.

But these are ordinary earmarks of relatively small amounts of money. Let me take a moment to highlight some of the larger set-asides in this bill.

All of the $76.65 million provided for testing of intelligent transportation systems, none of which was requested, is earmarked; 24 projects in 18 States are listed in the report to receive a share of this $76 million.

A total of $300 million is earmarked for Appalachian development highway systems—$100 million more than requested by the administration.

All but $2 million of the $440 million for bus and bus facility discretionary grants is earmarked for specific projects in specific States; 35 States will receive these grants, with Alabama, Missouri, New York, and West Virginia getting more than $25 million each.

All but $5.8 million of the $780 million for new mass transit facilities is earmarked; 26 of the 40 projects for which funds are specifically set-aside were not even requested by the administration. Of these unrequested projects, Washington State will receive $24 million for a commuter light-rail system; Orlando, FL, will receive another $31.8 million for its light-rail system, in addition to the $2 million provided last year; and New York City will get $50 million for an East Side access project.

Mr. President, I am pleased to note that the $23.45 million earmarked in this bill for the Pennsylvania Station redevelopment project in New York City will complete the Federal funding share of this project. I would certainly hope that $100 million would be enough to ask the Federal taxpayers to contribute to this $300-plus million project. I strongly suspect, however, that there will be unexpected costs and final details to be completed, and we will see another several million earmarked for this project in next year's bill.

Finally, the report contains language earmarking just $450,000 for a ''transportation emergency preparedness and response demonstration project on the threat of tornadoes in the Southern and Midwestern States.'' The report also establishes a requirement that $400,000 of this money is to be used to assist in the ''construction and establishment of an underground emergency transportation management center utilizing satellite communications.''

This sounds to me like a good idea in general, but I am concerned about two things. First, how can this center be established for just $450,000? And second, why did the Committee find it necessary to add a specification that the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level * * * and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time (but far enough away to be safe from disaster impacts).'' I wonder why the Committee felt it was necessary to be so specific about the location for the center. Why not just put in motion the process to establish a tornado emergency preparedness center, and allow it to be built at the best site to carry out its mission?

These are only a few of the earmarks and special projects contained in this measure, but I will not waste the time of the Senate going over each and every earmark.

Mr. President, it is difficult for me to see the logic of wasting $9.9 billion in these 10 appropriations bills, and then hastening to pass a Balanced Budget reconciliation bill to reduce Federal spending. If we could just avoid pork-barrel spending in the first place, we would not have to go through the painful process of eliminating it in later years.

I hope my colleagues on the Appropriations Committee will not bring appropriations bills back from conference with all of the earmarks and add-ons of both Houses, or we may well find ourselves negating any progress we have made in the reconciliation process toward a balanced Federal budget.

I ask unanimous consent that a list of objectionable provisions in this bill be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN FISCAL YEAR 1998 TRANSPORTATION APPROPRIATIONS BILL

U.S. COAST GUARD

Report earmarks $146,500 for the Marine Fire and Safety Association, a private association (Columbia River area in OR & WA).

Report provides $30.8 million more for acquisition of 7 more coastal patrol boats than requested, which are built by Bollinger Machine Shop & Shipyard in Louisiana.

Report earmarks $4 million to renovate a hanger at the Coast Guard Kodiak, Alaska facility, which was not included in the budget request.

Bill and report provide $26 million to repair 3 bridges under the Truman-Hobbs Act: $5.0 million for the Sand Island Road Tunnel in Honolulu, HI; $3.0 million for the Florida Avenue Bridge in New Orleans, LA; and $18.0 million for the Sidney Lanier Bridge in Brunswick, GA. These projects should be funded from the FHWA discretionary bridge program, not the Coast Guard.

FEDERAL AVIATION ADMINISTRATION

Directs the FAA Administrator to meet the authorized staffing levels for all air traffic control facilities in the New York/New Jersey region by the dates identified in the pending agreements with the pertinent employee organizations. Directs the Administrator to inform the Appropriations Committee immediately if it appears that those deadlines will not be met.

Directs the FAA to study air traffic at the airports in New Bern (NC), Hickory (NC) and Salisbury (MD). If those airports meet or are projected to meet FAA's benefit/cost criteria for contract tower operations within the next two years, or if tower operations could be justified under a cost-sharing arrangement, directs the FAA to open contract towers at those airports for service during FY98.

