

U.S.C. 129 note) is amended by striking "\$14,000,000" and all that follows through "this section" and inserting in lieu thereof "\$30,000,000 for fiscal year 1998, \$25,000,000 for fiscal year 1999, \$25,000,000 for fiscal year 2000, \$30,000,000 for fiscal year 2001, \$35,000,000 for fiscal year 2002, and \$35,000,000 for fiscal year 2003 in carrying out this section, at least \$12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated \$20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

#### SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

#### CLELAND AMENDMENT NO. 1977

Mr. WARNER (for Mr. CLELAND) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

#### SEC. 18. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

#### LIEBERMAN AMENDMENT NO. 1978

(Ordered to lie on the table)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 152, strike lines 9 through 12 and insert the following:

(2) by redesignating subsection (f) as subsection (h);

(3) by striking subsections (a) through (e) and inserting the following:

On page 155, strike line 5 and insert the following:

estimated total cost of \$1,000,000,000 or more.

"(g) ANALYSIS OF LIFE-CYCLE COSTS.—

"(1) PROGRAM.—The Secretary shall establish a program with recommendations to guide States in conducting, to the extent appropriate, an analysis of the life-cycle costs of each usable project segment on the National Highway System.

"(2) BASIS.—The recommendations shall be based on the principles contained in Executive Order No. 12893 (59 Fed. Reg. 4233).

"(3) ANALYSIS.—An analysis of life-cycle costs under paragraph (1) shall consist of a process for evaluating the total economic worth of a usable project segment by analyzing the initial costs and discounted future costs of the project segment, such as maintenance, reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project segment.

"(4) USER COSTS.—As part of the recommendations under paragraph (1), the Secretary shall make recommendations on the appropriate use of user costs as a factor in the analysis of life-cycle costs."

#### MURKOWSKI (AND STEVENS) AMENDMENT NO. 1979

Mr. CHAFEE (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 43, between lines 15 and 16, insert the following:

"(xiii) amounts set aside under section 11\_\_\_\_.

On page 136, after line 22, add the following:

#### SEC. 11. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed \$16,000,000 from amounts to be apportioned under section 104(b)(1)(A)

of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

#### RESOLUTION RELATIVE TO THAILAND AND THE INTERNATIONAL MONETARY FUND

#### ROTH AMENDMENT NOS. 1980-1981

Mr. CHAFEE (for Mr. ROTH) proposed two amendments to the resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; as follows:

#### AMENDMENT NO. 1980

On page 2, strike lines 2 through 7 and insert the following:

"(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and".

#### AMENDMENT NO. 1981

In the preamble, strike "and" at the end of the sixth "Whereas" clause.

In the preamble, strike the colon at the end of the seventh "Whereas" clause and insert "; and".

In the preamble, insert after the seventh "Whereas" clause the following:

"Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:".

#### THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

#### TORRICELLI AMENDMENT NO. 1982

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In title III, strike section 3215 and insert the following:

#### SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§5128. **High risk hazardous material and hazardous waste; motor carrier safety study**

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous

material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998."

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991," and inserting "based upon the findings of the study required by section 5128(a)."

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material and hazardous waste; motor carrier safety study.

"5129. Authorization of appropriations."

Mr. TORRICELLI. Mr. President, I thank Senators MCCAIN, CHAFEE, BAUCUS, and HOLLINGS for their support for my efforts to have the Department of Transportation investigate how to improve the safety of transporting high-risk hazardous waste material on our Nation's highways. This issue is of great concern to me and to the people of New Jersey.

On October 20, 1997, a truck carrying hazardous materials caught fire while traveling on Interstate-80 in Paterson, New Jersey causing nearby residents and businesses to be evacuated. Two Paterson police officers had to be hospitalized and treated for chemical inhalation as a result of the accident. According to the police, the fire started when two chemicals inside the truck spilled over and mixed together.

Though the accident was not severe, it certainly would have been much worse had a passing motorists not noticed the fire and forced the driver to pull over. We were also fortunate that the public safety officials were well-trained and acted as quickly as they did.

