S. 1087. A bill to provide for the modernization of port and rail access in northern New England, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 1088. A bill to suspend temporarily the duty on ACM; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. FORD, Mr. SANTORUM, Mr. HARKIN, Mr. INOUYE, Mr. INHOFE, Ms. MIKULSKI, Mrs. BOXER, Mr. ROCKEFELLER, Mr. BRYAN, and Mr. DURBIN):

S. 1089. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS (for himself, Mr. JOHNSON, Mr. MCCONNELL, Mr. GRASSLEY, Mr. BROWNBACK, Mr. THURMOND, Mr. HELMS, Mr. DASCHLE, Mr. COCHRAN, Mr. HATCH, Mr. INHOFE, and Mr. CONRAD):

S. 1090. A bill to specify that States may waive requirements relating to commercial drivers' licenses under chapter 313 of title 49, United States Code, with respect to certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1091. A bill to amend title 23, United States Code, to provide for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 1092. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. MCCAIN):

S. 1093. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself and Mr. WARNER):

S. Res. 110. A bill to permit an individual with a disability with access to the Senate floor to bring necessary supporting aids and services; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Con. Res. 46. An original concurrent resolution expressing the sense of the Senate regarding the terrorist bombing in the Jerusalem market on July 30, 1997; from the Committee on Foreign Relations; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Ms. SNOWE and Mr. LEAHY):

S. 1087. A bill to provide for the modernization of port and rail access in northern New England, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OLDER INDUSTRIAL REGION RAIL/PORT ACCESS AND MODERNIZATION ACT

Mr. JEFFORDS. Mr. President, I rise today with Senator SNOWE to introduce legislation to aid the growth of commerce throughout New England. The Older Industrial Region Rail and Port Access and Modernization Act aims to improve northern New England's aging rail infrastructure and ocean ports to speed delivery of goods and people throughout the region.

New England was built by the railroads. But in our modern economy, highways have captured a majority of the commerce, supplanting rail. As we reach the end of this century, our region has begun to recognize the importance of railroads, and their vital role in our expanding economy. Efficient highways run north to south in northern New England, but we have no east to west roads sufficient to handle growing trade and commerce. As Vermont, New Hampshire, and Maine work together to compete in this global economy, our success is dependent on our mutual efforts to improve access to markets. We will succeed only if modern freight railroads can serve the entire region and through our ports bring goods to market across the Nation and around the world.

Rail lines throughout northern New England have been neglected for many years. Crumbling rail beds and constricted passage has limited the movement of freight and passenger trains and restricted rail access to deep water ports. Older bridges, deteriorated tracks, inadequate tunnels all contribute to a rail system that fails to fulfill the needs of the three-State area. As a result, commerce throughout the region suffers.

A recent report by Cambridge Systematics, entitled ''New England Transportation Initiative,'' indicates that northern New England's economy cannot fully expand without a carefully planned and implemented intermodal strategy. The study predicts that Maine's ports will gradually lose business to southern ports, primarily in New Jersey and New York, because of inadequate rail transportation and port access. In addition, the study predicts that business and jobs in New Hampshire and Vermont will not keep pace with other regions without a better strategy to efficiently move goods and people.

An exhaustive analysis by the Eastern Border Transportation Coalition regarding the trade and traffic flows across the eastern United States-Canada border projected a trade increase of close to 200 percent by the year 2015. The report also outlines that this increase could be hampered by a lack of adequate transportation options and overcrowded roads and highway border stations. To avoid this setback, rail options must be available. Without proper infrastructure development, New England's chance to take advantage of such economic growth will diminish.

The legislation we introduce today will authorize Federal spending to rehabilitate rail beds in Vermont, Maine, and New Hampshire, enabling them to improve their freight rail traffic and better handle the movement of goods and people with their borders. States will be able to apply separately to the U.S. Secretary of Transportation for individual grants. Grant funding is provided for a variety of categories: Port development and access; bridge and tunnel obstruction repair and replacement; repair of railroad beds; and development of intermodal facilities, including intermodal truck-train transfer facilities. Revitalization of these resources will allow freight and passenger trains to move freely throughout the region, reconnecting railroad towns long separated by the hazards of unpassable tracks.

The bill also establishes a loan assistant program. Railroad companies in Vermont, Maine, and New Hampshire will be able to access low interest loans to improve their rail lines in the region. The loans can be used for purchase of rolling stock, development of maintenance facilities, and many other capital improvements.

Without this legislation, Vermont, New Hampshire, and Maine may fail to benefit from future growth opportunities. Even though international shipping trade is expected to increase by 20 percent in the next 5 years, New England is less likely to benefit from the influx of business and jobs because of its decaying rail and port infrastructure. Improving rail lines will bring new life to our region, strengthening our industries and thereby our economies.

Mr. President, I would urge action on this legislation, because, as we are learning, ports and railroads are the life lines that will help to ensure the well-being of all of northern New England.

Ms. SNOWE. Mr. President, I rise today with my colleague and good friend, Senator JEFFORDS of Vermont, to introduce the Older Industrial Region Rail/Port Access and Modernization Act.

There is an old Yankee saying ''you can't get there from here''. If we do not take steps to upgrade our aging transportation infrastructure in order to allow us to be a vigorous competitor for the movement of goods, that saying may become a sad reality. That is why the bill we introduce today is so important to northern New England's future, because its purpose is to revitalize our aging rail infrastructure. As much as rail is a part of our Nation's history, it is also the pathway to a bright economic future.