Earmarks $400,000 to provide a low-earth orbit (LEO) satellite communication system at Anchorage (AK), to augment present communications systems.

Earmarks $970,000 to demonstrate infrared heating for aircraft deicing at the Rhinelander/Oneida County Airport (WI).

Earmarks $1,700,000 to establish new remote communication outlets in five Alaska sites.

Earmarks $2 million for the Alaska Volcano Observatory for equipment and data transmission facilities on suspect volcanoes across the Alaska peninsula and the Aleutian Islands.

Earmarks $5 million for a new control tower at North Las Vegas (NV) and $3 million for a new control tower at Martin State Airport (MD).

Earmarks $875,000 to improve the Rutland (VT) State airport instrument approach by reducing the ceiling and visibility minima.

Earmarks $80,000 to install a standard omnidirectional approach lighting system (ODALS) under the approach to Runway 9 at Cordova Airport (AK).

Earmarks $10 million to procure 10 new tactical landing systems (TLS). Intends for the systems to be installed and tested at regional airports that exhibit requirements for improved economic development and safety of operation including, but not limited to, the Pullman-Moscow Regional Airport (WA), the Friedman Memorial Airport (ID), and at rural airports in Brigham City (UT), Logan (UT), Wendover (UT), and Tooele (UT).

Earmarks $5 million for the precision approach path indicator (PAPI) navigational aid systems, with 10 directed to be installed at remote Alaskan airport locations.

Earmarks $3.5 million for two wind profilers currently leased at the Juneau (AK) airport along with new computers and navigational aids, and to install anemometers, and for the costs to calibrate the new equipment.

Earmarks $4 million to accelerate replacement of existing, nonsupportable engine generators and to replace FAA's electrical distribution system at Cold Bay (AK) with an underground electrical distribution system.

Earmarks $18.9 million for FAA aircraft fleet modernization, and directs the FAA to exercise the option presently in place for the acquisition of one new modified Learjet 60 flight inspection and airways calibration aircraft under the contract presently in force between the FAA and E-Systems.

Earmarks $750,000 for additional training equipment for the Rocky Mountain Services Training Center (RMESTC).

Earmarks $1.25 million for the continued development of an alternative explosives detection technology that uses a neutron probe, which determines the number and ratio of atoms of hydrogen, carbon, nitrogen and oxygen in small volumes throughout a suitcase and uses that information to identify contraband substances such as explosives and drugs.

Priority consideration for AIP discretionary grants for 35 specified airports (report p. 73), and priority consideration for new Letters of Intent (LOI) that establish multi-year obligations of AIP funds for 5 specified airports (report p. 80).

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks $1.2 million for research into high performance materials and bridge systems and ''strongly recommends'' that FHWA conduct the research during the Interstate 15 reconstruction project and other transportation projects in the Salt Lake Valley, Utah.

Report directs FHWA to work with an unnamed academic and industry-led national consortium and fund with available money an advanced composite bridge project to demonstrate the applications of an all-composite bridge for civil infrastructure purposes.

Report earmarks $100,000 for FHWA's participation in an assessment of methodologies needed for estimating emissions of particulate matter, the sources and composition of particulate matter from roadway construction and heavy truck activity in the San Joaquin Valley of California.

Report directs DOT to continue a cooperative agreement with the National Center for Physical Acoustics to identify scientific issues which impede accurate noise prediction. (Last year the Committee earmarked $250,000 for the Center for this purpose.)

Report earmarks $2 million for an assessment of the Red River corridor transportation infrastructure of the five-State area.

Earmarks all of the $76.65 million appropriated for Intelligent Transportation Systems operational tests, none of which was requested, as follows:

$2.3 million for Southeast Michigan snow and ice management

$7 million for Intelligent transportation systems in Utah

$2 million for intermodal common communications technology in Kansas City, Missouri

$3.75 million for intelligent transportation systems in Reno, Nevada

$500,000 for intelligent transportation systems in Yosemite Valley, California

$1.5 million for the Western Transportation Institute in Bozeman, Montana

$10 million for traffic management in Barboursville-ONA, West Virginia

$600,000 for the advanced traffic analysis center at North Dakota State University