What truly concerns me about this accident is the revelation that the company that was transporting the waste had been involved in 46 spill incidents at a cost of more than \$100,000 since their inception. Despite this record, their last safety inspection by

the Department of Transportation was conducted in 1994, almost four years ago. When I, along with Representative BILL PASCRELL investigated how this could possibly be the case, we were stunned to learn that there is nothing in current law which requires an annual safety examination of hazardous waste haulers. Under existing law, in order for a company to be a hauler-for-hire of hazardous material they must possess a permit from the Department of Transportation's Federal Highway Safety Administration. Once a hauler obtains a permit, they basically have it in perpetuity—regardless of their safety record. All they must do is reapply every year for a new safety permit and pay an application fee. While the Federal Highway Safety Administration maintains safety records and conducts safety reviews they do not do annual reviews or require safety inspections as a part of the certification process.

This is wrong. In my view, this process is too lax and although I would prefer to require this safety inspection outright, I will withdraw my amendment to S1173, the Intermodal Surface Transportation Efficiency Act Reauthorization to require this and instead submit this amendment to require the Department of Transportation to study how we may best implement a system of linking the renewal of a company's Federal permit to its ability to meet certain safety standards. This approach is fair and is in line with the spirit of the Hazardous Materials Transportation law.

Once again, I want to thank my colleagues and the Surface Transportation Subcommittee staff for their assistance with this amendment. I look forward to its inclusion in the final highway bill.

#### KERRY (AND HAGEL) AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

#### SEC. 34. NEBRASKA SUGAR BEET TRANSPORTATION.

Section 3112(d) of title 49, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Notwithstanding the limitation under paragraph (1), the State of Nebraska may allow to be operated commercial motor vehicle combinations that are within the limitations under subsection (b) to transport, for a distance not to exceed 120 miles, sugar beets from—

"(A) the field where those sugar beets are harvested to storage, market, factory, or stockpile; or

"(B) stockpile to storage, market, or factory."

#### HUTCHINSON AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by

him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 110, strike lines 22 and 23 and insert the following:

#### "(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

"(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), \$10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

"(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

"(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

"(ii) for the State, the ratio that—

"(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

"(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; is less than 1.00, as of the date of enactment of this subsection; and

"(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

"(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under"

#### GREGG AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page \_\_\_\_, after line \_\_\_\_, insert the following:

#### SEC. \_\_\_\_. REQUIREMENT OF OFFSETS FOR ADDITIONAL ISTE II SPENDING BEYOND LEVELS IN 1997 BUDGET AGREEMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution (or amendment, motion, or conference report on such bill or resolution) that provides spending for the programs funded under the Intermodal Surface Transportation Efficiency Act II in excess of the levels provided in the concurrent resolution on the budget for fiscal year 1998 if that spending would—

(1) exceed the discretionary budget caps;

(2) cause a reduction in the surpluses projected by CBO; or

(3) adversely effect the actuarial balances of the social security trust funds.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

#### DOMENICI AMENDMENT NO. 1986

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

#### SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of 49 U.S.C. Section 13902(c)(4)(A), in this section, for the transportation of property only, the term "commercial zone" means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the "New Mexico Commercial Zone."

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 11, 1998, at 9:30 a.m. on the tobacco settlement legislation.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, at 11:00 a.m. to hold a business meeting.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 11th, at 9:30 a.m. in room 216 of the Hart Senate Building to conduct a markup on the Committee's Budget Views & Estimates letter regarding the President's FY '99 Request for Indian programs. To be followed immediately by a hearing on Tribal Sovereign Immunity.

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

##### COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania."

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

##### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 11, 1997 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "S. 1301, the Consumer Bankruptcy Reform Act: seeking fair and practical solutions to the consumer bankruptcy crisis".

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

##### SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 10:00 a.m. in open session, to receive testimony on land force modernization.

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

##### SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Sub-

committee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, to conduct a hearing on S. 1594 "Digital Signature and Electronic Authentication Law (SEAL) of 1998".

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

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:00 p.m. to hold a hearing.

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

##### SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:00 p.m. in open session, to receive testimony on the Defense Health Program in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

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

##### SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 11, at 9:00 a.m. In open session, to receive testimony on environmental and military construction issues in review of the National Defense Authorization Act for fiscal year 1999.

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

##### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:30 p.m. in open session, to receive testimony on U.S. national security space programs and policies and the Department of Defense budget request for fiscal year 1999 and the future years Defense program.

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

#### ADDITIONAL STATEMENTS

##### IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, yesterday, I introduced, on behalf of our Nation's charitable organizations, the IRA Rollover to Charity Act. It will allow donors to roll assets in an IRA to a charity or a deferred charitable gift plan. The effect would be to unlock certain taxable income and allow individuals to choose to direct