The bill, which covers Vermont, New Hampshire, and Maine, will provide funding for improving and modernizing our freight rail system—removing obstacles like low bridges that constrict the use of double-stack trains, and intermodal facilities construction and maintenance. It would also provide funding to assist Maine's ports in updating and modernizing their facilities

and rail transport access. This upgrading is particularly important as studies have shown that Maine's ports are losing business to southern ports because of inadequate rail transport and access.

Under the bill, an 80/20 Federal/State share grant program would be created. The States could use this money for first, connecting all railroads to ports; second, removing, repairing or replacing bridges or other obstructions that inhibit the use of double-stack rail cars; third, repairing, upgrading and purchasing railbeds and tracks and fourth, constructing, operating and maintaining intermodal truck-train transfer facilities and train maintenance facilities.

Intermodalism is the future, as we have seen from the success of ISTEA. I have seen it at the intermodal facility in my hometown of Auburn, ME. Secretary of Transportation Rodney Slater visited the facility earlier this year with me and other members of the Maine delegation. After the visit, he told me that Auburn was a model facility that he would use in his travels as an example of how well the concept works when done correctly. Our bill will provide States with the flexibility to encourage new facilities and to upgrade current ones. It will provide our businesses with better, faster, more cost effective access to out of State markets and it will increase the viability of our three ports—Portland, Eastport, and Mack Point—by making them more attractive options for shipping and receiving goods.

More important is the basic fact that a modern transportation system is vital to any economic development. Our bill will allow the northern New England States to upgrade their aging infrastructure to ensure that we do not allow future economic development and growth to slip away because we cannot meet the transportation needs of business and industry in the coming years.

By Mr. ROTH:

S. 1088. A bill to suspend temporarily the duty on ACM; to the Committee on Finance.

LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON ACM

Mr. ROTH. Mr. President, I rise to introduce a bill to suspend the duty through December 31, 1999, on a product commonly known as ACM or [3-(Acetoxy)-3-cyanopropyl] methyl-phosphinic acid butylester, which falls under subheading 2931.00.90 of the Harmonized Tariff Schedule of the United States. ACM is an essential ingredient in the production of glufosinate ammonium, a patented nonselective, broad-spectrum herbicide, manufactured by AgrEvo USA under the brand name Liberty and used primarily in corn and soybean cultivation.

The cost to import ACM currently comprises roughly 90 percent of the total cost of manufacturing glufosinate ammonium. Suspension of this duty will substantially lower AgrEvo's cost of production and thereby improve the company's competitiveness.

By Mr. SPECTER (for himself, Mr. FORD, Mr. SANTORUM, Mr. HARKIN, Mr. INOUYE, Mr. INHOFE, Ms. MIKULSKI, Mrs. BOXER, Mr. ROCKEFELLER, Mr. BRYAN and Mr. DURBIN):

S. 1089. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRCRAFT REPAIR STATION SAFETY ACT OF 1997

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to address aviation safety concerns which arise out of the proliferation of aircraft repair facilities outside the United States which are used by airplanes that fly within our Nation every day. This legislation would change current regulations so that U.S. aircraft are repaired to the maximum extent possible by professional U.S. mechanics, properly trained and supervised, using certified parts. This bill also addresses the critical issue of substandard or uncertified airplane parts, known as bogus parts.

I am pleased to be joined by 10 of my Republican and Democratic colleagues in introducing the Aircraft Repair Station Safety Act of 1997, which is similar to a bill introduced by my colleague from Pennsylvania, Congressman BORSKI (H.R. 145) which currently has 135 cosponsors.

A key focus for many of us in the 105th Congress is aviation safety. As a member of the Transportation Appropriations Subcommittee, I have worked with my colleagues to ensure that we spend the maximum amount possible on improving our aviation infrastructure for safety purposes, including altogether new runways, runway extension projects, and new generations of radar and landing systems. Air travel is an essential element of our lives, as millions of Americans use airplanes for personal and business trips. Our economy is deeply rooted in the success of our aviation system, which makes it even more critical that we take all necessary steps to enhance aviation safety.

This legislation is intended to address a regulatory loophole created in November, 1988, when the Federal Aviation Administration promulgated new rules which weakened the restrictions on certification for foreign aircraft repair stations. The 1988 changes have resulted in a situation where FAA certification—the highest seal of approval in the world—is much too easy to obtain. Prior to those changes, a foreign repair facility had to demonstrate that there was a need to service aircraft engaged in international travel before they could get certified. But now, a station can receive FAA certification for the simple goal of attracting U.S. business. I am advised that repair stations in Tijuana, Mexico and Costa Rica applied for and received FAA certification even though few expect these locations to become new hubs for international travel. Instead, these facilities are becoming new hubs for stealing U.S. jobs and could potentially jeopardize aviation safety because of inadequacies in U.S. regulatory oversight.

One example of where work performed on an aircraft at a foreign facility had significant repercussions within the United States was the 1994 engine explosion and fire on a Valujet plane on the runway at Atlanta's Hartsfield International Airport, which necessitated the evacuation of the 57 passengers. According to media reports, the work was done at a Turkish repair station that lacked FAA approval, and whose shabby business practices included plating over a cracked and corroded compressor disk. Had the explosion occurred in midflight, the results could have been catastrophic.