$800,000 for advanced transportation weather information systems in North Dakota

$1 million for an emergency weather system in Sullivan County, New York

$250,000 for the Urban Transportation Safety Systems Center in Philadelphia, Pennsylvania

$2.1 million for toll plaza scanners in New York City

$2 million for a computer integrated transit maintenance environment project in Cleveland, Ohio

$1.4 million for the intermodal technology demonstration project in Santa Teresa, New Mexico

$3 million for hazardous materials emergency response software for Operation Respond

$750,000 for radio communication emergency call boxes in Washington State

$2.5 million for statewide roadway weather information systems in Washington

$400,000 for Texas Department of Transportation Intelligent Transportation System (ITS) research

$9.2 million for Milwaukee, MONITOR, and Wisconsin rural ITS

$2.1 for the I–95 multistate corridor coalition

$12 million for truck safety improvements on I–25 in Colorado

$2.2 million for traffic integration and flow control in Tuscalousa, Alabama

$8 million for Pennsylvania Turnpike Commission ITS

$1.3 million for Alaska cold weather ITS sensing

Report directs FHWA to fund a study on the impact of establishing a road link from Wrangell, Alaska, to the Canadian border along a proposed Bradfield Road alignment.

Bill provides $300 million ($200 million was requested) for Appalachian development highway systems.

Report directs FHWA to give priority to funding for specific projects, including 5 bridge projects, 4 interstate rehabilitation projects, 3 federal lands highway projects, and 5 ferry projects.

Report earmarks $2 million for a covered bridge restoration program in Vermont.

Report earmarks $6.4 million of the $18 million provided for ferryboats and ferryboat facilities program for the Hollis-Craig-Ketchikan Ferry.

Reports directs FHWA to give priority consideration to the safety improvement program on Highway 101 around the Olympic Penisula in Washington State.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Report earmarks $300,000 for emergency medical personnel guidelines for treating severe head injuries and NHTSA is encouraged to work with the Aitken Neuroscience Institute on the guidelines.

FEDERAL RAILROAD ADMINISTRATION

Report earmarks $4 million for the first of four installments for a positive train control demonstration project on the Alaska Railroad.

Report earmarks $23.45 million to complete the Federal funding share for the Pennsylvania Station redevelopment project in New York City.

Report earmarks $5 million for New York State to use to leverage private financing of high-speed trainsets between New York City and Buffalo.

Report earmarks $4 million for improving grade crossings in the 92-mile Charlotte to Greensboro, North Carolina high-speed railcorridor.

Report earmarks $500,000 to a State department of transportation (unnamed) to establish a consortium of States and other participants to advance high-speed rail.

Bill provides $17 million for the Alaskan Railroad, which was not requested.

FEDERAL TRANSIT ADMINISTRATION

Report earmarks $1 million for continued development of low-speed magnetic levitation technology for a downtown urban area shuttle in Pittsburgh, Pennsylvania.

Report expresses support for Federal funding for a 2-year effort by the city and county of Honolulu to undertake an analysis to develop mobility alternatives for Honolulu's primary urban corridor from Ewa to east Honolulu.

Of the $440 million provided for bus and bus facility discretionary grants, all but approximately $2 million is earmarked for the following projects. Projects indicated by ** received FY 97 funds in the amount contains in brackets.

Alabama ($39 million): Birmingham/Jefferson County buses, $12 million; Huntsville Intermodal Center, phase I, $10 million; Mobile Southern Market historic intermodal center, $1 million; Mobile Municipal Pier intermodal waterfront access rehabilitation project, $2 million; Mobile bus replacement, $3 million; Birmingham downtown intermodal transportation facility, phase 2, $6 million; Montgomery bus replacement, $3 million; Tuscaloosa bus replacement, $2 million

California ($17.7 million): Riverside County transit vehicle ITS communications, $1 million; Rialto MetroLink depot, $2.2 million; Modesto bus maintenance facility, $3.5 million; Foothills bus maintenance facility $9 [$4.75 million], and ATTB bus project, $2 million. [$3.173 million]

Colorado: ($11 million): Colorado Association of Transit Agencies, buses and equipment

Connecticut ($7.5 million): Bridgeport intermodal center [$1 million]

District of Columbia ($4 million): Fuel cell bus facilities

Florida ($14 million): Lakeland transit buses $1 million; Volusia County buses $2 million [$1.5 million]; Palm Beach buses $2 million; Metro Dade Transit buses and facilities $5 million; LYNSX Central Florida Regional Transportation Authority buses and bus facilities $4 million [$4 million].

