

the Middle East, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1003

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1003, a bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

S. 1015

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1015, a bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 133, a resolution condemning bigotry and violence against Arab Americans, Muslim Americans, South-Asian Americans, and Sikh Americans.

AMENDMENT NO. 539

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 539 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS—MAY 8, 2003

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mr. BAUCUS, Mr. CORZINE, Mr. DODD, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. REID, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 1032. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

STATEMENT ON THE TRANSIT IN  
PARKS ACT

Mr. SARBANES. Mr. President, I rise today to introduce legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or "TRIP," establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators AKAKA, ALEXANDER, BAUCUS, CORZINE, DODD, GRAHAM, KENNEDY, LAUTENBERG, LEVIN, REID, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Memorial Day weekend, the opening of the summer travel season, is just weeks away. Millions of visitors will soon head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environ-

ments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has almost five million visitors a year. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,400 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2002, that number had risen to 277 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent harm to our Nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse \$3 billion a year into the local economy of the surrounding area. At Yellowstone, tourists spend \$725 million annually in adjacent communities. Wildlife-related tourism generates an estimated \$60 billion a year nationwide. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon the 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in

which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many national parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the national parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind. In many national park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas. On occasion, national park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA-21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over two hundred sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: "Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities."

In fact, the study concluded that "the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites." The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by "expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities."

The study identified "lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems" as a key

barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 various sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes \$90 million for this new program for each of the fiscal years 2004 through 2009, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA-21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the National Parks Conservation Association, Environmental Defense, the American Public Transportation Association, Community Transportation Association, Amalgamated Transit Union, Surface Transportation Policy Project, Natural Resources Defense Council, Friends of the Earth, Rails-to-Trails Conservancy, America Bikes and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the record, along with the USA Today article, "Save Parks: Park Cars."

I believe that we have a clear choice before us: we can turn paradise into a parking lot—or we can invest in alternatives. I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

I ask unanimous consent that the text of the bill, a section-by-section analysis, letters of support, and an article from the USA Today be printed in the RECORD.

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

S. 1032

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Transit in Parks Act" or the "TRIP Act".

**SEC. 2. FEDERAL LAND TRANSIT PROGRAM.**

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

**“§ 5316. Federal land transit program**

“(a) FINDINGS AND PURPOSES.—

“(1) FINDINGS.—Congress finds that—

“(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105-178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

“(i) identify the transportation strategies that improve the management of national parks and related public lands;

“(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

“(iii) assess the feasibility of alternative transportation modes; and

“(iv) identify and estimate the costs of those alternative transportation modes;

“(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

“(C) the study concluded that implementing transit on federally-managed land can help—

“(i) relieve traffic congestion and parking shortages;

“(ii) enhance visitor mobility and accessibility;

“(iii) preserve sensitive natural, cultural, and historic resources;

“(iv) provide improved interpretation, education, and visitor information services;

“(v) reduce pollution; and

“(vi) improve economic development opportunities for gateway communities;

“(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

“(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

“(i) protect and conserve natural, historical, and cultural resources;

“(ii) prevent or mitigate adverse impacts on those resources;

“(iii) relieve congestion;

“(iv) minimize transportation fuel consumption;

“(v) reduce pollution (including noise pollution and visual pollution); and

“(vi) enhance visitor mobility, accessibility, and the visitor experience; and

“(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

“(2) PURPOSES.—The purposes of this section are—

“(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

“(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

“(i) enhance resource protection;

“(ii) prevent or mitigate adverse impacts on those resources;

“(iii) improve visitor mobility, accessibility, and the visitor experience;

“(iv) reduce pollution and congestion;

“(v) conserve energy; and

“(vi) increase coordination with gateway communities;

“(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

“(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

“(b) DEFINITIONS.—In this section:

“(1) ALTERNATIVE TRANSPORTATION.—

“(A) IN GENERAL.—The term ‘alternative transportation’ means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

“(B) INCLUSIONS.—The term ‘alternative transportation’ includes sightseeing service.

“(2) ELIGIBLE AREA.—

“(A) IN GENERAL.—The term ‘eligible area’ means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

“(B) INCLUSIONS.—The term ‘eligible area’ includes—

“(i) a unit of the National Park System;

“(ii) a unit of the National Wildlife Refuge System; and

“(iii) a recreational area managed by the Bureau of Land Management.