When the 1988 regulations were adopted, the FAA expected that the number of foreign repair stations it certified would rise from the level of 200 to possibly 300 or 400. I understand that there are now nearly 500 such foreign aircraft repair stations with FAA certification. This comes at a time, however, when the FAA is having enough trouble inspecting domestic repair stations and enforcing aviation safety rules within facilities in the 50 States. I find it hard to believe that the FAA has sufficient resources to adequately investigate problems at the 480 foreign aircraft repair facilities in addition to its U.S. responsibilities.

I am advised that one recent phenomenon is that foreign repair facilities are being used by some U.S. carriers on a contract basis as a means of holding down costs, and some have become what have been termed virtual airlines because so little maintenance and repair work is done in-house. Instead of aircraft repair work being done at relatively few sites, countless contractors and subcontractors domestically and abroad are now filling that function.

I would note that the Gore Commission on Aviation Safety and Security stated in its Final Report of February 12, 1997 that:

> Considerable attention has been given to the issue of outsourcing of maintenance and other work, particularly in the wake of the Valujet crash. The Commission does not believe that outsourcing, in and of itself, presents a problem—if it is performed by qualified companies and individuals. *The proper focus of concern should be on the FAA's certification and oversight of any and all companies performing aviation safety functions, including repair stations certificated by the FAA but located outside of the United States.* (Emphasis added.)

A problem is that under the current regulatory framework, foreign aircraft repair stations have not had to demonstrate legitimate need or to meet all the standards and procedures imposed on U.S. stations. For example, I am advised that domestic facilities and their employees must meet rigorous worker

surveillance standards including broad drug and alcohol testing requirements. Many other nations seeking to compete do not have these same requirements in place or the same level of enforcement. There is also a discrepancy between the requirement that certain mechanics at a U.S. facility are certified airmen and the absence of such a mandate on certified foreign repair stations. One would think that this requirement is important enough to be imposed wherever a plane which flies within our borders is repaired and maintained. Accordingly, this legislation provides that all standards imposed on domestic repair stations and their employees must be imposed on foreign facilities and their employees.

In sponsoring this legislation, I am not attempting to deprive U.S. carriers of access to foreign repair facilities when necessary. Strategically based foreign repair stations have been part of our aviation network since 1949, when it was recognized that such stations were needed for the repair of U.S. aircraft operating outside our airspace. In addition, foreign manufacturers producing FAA-approved air frames or components have traditionally been allowed to support their products. Further, it is my intention that this legislation would not hinder the repair of U.S. aircraft abroad which do not operate within the United States.

This legislation would not change these accepted practices, but would give the FAA the opportunity to revisit this issue by returning the regulations governing the certification of repair stations to what they were before November, 1988. This legislation is aimed at the proliferation of foreign FAA-certified repair facilities which exist to service aircraft that, except for the cheap labor and lower regulatory oversight, would never leave the United States.

This legislation would also clamp down on the possibility that aircraft repair stations would knowingly use bogus parts instead of properly certified parts. The bogus airplane parts trade has become lucrative and gives real cause for concern. The FAA and law enforcement agencies have cracked down in recent years, resulting in 130 indictments across the country as of May, 1997 of people suspected of being dealers of bogus airplane parts. In one troubling media account, when an American Airlines plane crashed in Colombia in 1995, salvagers extracted valuable components from the plane before even all the bodies were collected and the parts were offered for sale in Miami shortly thereafter. Under this bill, if a facility is found to have knowingly used bogus parts, the FAA will revoke its certification.

In closing, I want to reiterate that the Aircraft Repair Station Safety Act of 1997 is a sensible approach to increased aviation safety. This is more than just a jobs issue; peoples lives and our economy are at stake. At a time when the FAA's resources are stretched thin, I do not believe it is in the public interest to continue to certify foreign aircraft repair facilities which we cannot observe or regulate adequately.

I look forward to working with the members of the Senate Commerce, Science, and Transportation Committee on this issue, as well as the carriers, both passenger and cargo, which operate under current regulations and whom I hope will support this legislation.

By Mr. BURNS (for himself, Mr. JOHNSON, Mr. MCCONNELL, MR. GRASSLEY, Mr. BROWNBACK, Mr. THURMOND, Mr. HELMS, Mr. DASCHLE, Mr. COCHRAN, Mr. HATCH, Mr. INHOFE, and Mr. CONRAD):

S. 1090. A bill to specify that States may waive requirements relating to commercial drivers' licenses under chapter 313 of title 49, United States Code, with respect to certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WAIVER LEGISLATION

Mr. BURNS. Mr. President, today I rise to correct an unintentional Federal burden that has been placed on a sector of our Nation's agricultural community.

The Commercial Motor Vehicle Safety Act of 1986 subjected operators of large trucks and buses to new regulations including the requirement that States devise a commercial driver's license [CDL] program by April 1, 1992.

The intent of this act was to improve highway safety by requiring a higher level of qualification and knowledge for those engaged in commercial trucking activities and was primarily aimed at addressing the safety issue of over-the-road, long-haul truckers.

In 1988, the Federal Highway Administration [FHwA] granted States the authority to waive the CDL requirements for farmers and others who operate large vehicles incidental to their occupations. States retained the right to impose restrictions and conditions on those for whom the waiver was applied.