Georgia ($5 million): Atlanta MARTA compressed natural gas buses [$2 million]

Hawaii ($10 million): Honolulu buses and facilities

Indiana ($4 million): Indianapolis Public Transportation buses [$1 million]

Iowa ($8 million): Statewide bus and bus facility projects, $5.5 million [$3.72 million] and Sioux City park and ride facility, $2.5 million.

Kansas ($2 million): Johnson Co. Bus maintenance/operations facility [$2.2 million]

Louisiana ($8 million): Statewide bus and bus facility projects, $5 million [$16.5 million]; New Orleans TRA central maintenance facility, $3 million

Maryland ($10 million): Mass Transit Administration buses and facilities [$5 million]

Massachusetts ($4 million): Springfield intermodal center, $1 million; Worcester Union Station intermodal center $3 million [$3 million]

Minnesota ($3 million): St. Paul, Snelling bus garage

Mississippi ($4 million): Jackson bus facility [$3 million]

Missouri ($32 million): Kansas City buses and fare bus collection system, $7 million [$2.65 million]; Kansas City Union Station intermodal center, $9 million [$6.5 million]; OATS rural bus programs, $16 million

Nevada ($8 million): Las Vegas transit system vehicles [$3.3 million]

New Jersey ($12 million): NJ transit alternative fuel buses

New Mexico ($11.8 million): Sante Fe buses and facilities, $1 million; Demonstration of universal electric transportation subsystems [DUETS], $1.3 million; statewide bus and bus facilities, $7.5 million; Las Cruces and Albuquerque park and ride, $1 million [$1 million]; Albuquerque uptown transit center, $1 million [$1 million]

New York ($47.05 million): Poughkeepsie intermodal facility, $4 million; Suffolk County buses, $4.3 million; Rensselaer County Intermodal facility, $3.750 million; Westchester County buses, $10 million; Nassau Co. Natural gas buses, $10 million, New York City natural gas buses, $15 million [$10 million]

North Carolina ($8.6 million): Chapel Hill University buses, $1.6 million; statewide bus and bus facilities, $7 million [$27.5 million]

Ohio ($12.5 million): Statewide bus and bus facilities [$27 million]

Oregon ($2 million): Salem and Corvallis bus and bus facilities, $2 million; Lane Transit District bus system in Eugene, $1 million. [$2.55 million]

Pennsylvania ($15 million): Philadelphia Eastwick intermodal center ($2 million) [$1 million]; SEPTA small buses, $2 million; Wilkes-Barre intermodal facility, $3 million; statewide bus and bus facility projects, $8 million

South Carolina ($11 million): Columbia buses and facilities, $3 million; Pee Dee Regional Planning Authority buses and facility, $7 million; Virtual Transit Enterprise, integration of transit information processing systems, $1 million

South Dakota ($4.5 million): Sioux Falls maintenance facility

Tennessee ($15 million): Statewide bus and bus facilities projects, [$2.5 million]

Texas ($23.9 million): Galveston Transit alternatively fueled buses, $3 million; Corpus Christi Transit Authority facilities and dispatching system, $3.9 million [$1 million]; Brazos Transit Authority transit facilities and buses, $4 million [$1.35 million]; Austin Capital Metro buses, $6 million, rural Texas bus replacement program, $5 million, and Fort Worth buses, $2 million.

Utah ($13.4 million): Utah Transit Authority Olympic park and ride lots, $4 million; Park City transit buses, $.4 million; Salt Lake City Utah transit authority bus acquisition, $4 million [$5.6 million]; Salt Lake City, Utah Transit Authority Olympic intermodal transportation centers, $5 million [$5.5 million]

Vermont ($4.750 million): Burlington multimodal facility, $3 million [$1.5 million]; statewide bus and bus facilities projects, $1.750 million [$4 million]

Virginia ($2 million): Richmond multimodal center [$10 million]

Washington ($22 million): Chelan-Douglas multimodal center, $2 million; Community Transit, Kasch Park facility, $3 million; Olympic Penisula International Gateway Transportation Center, $1 million; Whatcom Transportation Authority facilities, $3 million, King County metro commuter intermodal connector, $3 million [$4 million]; King County park and ride lots, $10 million