“(3) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means a Federal agency that manages an eligible area.

“(4) QUALIFIED PARTICIPANT.—The term ‘qualified participant’ means—

“(A) a Federal land management agency;

or

“(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency.

alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

“(5) QUALIFIED PROJECT.—The term ‘qualified project’ means a planning or capital project in or in the vicinity of an eligible area that—

“(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

“(B) involves—

“(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

“(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

“(C) relates to the capital costs of coordinating the Federal land management agency alternative transportation systems with other alternative transportation systems;

“(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

“(E) provides waterborne access within or in the vicinity of an eligible area, as appro-

priate to and consistent with the purposes described in subsection (a)(2); or

“(F) is any other alternative transportation project that—

“(i) enhances the environment;

“(ii) prevents or mitigates an adverse impact on a natural resource;

“(iii) improves Federal land management agency resource management;

“(iv) improves visitor mobility and accessibility and the visitor experience;

“(v) reduces congestion and pollution (including noise pollution and visual pollution); and

“(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

“(1) technical assistance in alternative transportation;

“(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

“(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

“(d) TYPES OF ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

“(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

“(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

“(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

“(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

“(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

“(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

“(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under sections 5303 through 5305;

“(ii) the statewide planning provisions under section 135 of title 23; and

“(iii) the public participation requirements under section 5307(c); and

“(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

“(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

“(A) comply with sections 5303 through 5305;

“(B) comply with the statewide planning provisions under section 135 of title 23;

“(C) comply with the public participation requirements under section 5307(c); and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(g) COST SHARING.—

“(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

“(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

“(h) SELECTION OF QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

“(2) INTEREST.—

“(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

“(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than \$25,000,000—

“(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

“(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

“(1) the requirements of section 5333;

“(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

“(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

“(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

“(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

“(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

“(o) REPORT.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

“(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).”

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(j) SECTION 5316.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 \$90,000,000 for each of fiscal years 2004 through 2009.

“(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.”

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

“5316. Federal land transit program.”

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking “or 5311” and inserting “5311, or 5316”; and

(B) by striking “5311, or” and inserting “5311, 5316, or”.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking “5309(o)(1)” and inserting “5309(p)(1)”; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title

The Transit in Parks, TRIP, Act.

*Section 2: In General*

Amends Federal transit laws by adding new section 5316, "Federal Land Transit Program."

*Section 3: Findings and Purposes*

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA-21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

*Section 4: Definitions*

This section defines eligible projects and eligible participants in the program. A "qualified participant" is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A "qualified project" is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. "Eligible areas" are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

*Section 5: Federal Agency Cooperative Arrangements*

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

*Section 6: Types of Assistance*

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

*Section 7: Limitation on Use of Available Amounts*

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

*Section 8: Planning Process*

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA-21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA-21 planning process and consult with the appropriate Federal land management agency during the planning process.

*Section 9: Department's Share of the Costs*

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

*Section 10: Selection of Qualified Projects*

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

*Section 11: Undertaking Projects in Advance*

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

*Section 12: Full Funding Agreement; Project Management Plan*

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

*Section 13: Relationship to Other Laws*

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

*Section 14: Innovative Financing*

This section provides that a project assisted under this Act can also use funding from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

*Section 15: Asset Management*

This provision permits the Secretary of Transportation to transfer control over a

transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

*Section 16: Coordination of Research and Deployment of New Technologies*

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

*Section 17: Report*

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

*Section 18: Authorization*

\$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2004 through 2009.

*Section 19: Conforming Amendments*

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

*Section 20: Technical Amendments*

Technical corrections to the transit title in TEA-21.

MAY 9, 2003.

Hon. PAUL SARBANES,  
Hart Office Building,  
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 286 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,  
*President, National  
Parks Conservation  
Association.*

ANNE CANBY,  
*President, Surface  
Transportation Policy  
Project.*

DALE S. MARSICO, CCTM,  
*Chief Executive Officer,  
Community Transportation  
Association of America.*

MARTHA ROSKOWSKI,  
*Campaign Manager,  
America Bikes.*

MARIANNE W. FOWLER,  
*Senior Vice-President  
of Programs, Rails-  
to-Trails Conservancy.*