Unfortunately, the CDL requirement continues to apply to many vehicle operators who are neither a highway safety hazard or engaged in commercial trucking enterprises. Such is the case of those engaged in the unique, seasonal business of harvesting the Nation's crops.

Custom harvesting is a service industry which, for a fee, provides farmers the personnel and equipment necessary to harvest their crops; relieving them of the need to invest, operate and maintain the costly, specialized equipment which can only be utilized on a limited seasonal basis.

Incidental to this service is providing the transportation equipment and drivers necessary to deliver those crops to on-farm or local storage or processing facilities.

This service harvests nearly 60 percent of the Nation's entire wheat crop from my State of Montana to Texas and many wheat growing States in between.

The vast majority of miles driven in providing this service are off-road or on low traffic density rural roads and highways. Because of the unique nature of this business and the substantial investment in equipment, the owner-operator of these predominantly small, family-owned businesses devote a significant amount of time and resources to employee training and safety education which is relevant to the service they provide, rather than simply accepting the generally inappropriate standards based on the urban-suburban driving needs requires for a CDL.

In addition, close supervision of the harvesting and transport activities is provided both during the actual harvesting operations and the movement of equipment from site to site.

Given the failure of the FHwA to acknowledge the unique characteristics of the custom harvesting business and to provide a reasonable waiver to States to determine an appropriate level of regulation for this industry, we are introducing legislation to provide States the authority to grant an exemption from the CDL requirements.

This legislation does not mandate that those engaged in activities such as custom harvesting will be unregulated. It does provide those States, who wish to do so, the opportunity to provide regulatory relief to an industry which is critical to the production of food and fiber in this country.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

JUNE 26, 1997.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: Recently you received a letter from Senator Conrad Burns and Tim Johnson requesting your co-sponsorship of legislation to modify the Commercial Driver's License (CDL) requirements for those engaged in custom harvesting and processing of our nation's crops. The membership of the undersigned organizations urge you to join in supporting the legislative relief provided in their bill.

The Commercial Motor Vehicle Safety Act of 1996, required that states develop and implement a CDL program by April 1, 1992 and a drug and alcohol testing program in 1996. It was intended to improve the safety performance of commercial, over-the-road trucking enterprises. In recognition of the unique nature of some trucking activities, the Federal Highway Administration provided States the authority to waive the CDL requirements for farmers, firefighters and others who operate large vehicles as part of their day-to-day business, but who were not engaged in commercial trucking. Individual states retained the ability to develop conditions and restrictions as part of the waiver process. Unfortunately, the CDL requirements still apply to that sector of agriculture which provides an important seasonal service by harvesting this nation's food and fiber crops and delivering the harvest to storage or processing for

individual farmers. These businesses pose little safety hazard, and are not engaged in hauling crops on a commercial basis. Their operations predominantly require skills associated with driving off-road or in low traffic density areas. Unlike commercial trucking operations, the drivers involved in the harvest are closely supervised both during the harvest activities and those limited times when they must utilize the nation's highway system to move from farm to farm.

Harvesters and agriculture processors currently provide education, training and experience for drivers that is directly applicable to the conditions those drivers will face throughout their employment. The CDL requirements force the employer to also train their drivers so they can obtain a license which is of little practical use in their workplace. This dual burden is costly, time consuming and has reduced the ability of the industry to find competent employees.

The legislation proposed by Senator Burns and Johnson does not eliminate the CDL requirement for all drivers in all states. It does, however, provide States the opportunity to determine the appropriate level of regulation which should be applied to this important segment of the agriculture industry.

We urge you contact Senator Conrad Burns (Randall Popelka 224–2644) or Senator Tim Johnson (Sarah Dahlin 224–5842) and join them in ensuring that custom harvesters and agriculture processors are able to continue providing this safe, professional, efficient and competitive service which benefits all Americans.

Sincerely,

American Farm Bureau Federation; National Barley Growers Association, National Cotton Ginners Association; U.S. Custom Harvesters, Inc.; National Association of Wheat Growers; National Cotton Council, and the National Grain Sorghum Producers Association.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1091. A bill to amend title 23, United States Code, to provide for maintenance of public roads used by schoolbuses serving certain Indian reservations; to the Committee on Environment and Public Works.

THE INDIAN RESERVATION SCHOOL ROADS MAINTENANCE ACT OF 1997

Mr. BINGAMAN. Mr. President, I rise today to introduce the Indian Reservation School Roads Maintenance Act of 1997. This bill, which is being cosponsored by my colleague from New Mexico, Senator DOMENICI, addresses a unique situation with respect to roads in and around Indian reservations and nearby counties that is actually preventing children from getting to and from school safely. Because of the unique nature of this situation, it can only be addressed at the Federal level.

I would like to start with an example of this unique problem and why I believe a Federal solution is necessary. As you can see, Mr. President, this first chart is a map of the Navajo Reservation in New Mexico, Arizona, and Utah. The Navajo Nation is by far the Nation's largest Indian reservation, covering 25,000 square miles. To give you an idea of its size, there are 10 States that are smaller than this reservation. For instance, it is the same size as the State of West Virginia.

According to the Bureau of Indian Affairs, there are 9,000 miles of roads that serve the Navajo Nation. Only one-fifth of these roads are paved—the rest, over 7,000 miles, are dirt roads. The schoolbuses have to use nearly all of the 9,000 miles of roads each and every day to get the kids to and from school.