West Virginia ($28 million): Huntington intermodal facility and buses, $9.5 million; statewide buses and bus facilities, communications and computer systems, $18.5 million

Wisconsin ($15 million): Milwaukee rail station rehabilitation, $2 million; Wisconsin transit system buses, $13 million [$11.9 million]

Of $780,000,000 provided for New Mass Transit Facilities Discretionary Assistance and all but $5.8 million is earmarked in the bill. The Administration requested $634,000,000, all of which was earmarked to fund the federal share of the 14 projects with regional transit operator systems having Full Funding Grant Agreements with the Federal Transit Administration. The 14 projects are in, or ready to begin, construction. The Committee increased the administration requests for four projects, providing:

$30 million for Denver's project instead of $21.3 million

$35 million for MARC commuter instead of $26.9 million

$64 million for Hudson-Bergen, NJ instead of $54.7 million, and

$84 million for Salt Lake City's South light rail transit project instead of the $42.7 requested.

The Committee earmarked funds for 26 projects for which NO funds were requested, as follows. Projects marked with ** received FY 97 funding in the amount shown in parentheses.

$1 million for Austin Capital Metro

$2 million for Boston urban ring

** $8 million for Burlington-Essex, Vermont commuter rail ($1 million)

$800,000 for Canton-Akron-Cleveland commuter rail

$3 million for Charleston, SC monobeam rail project

$500,000 for Cincinnati Northeast/Northern Kentucky rail line project

$5 million Clark County Nevada rapid transit commuter fixed guideway

** $14 million for DART north central light rail extension ($11 million)

$50 million for the East Side access project in New York

** $12 million for Florida tricounty commuter rail ($9 million)

$4 million for the Galveston rail trolley system

$2 million for the Griffin light rail project in Hartford, CT

$1.5 million for the Indianapolis northeast corridor

** $3 million for the Jackson, Mississippi intermodal corridor ($5.5 million)

** $1 million for the Memphis regional rail plan ($3.03 million)

$500,000 for the Nassau hub rail link environmental impact statement

** $4 million for the New Orleans Desire streetcar line reconstruction ($2 million)

** $14 million for North Carolina Research Triangle Park ($2 million)

** $6 million for Northern Indiana South Shore commuter rail ($500,000)

** $2 million for Oklahoma city MAPS corridor transit system ($2 million)

** $31.8 million for Orlando Lynx light rail project ($2 million)

** $8 million for the Pittsburgh busway projects ($10 million)

$2 million for Roaring Fork Aspen Valley rail

$8 million for Salt Lake City regional commuter systems

$24 million for Seattle-Tacoma light rail and commuter rail, and

$500,000 for Springfield-Branson, MO commuter rail

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

$450,000 is earmarked for a ''transportation emergency preparedness and response demonstration projects on the threat of tornadoes in the Southern and Midwestern States. Of the total, $400,000 is to be used to assist in ''the construction and establishment of an underground emergency transportation management center utilizing satellite communications.'' According to the report, the center ''shall be located in a region that is susceptible to tornadoes and at an elevation of over 1,300 feet above sea level . . . and be within reasonably close proximity to military, space and/or nuclear facilities to provide rapid response time.''

The bill contains a general provision prohibiting any funds in the bill from being expended unless Buy American Act provisions are complied with.

TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM AT PAINE FIELD IN WASHINGTON STATE

Mr. GORTON. Mr. President, I commend the chairman of the Appropriations Subcommittee on Transportation for the excellent job he has done on this bill, and in particular for the priority he has given to airports. The chairman has been very accommodating in looking out for the interests of Washington State. There is one program, however, that we did not address in this bill, and I would like to seek the chairman's assistance in seeing that the issue can be raised in conference. Paine Field in Everett, WA, is currently the third busiest airport in the State. In addition to being the airport from which Boeing tests its 747, 767, and 777 aircraft, I understand that a commercial airline has indicated its interest in operating from Paine Field. Despite the growing traffic, Paine Field does not have a radar system, and air traffic controllers currently use binoculars and reports from pilots to determine the positions of aircraft relative to each other.

I understand that while most radar air traffic control systems can be quite expensive, there is a new system that is far less costly and could be appropriate for testing at airports like Paine Field. This technology, called the terminal automated radar display and information system, or TARDIS, essentially reproduces in the air traffic control tower, radar images generated elsewhere. In the case of Paine Field, the data may be obtained from nearby Fort Lawton.

While it remains to be seen whether this TARDIS system is, in fact, appropriate for Paine Field, I would appreciate the chairman's assistance in revisiting this issue in conference with an eye to including report language urging the FAA to give full consideration to installing a TARDIS system at Paine Field.

Mr. SHELBY. I thank the senior Senator from Washington for his kind words, and assure him that I look forward to working with him during conference on the issue of TARDIS at Paine Field, and other issues of interest to Washington State.

APPALACHIAN DEVELOPMENT HIGHWAY

Mr. MCCONNELL. Mr. President, I have come to the floor today to raise a matter that is of great concern to me and that is the inequitable repayment policy of the Appalachian Development Highway System [ADHD] Program. States like Kentucky, Tennessee, Georgia, Mississippi, and New York, which have prefinanced Appalachian road projects, are reimbursed at a 70-percent Federal match, while States expending funds for new mileage receive an 80-percent match.

Unfortunately, this error will cost Kentucky at least $7 million if it isn't corrected. Kentucky is one of five States to prefinance Appalachian development highway projects. According to the Appalachian Regional Commission, this error will cost those States up to $30 million.

It is my understanding that this inequity is due to clerical error that occurred during consideration of the Surface Transportation Assistance Act of 1978. Language amending subsection (f) regarding regular highway funding was included, but subsection (h) on prefinancing was inadvertently left out. Both the Carter and Reagan administrations attempted to fix this inequity, but not of the efforts have succeeded.

I have requested the assistance of both the bill managers in correcting the problem. I have also sought the advice of Senator JOHN WARNER, the chairman of the Subcommittee on Transportation, which has the responsibility of authorizing this program. I appreciate their willingness to assist me in finding a solution to this problem.

Mr. President, I would like to ask the chairman of the subcommittee, Senator SHELBY his views on this matter.

Mr. SHELBY. Mr. President, the committee is aware that States have prefinanced construction projects authorized under the Appalachian highway program are reimbursed at 70 percent Federal share, while those States expending funds for the new mileage receive an 80-percent Federal share. The committee recognizes that this provision treats those States that have taken the initiative to prefinance these needed road projects differently and urges the appropriate authorizing committee to consider correcting this funding inequity over the period during which funds are made available to complete the ADHS.

Mr. MCCONNELL. Mr. President, I would like to ask Senator WARNER if he agrees with my assessment of the problem and would help me correct this error in the reauthorization of the surface transportation bill, which is set to expire on September 30.

Mr. WARNER. Mr. President, I would like to thank the gentleman from Kentucky, Mr. MCCONNELL, for his leadership in raising this matter. I agree that this inequitable reimbursement rate for States who prefinance construction projects should be addressed. As the chairman of the Transportation and Infrastructure Subcommittee of the Committee on Environment and Public Works, I will bring this matter to the attention of my committee colleagues and work to correct this problem in the surface transportation reauthorization bill.

Mr. INOUYE. Mr. President, I rise to expound upon a provision in the Transportation appropriations bill to forgive the State of Hawaii from its obligation to repay $30 million owed to the Airport Revenue Fund for ceded land payments to the Office of Hawaiian Affairs [OHA].

Current law states that airport revenues can only be used for airport purposes. The U.S. Department of Transportation's inspector general found in September of 1996, that the approximately $30 million in ceded land payments made from the Hawaii Airport Revenue Fund were not in compliance with the law. In April of this year, the U.S. Department of Transportation affirmed the decision, and is seeking the repayment of those moneys.

A continuation of the status quo—continued ceded land payments from the Airport Revenue Fund—was not possible. It was counter to the U.S. Department of Transportation's position and policy. I did not have the support of my colleagues to legislate its continuation. At this time, forgiveness of the $30 million debt was possible and achievable. I thank my colleagues for allowing for the congressional forgiveness of an airport revenue diversion in order to aid the State of Hawaii and the Office of Hawaiian Affairs.