About 6,400 miles of these roads on the reservation are BIA roads and over 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads, are considered part of the Indian reservation road system. However, only BIA roads are eligible for Federal maintenance funding from BIA, and generally, construction and improvement funding from the Federal Lands Highways Program in ISTEA is applied to BIA roads. On the other hand, States and counties are responsible for maintenance and improvement of their roads.

Mr. President, the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation, given the resources most of these counties have. For example, counties around the Navajo Reservation are predominantly comprised of Federal or tribal lands. Three-quarters of McKinley County in my State of New Mexico is either tribal or Federal land, including BLM, Forest Service, and military. This next map is of McKinley County, and as you can see, Mr. President, everything shown on this map that is either orange, yellow, green, or red, is tribal or Federal land. The Indian land area alone comprises 61 percent of the county. As you can see, everything else is county land, which is a very small fraction of total land area. Therefore, there is a very small tax base on which the county can rely as a source of revenue for maintenance purposes. The picture for San Juan County in the northwest corner of New Mexico is very much the same.

Mr. President, families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and get a good education. However, the miles and miles of unpaved, deficient roads in this vast area are frequently impassable. If the schoolbuses don't get through, the kids simply cannot get to school.

Of the 600 miles of county-maintained roads in McKinley County, 550 miles serve Indian land. Because of the vastness of the reservation, this is a cost that the counties in New Mexico, Arizona, and Utah simply cannot and should not have to bear without Federal assistance. Indeed, because of the large tribal and Federal presence in these counties, it is encumbent upon the Federal Government to provide this assistance.

What my bill does is set aside $10 million from the highway trust fund that counties such as these can apply for to help maintain the roads used by schoolbuses to carry children to school or to a Headstart program. Let me be very clear: these Federal funds can be used only on roads that are located within, or that lead to the reservation, that are on the State or county maintenance system, and that are used by schoolbuses.

Let me just state again, Mr. President, that maintaining schoolbus routes in this vast area is a unique problem that only the Federal Government can effectively deal with.

I don't believe any child wanting to get to and from school safely should have to risk or tolerate unsafe roads. Kids today, particularly in rural areas, already face enough barriers to getting a good education. I ask all Senators to join with me in assuring that all schoolchildren at least have a chance to get to school safely and have an opportunity for an education. I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that the full text of the bill, a summary, a McKinley County Commission resolution, a letter from the McKinley County road superintendent, David Acosta, and a letter from the Northwest New Mexico Council of Governments be included in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIAN RESERVATION SCHOOL ROADS.

(a) FUNDING.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1919) is amended by adding at the end the following:

''(D) INDIAN RESERVATION SCHOOL ROADS.—For maintenance of Indian reservation school roads $10,000,000 for each of fiscal years 1998 through 2003.''.

(b) DEFINITION OF INDIAN RESERVATION SCHOOL ROAD.—Section 101 of title 23, United States Code, is amended by inserting after the undesignated paragraph defining ''Indian reservation roads'' the following:

''The term 'Indian reservation school road'' means a public road that—

''(A) is within, is adjacent to, or provides access to an Indian reservation (including associated trust land and restricted Indian land) having a land area of 10,000,000 acres or more; and

''(B) is used by a school bus to transport children to or from a school or Headstart program.''.

(c) MAINTENANCE UNDER THE FEDERAL LANDS HIGHWAYS PROGRAM.—Section 204 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a) by striking ''and Indian reservation roads'' and inserting ''Indian reservation roads, and Indian reservation school roads'';

(2) in subsection (b), by inserting after the second sentence the following: ''Funds available for Indian reservation school roads shall be used by the Secretary to pay for the cost of maintenance of Indian reservation school roads in accordance with subsection (k).'';

(3) in the last sentence of subsection (c), by striking ''The Bureau'' and inserting ''Subject to subsection (k), the Bureau''; and

(4) by adding at the end the following:

''(k) INDIAN RESERVATION SCHOOL ROADS.—

''(1) FUNDING.—A State or county with an Indian reservation school road on its maintenance system may apply for funding from the Secretary for maintenance of the Indian reservation school road, which the Secretary may grant if the Secretary determines that funding for maintenance of the road from other sources is not sufficient to provide maintenance that ensures the safety and welfare of children being transported in a school bus to and from a school or Headstart program.

''(2) METHOD OF CONTRACTING.—All maintenance work funded under this subsection shall be performed—

''(A) by contract awarded by competitive bidding; or

''(B) by a State or county that the Secretary has determined has the ability to administer efficiently funds granted for the maintenance of Indian reservation school roads.

''(3) SUPPLEMENTARY FUNDING.—The Secretary shall ensure that funding made available under this subsection for maintenance of Indian reservation school roads for each fiscal year is supplementary to and not in lieu of any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.''.

BILL SUMMARY—INDIAN RESERVATION SCHOOL ROADS MAINTENANCE ACT OF 1997

The bill creates a new category of funding called ''Indian reservation school roads'' in the existing Federal Lands Highways Program (ISTEA, section 204 of title 23). This new category is in addition to the existing Indian reservation roads category. The authorized level of funding is $10 million per year for six years from the Highway Trust Fund, other than the mass transit account.