However, I would like to make clear that as a result of the U.S. Department of Transportation ruling and the pending legislation, the removal of the Airport Revenue Fund for use by the State of Hawaii as a source of compensating the Office of Hawaiian Affairs for use of ceded lands upon which the airports sit, should not equate to a like reduction in the State's obligation to OHA under State law. This forgiveness provision should not be construed as a forgiveness of the State's obligation to OHA.

The airports continue to sit on ceded lands. The State's obligation to compensate OHA for the use of the land upon which the airports sit should also continue. The only difference would now be the source the State will draw upon to satisfy its obligation. I have viewed my role as aiding in alleviating the accumulated debt to reduce the pressure, and thereby allow the State and OHA to return to the negotiating table to work toward a mutually acceptable course of action that accepts as a premise, the existence of an obligation.

To ensure that my intent is clear in this regard, I have requested the inclusion of the following provision in section 335:

Nothing in this Act shall be construed to affect any existing statutes of the several states that define the obligations of such states to Native Hawaiians, Native Americans or Alaskan Natives in connection with ceded lands, except to make clear that airport revenues may not be used to satisfy any such obligations.

Mr. President, in light of the unique history of Hawaii's ceded lands and the obligations that flow from these lands for the betterment of the native Hawaiian people, I believe that this is more than a fiscal matter, this is a fiduciary matter—one of trust and obligation. Section 335 ensures that the State of Hawaii and OHA would not be required to return funds already in their possession. It is my expectation that this will calm the waters and clear the way for reasoned negotiations as the State, in good faith, looks to satisfy its obligations from other sources.

Mr. SHELBY. Mr. President, I know of no further amendments to S. 1048 at this time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House companion bill.

The legislative clerk read as follows:

A bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of S. 1048, as amended, is inserted.

Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill was read the third time.

Mr. SHELBY. I ask unanimous consent that the vote occur on passage of H.R. 2169 immediately following the vote with respect to S. 39, the tuna-dolphin bill, which will occur tomorrow morning.

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

Without objection, rule XII is waived as well.

MEASURE READ FOR FIRST TIME—S. 1085

Mr. LAUTENBERG. Mr. President, it is my understanding that S. 1085, introduced earlier by Senator WELLSTONE, is at the desk. I ask for its first reading under rule XIV.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1085) to improve the management of the Boundary Waters Canoe Area Wilderness, and for other purposes.

Mr. LAUTENBERG. Mr. President, I now ask for a second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. SHELBY. 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.

PREGNANCY-BASED SEX DISCRIMINATION IN MEXICO'S MAQUILADORA INDUSTRY

Mr. LEAHY. Mr. President, I want to bring to the attention of the Senate that Human Rights Watch, the International Labor Rights Fund, and Mexico's National Association of Democratic Lawyers have asked the U.S. National Administrative Office [U.S. NAO] to investigate reports of widespread pregnancy-based sex discrimination in Mexico's maquiladora industry.

These organizations report that maquiladoras routinely administer pregnancy exams to prospective female employees in order to deny them work, in blatant violation of their privacy. Female employees face invasive questions about contraceptive use, sexual activity, and menses schedules. In some cases, women who become pregnant after being hired are forced to resign. Maquiladora owners fear that pregnant women will reduce production standards and that legally mandated maternity benefits will drain industry money. The report concludes that the Mexican Government has failed to investigate these discriminatory practices in violation of their own laws and NAFTA.

The request for an investigation is the first of its kind that has been brought before the U.S. NAO. The case represents an important opportunity to convey to our trading partners and United States corporations who have operations in Mexico that sex discrimination is intolerable, illegal, and in violation of NAFTA.

As we consider expanding NAFTA benefits to the Caribbean Basin and other South American countries, the United States should demonstrate to our trading partners that we take labor rights violations seriously. I hope the U.S. NAO will consider this case expeditiously and I look forward to its report. The priviledge of free trade and its economic benefits should be conditional upon the trading partners abiding by the same labor and environmental laws.

THE SHAW'S SUPERMARKET LABOR CONTROVERSY

Mr. KENNEDY. Mr. President, for the past 2 days, 6,500 workers have been on strike at the Shaw's Supermarket chain in southeastern Massachusetts and Rhode Island. These workers are members of the United Food and Commercial Workers Union. For months, they negotiated in good faith with their employer in an effort to reach a collective bargaining agreement fair to both sides.

But no agreement could be reached. The company insisted on cutting