Indian reservation school roads are defined to be public roads that are within, adjacent to, or provide access to an Indian reservation (including associated Indian trust lands and restricted Indian lands) with a land area of at least 10 million acres and are used by school buses to transport children to or from school or Headstart programs.

A state or county with an Indian reservation school road on its maintenance system may apply to the Secretary of Transportation for funding for maintenance of a school bus road. The Secretary may grant funding if the Secretary determines the roads are not being maintained adequately to ensure the safety and welfare of children being transported to and from school or headstart program.

Maintenance work shall be performed by contract awarded by competitive bidding or by a state or county that the Secretary has determined has the ability to administer funds granted for the maintenance of Indian reservation school roads.

Funds provided for maintenance of Indian reservation school roads is supplemental to any funding for maintenance of Indian reservation roads provided by the Bureau of Indian Affairs.

STATE OF NEW MEXICO, COUNTY OF MCKINLEY, RESOLUTION NO. SEP–96–078

Whereas, the McKinley County Board of Commissioners has entered into a intergovernmental agreement with the Navajo Nation and the Bureau of Indian Affairs (BIA) to provide road maintenance on school bus routes within the McKinley County portion of the Navajo Nation; and

Whereas, McKinley County, the Navajo Nation and the BIA are aware of the many additional miles of roads on the reservation that are used for school bus routes but are not maintained due to a shortfall in maintenance funds; and

Whereas, the maintenance of school bus routes is necessary and a benefit to Navajo students and will provide continued access to the public education system in McKinley County; Now, therefore be it

Resolved, That McKinley County requests that in the reauthorization of the ISTEA program in 1997 that the United States Congress allow twenty-five percent (25%) of those funds allocated to the Navajo Nation for new road construction, be set aside for maintenance of existing school bus routes.

Passed, approved and adopted by the governing body at its meeting of September 30, 1996.

COUNTY OF MCKINLEY,
Gallup, NM, August 29, 1996.

Hon. JEFF BINGAMAN,
Senator, New Mexico,
Senate Office Building, Washington, DC.
Attention: Mr. Steve Clemens

DEAR STEVE: McKinley County is responsible for the maintenance of approximately 591.343 miles of roadway. Approximately 450 miles consist of unimproved dirt roads. The majority of roads serve as school bus routes for the Gallup-McKinley County Schools, BIA Schools, and several private and parochial schools. McKinley County is comprised of approximately 5,454 total square miles, with approximately 61% of the land base classified as Native American and BIA lands. McKinley County has approximately 540 miles of maintained roads which provide access to and within the Indian Reservation, Indian Trusts Lands, and Restricted Indian Lands.

Our request is that the upcoming Intermodal Service Transportation Efficiency Act (ISTEA) legislation be modified to provide greater flexibility in the use of ISTEA funds on local roadways, or modify the upcoming reauthorized version of ISTEA to establish a ''Rural Area Set Aside for Local Roads''. McKinley County would benefit greatly if County Government could become eligible under the Indian Reservation Roads (IRR) set aside funding. Currently the funding consists of $191 million dollars per fiscal year which is allocated directly to Indian Tribes and BIA.

The current legislation prohibits the use of ISTEA Surface Transportation Funds for any roads that are functionally classified as local or rural minor collectors. Since virtually all County roads fall under this category, counties throughout the nation do not currently qualify for ISTEA funding.

On behalf of all counties within New Mexico, we are requesting that the reauthorization of ISTEA funding have the specific language which will provide funding for County Government.

If you have any questions or need further clarification, please do not hesitate to notify me at (505) 722–7171. Thank you for your assistance and support to McKinley County.

Sincerely,

DAVID J. ACOSTA,
Road Superintendent.

NORTHWEST NEW MEXICO
COUNCIL OF GOVERNMENTS,
Gallup, NM, July 25, 1997.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express my support and endorsement of your proposed bill pertaining to school bus route roads on the Navajo Nation Reservation. (An amendment to Section 1000 (a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991) The school bus routes in northwest New Mexico, like much of the road network in the region, are not well maintained. McKinley and San Juan Counties public school systems, the BIA, and private schools all provide educational opportunities to children on the Navajo Reservation. The counties' school system, and school bus route system is extensive, yet there are not adequate funds to maintain school bus routes at the county level. Other routes and counties in and around the Navajo Reservation have these same problems.

This additional funding would allow the county school systems to provide safe, adequate transportation of children on the reservation to and from school.

Please contact me if you have any questions.

Sincerely,

PATRICIA LUNDSTROM,
Executive Director.

By Mr. MURKOWSKI:

S. 1092. A bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, AK, and King Cove, AK, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to benefit one of Alaska's most isolated regions, the Alaska Peninsula. This bill, The Izembek Refuge Land Exchange Act, provides a balanced approach to a difficult problem. In this remote area, there is a small Aleut Native village, King Cove, which is completely isolated from other Alaska cities and towns, and the rest of the world. The only way you can get to King Cove is by air or sea. And in this part of Alaska, the weather is so bad that neither sea or air is very reliable.

My bill will permit King Cove to be connected to the rest of the world through a road link to Cold Bay, a regional center, and the location of a good, all weather airport which can provide year round and emergency medical evacuation for the residents of King Cove. Currently, when somebody is injured or gravely ill, treatment is at the mercy of weather and sea conditions.

Mr. President, King Cove is a tough place to live and the residents are tough and independent people. Their ancestors migrated to this part of the State thousands of years ago and have made a life out of this area with its rich bounty of fish. But people get sick there just like any place in the country, emergencies happen there more than most other places in America because the lifestyle is so close to the edge.

We have had long debates in this body this year about access to health care. Nowhere does this take on a more dramatic meaning than in King Cove. When I say access, I mean access. That means the actual physical ability to get to a hospital in Anchorage or Seattle to get the specialized health care needed in the event of a serious emergency or sickness. Right now, the residents of King Cove do not have this access. Since 1981, 11 air crash fatalities have occurred flying residentS from King Cove to Cold Bay. Numerous other crashes have also occurred, luckily without fatalities.

Many of these crashes involved flying injured or sick people out of King Cove in an attempt to get emergency care. Often the trip to care is as dangerous as the infliction itself. For example, in 1981, a medivac plane was forced to leave King Cove for an emergency/life and death rescue mission. There was no alternative to this flight and the plane crashed. Four people died including the pilot and the medivac victim. Six years ago another fatal crash occurred with six people killed. The list goes on.

This is a terrible place to have to fly out of if you cannot afford to wait. On medical emergencies, nobody can afford to wait. These residents are predominantly Alaska Natives, Aleuts for the most part. They have a good Alaska Native hospital available to them in Anchorage. In fact, thanks to this body, it is a new hospital with great facilities. But it might as well be on the dark side of the Moon for the residents of King Cove. When they need it, they can't be sure they will be able to get to it.

This legislation provides the solution by allowing ground access to an all-weather runway only 30 miles from King Cove in Cold Bay. In fact, thanks to World War II, Cold Bay has the third longest runway in the State. The runway has modern all weather equipment such as instrument landing systems and many other modern landing system improvements. In the past 4 years, the Cold Bay airport has seen only one instance in which air traffic from Anchorage could not land. It is safe to say that air operations can occur here in virtually all weather and can accommodate the King Cove emergency needs at all times. With no road between King Cove and Cold Bay there will be no hope for those seeking help. My bill would provide a land exchange that will permit the road to be built between King Cove and Cold Bay. This is the reasonable solution.

Mr. President, there is a need for this road, but there will be concerns raised because most of that road will be sited through the Izembek National Wildlife Refuge. This is unavoidable. The refuge is located completely astride the route between King Cove and Cold Bay. This is nobody's fault, and I know that the Fish and Wildlife Service has concerns. I also have concerns and my constituents and I are prepared to do what it takes to minimize the impact of this road on the surrounding area and resources.

The King Cove Corp. has proposed an exchange for valuable wetlands it owns near the refuge for the road right of way. The bulk of the right of way is already owned by King Cove as an inholding in the refuge. Only 7 miles is not owned by King Cove and this is the Federal land which would be exchanged under my bill. That portion is in the wilderness portion of the refuge, but there is no alternative to this except further danger to my constituents and the inevitable death and destruction to future victims of the next air crash.

Mr. President, I stand ready to work with the Fish and Wildlife Service to make this as constructive process as possible, but make no mistake, it is absolutely critical that this road be built. My constituents deserve a way to save their lives in times of emergency. They cannot be hostage to fear for life and limb.

By Mr. KERRY (for himself and Mr. MCCAIN):

S. 1093. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and for other purposes; to the Committee on finance.

LAO PEOPLE'S DEMOCRATIC REPUBLIC MOST-FAVORED-NATION LEGISLATION

Mr. KERRY. Mr. President, today I am introducing legislation, along with Senator MCCAIN, to extend nondiscriminatory treatment most-favored-nation treatment to the products of the Lao People's Democratic Republic. To avoid confusion, let me say at the outset that this bill, if enacted into law, would not give Laos special tariff treatment but rather put it on a par with the vast majority of our trading partners. This bill is identical to H.R. 2132, introduced in the House of Representatives by Congressman CRANE. The administration strongly supports this bill.

Recognizing the importance of a free market economy to economic growth and development, Laotian political leaders, in the late 1980's, made a fundamental decision to abandon Laos' centrally planned economic system and adopt free market reforms. Since taking this decision, the Laotian Government has embarked upon a constant process of reform. Over 90 percent of the 600 state-owned enterprises have been privatized. The foreign investment code, first adopted in 1989, was further liberalized in 1994 to make it consistent with World Trade Organization [WTO] standards. Laotian tariffs have been consistently reduced. An import-export regime consistent with WTO standards has been legislated. In 1995 an intellectual property, patent and trademark protection law was enacted. Laos has complied with International Monetary Fund guidelines on fiscal policy, instituted making reforms, and is following stringent fiscal management to reduce inflation.

In recognition of these developments, the Association of Southeast Asian Nations [ASEAN] admitted Laos as a member this month. The Laotian Government is now revising its laws and regulations, as necessary, to be consistent with ASEAN and ASEAN free trade agreement requirements.

The United States and Laos have also taken steps to improve bilateral economic relations. Last year, an OPIC agreement was successfully negotiated. The U.S. Trade Representative's Office and Laotian officials are currently negotiating a bilateral trade agreement, which will also meet WTO standards.

Reform in the economic area has been accompanied by major political changes as well in Laos. All but three political prisoners from the Southeast Asian war era have been released. In 1990 the Laotian Government adopted a constitution and bill of rights based on principles enshrined in the U.S. Constitution. In fact, American lawyers, serving as consultants, played a major role in writing these documents. Nationwide elections by secret ballot in 1992 led to the creation of a new National Assembly. Although still a one-party state, it is worth noting that individual candidates did not have to be Communist Party members to run in the elections, and in fact, several members of the assembly are not Communist Party members. The Laotian Government is also making a concerted effort to enhance the independence of the judiciary.

The United States and Laos have established good working relations, particularly on two issues of great importance to us—POW/MIA and counter narcotics. Extending MFN to Laos makes sense economically, in terms of the Laotian commitment to economic reform, and in terms of our overall bilateral relationship.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Lao People's Democratic Republic is striving to shed centralized government control of its economy in favor of market-oriented reforms;

(2) extension of unconditional most-favored-nation treatment would assist the Lao People's Democratic Republic in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with the Lao People's Democratic Republic will promote United States exports to the rapidly growing Southeast Asian region and expand opportunities for United States business and investment in the Lao People's Democratic Republic economy;

(4) United States and Laotian commercial interests would benefit from a commercial agreement between the United States and the Lao People's Democratic Republic providing for market access and the protection of intellectual property rights;

(5) economic reform in the Lao People's Democratic Republic is increasingly important as that country integrates into the ASEAN free-trade area and accedes to the World Trade Organization; and

(6) expanding bilateral trade relations that include a commercial agreement may promote further progress by the Lao People's Democratic Republic on human rights and democratic rule and assist that country in adopting regional and world trading rules and principles.

SEC. 2. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF THE LAO PEOPLES DEMOCRATIC REPUBLIC.

(a) HARMONIZED TARIFF SCHEDULE AMENDMENT.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking ''Laos''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective date of a notice published in the Federal Register by the United States Trade Representative that a trade agreement obligating reciprocal most-favored-nation treatment between the Lao People's Democratic Republic and the United States has entered into force.

SEC. 3. REPORT TO CONGRESS.

The President shall submit to the Congress, not later than 18 months after the date of the enactment of this Act, a report on the trade relations between the United States and the Lao People's Democratic Republic pursuant to the trade agreement described in section 2(b).

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 39, a bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 322

At the request of Mr. GRAMS, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Indiana [Mr. COATS], the Senator from Oregon [Mr. WYDEN], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 539

At the request of Mr. BYRD, his name was added as a cosponsor of S. 539, a bill to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws.

S. 727

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 727, A bil to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 859

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 1009

At the request of Mr. KENNEDY, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1009, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1054

At the request of Mr. COCHRAN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1054, a bill to amend title II of the Social Security Act to establish, for purposes of disability determinations under such titles, a uniform minimum level of earnings, for demonstrating ability to engage in substantial gainful activity, at the level currently applicable solely to blind individuals.

S. 1083

At the request of Mr. MACK, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1083, a bill to provide structure for and introduce balance into a policy of meaningful engagement with the People's Republic of China.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and, fortitude.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. GLENN, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 45, a concurrent resolution commending Dr. Hans Blix for his distinguished service as Director General of the International Atomic Energy Agency on the occasion of his retirement.

SENATE RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from South Dakota [Mr. JOHNSON], the Senator from Utah [Mr. HATCH], the Senator from Florida [Mr. MACK], the Senator from Massachusetts [Mr. KERRY], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 102, a resolution designating August 15, 1997, as ''Indian Independence Day: A National Day of Celebration of Indian and American Democracy.''

AMENDMENT NO. 1027

At the request of Mr. KENNEDY his name was added as a cosponsor of amendment No. 1027 proposed to S. 1022, an original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 46—ORIGINAL RESOLUTION REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. CON. RES. 46

Whereas on July 30, 1997, two terrorist bombs exploded almost simultaneously in an open air Jerusalem market, killing at least 18 people, and wounding more than 100, and

Whereas this attack is a violent and vicious attack against the peace process and against the people of Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) Expresses the deep condolences of the Congress and the American people to the people of Israel for the loss of life and the serious injuries that have been suffered in the terrorist bombing in the Jerusalem market and expresses the solidarity of the American people with the people of Israel in the wake of this tragic and senseless act;

(2) Expresses the determination of the Congress to join with the government of Israel in fighting against terrorism;

(3) Urges Yasser Arafat and officials of the Palestinian Authority to do more to combat terrorism and to eliminate terrorist networks in areas under their control;

(4) Calls on Yasser Arafat and officials of the Palestinian Authority to cooperate more intensively with the Israeli government in fighting terrorism; and

(5) Reaffirms the commitment of the United States Congress to peace in the Middle East and urges all parties to work together to bring an end to terrorism and to promote lasting peace and security in the region.

THE REPREHENSIBLE BOMBING IN JERUSALEM

Mr. HELMS. Mr. President, this morning, the Foreign Relations Committee approved and sent to the Senate an original resolution—Senate Concurrent Resolution 46—condemning the terrorist attack in Israel at 1:15 p.m. Wednesday afternoon, Israel time, when two terrorists entered a market in the center of Jerusalem and blew themselves up, killing at least 12 Israelis, and leaving 120 wounded, at least 20 of whom are described in critical condition.

Mr. President, the reason for this attack was probably yesterday's announcement that the peace talks between Israel and the Palestinians were about to resume. Clearly, the terrorists decided to try to derail the peace process by murdering innocent people.