DAVID HIRSCH,  
*Director of Economic  
Programs, Friends of  
the Earth.*

NATURAL RESOURCES DEFENSE COUNCIL,  
*Washington, DC, May 8, 2003.*

Hon. PAUL SARBANES,  
*U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their individual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems. In short, this bill would help to re-

duce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is critical to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation on these vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,

CHARLES M. CLUSEN,  
*Senior Policy Analyst.*

ENVIRONMENTAL DEFENSE,  
*New York, NY, May 8, 2003.*

Hon. PAUL S. SARBANES,  
*Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR SARBANES: I am writing on behalf of Environmental Defense and our 300,000 members to express support for the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Many parks suffer from the consequences of poor transportation systems, traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to, and within our national parks is essential to mitigating these growing problems. An effective transit system in our national parks will not only make the park experience more enjoyable for millions of families every year, it will improve environmental conditions. Environmental conditions such as air pollutants that exacerbate respiratory health problems, damage vegetation and contribute to haze, which too often destroys the natural beauty of our parks. Enhancing transit within our national parks system would also aid in providing access to for all citizens to our parks, including those who do not own cars.

We appreciate your leadership on this issue, your dedication to the health of our national parks and, your support for expanded transportation choices for everyone. We look forward to working with you to get this vitally important legislation enacted.

Sincerely,

FRED KRUPP,  
*President.*

AMALGAMATED TRANSIT UNION,  
*Washington, DC, May 8, 2003.*

Hon. PAUL SARBANES,  
*Ranking Member, Senate Committee on Bank-  
ing, Housing, and Urban Affairs, Hart Sen-  
ate Office Building, Washington, DC.*

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the "Transit in Parks Act" (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, federal transit programs have enabled public transportation providers to assist urban communities to significantly reduce congestion and improve air quality by investing in mass transit, either

bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,

JAMES LA SALA,  
*International President.*

AMERICA BIKES,  
*Washington, DC, May 9, 2003.*

Hon. PAUL SARBANES,  
*Hart Office Building,  
Washington, DC.*

DEAR SENATOR SARBANES: We are writing to express our enthusiastic support for the Transit in Park Act. This legislation will enhance alternative transportation, including transit, bicycling and walking, on our public lands. We appreciate your leadership in protecting our public lands and expanding opportunities for people to safely travel to and through these important places by foot and by bicycle.

The dramatic increase in the number of Americans enjoying public lands makes this legislation even more important. In 1975, 190 million people visited national parks. Last year, that number had risen to 286 million. These growing numbers are straining available resources, including the transportation infrastructure. Providing better facilities for bicycling and walking will encourage more people to use those modes. The benefits are numerous:

Traffic congestion will be reduced, along with the accompanying problems of air and water pollution, noise, and impacts on wildlife and vegetation;

The visitor experience is improved for all. Less congestion on the roads means easier driving for those in cars, and fewer conflicts with those on foot or on bike. Travel by foot or bicycle offers a much more intimate connection with our public lands;

Shifting trips from private automobiles to transit, bike and foot decreases the need for road expansions, oversized parking lots, and the impact on roads;

Improving access by bicycle and by foot from local communities will promote volunteerism and local involvement in the parks;

Encouraging bicycling and walking on our public lands will help address the myriad of health problems caused by physical inactivity; and

Improvements to facilities will improve safety and reduce bicycle and pedestrian fatalities. Currently, 13.6 percent of fatalities on our roads are bicyclists and pedestrians, while accounting for 7 percent of trips made.

Bicycles are a wonderful way to enjoy national parks, whether a multi-day adventure or a short afternoon pedal. Walking is ideal for shorter trips. And both modes combine well with transit to provide a wide variety of transportation choices.

America Bikes is a coalition of the leaders of the seven major national bicycling organizations and the \$5 billion/year bicycle industry. The bicycle community wholeheartedly endorses this legislation. We thank you for your foresight, and we applaud your vision of

a more balanced transportation system on public lands.

Sincerely,

MARTHA ROSKOWSKI,  
*Campaign Manager.*

[From USA Today, Sept. 27, 2002]

SAVE PARKS: PARK CARS

When the first white explorers and traders pushed up the scenic Yellowstone River two centuries ago, they brought back tales of a mysterious area the natives avoided. "There is frequently herd (sic) a loud noise, like Thunder, which makes the earth Tremble," William Clark of Lewis and Clark fame later wrote. "They seldom go there . . . and Conceive it possessed of spirits."

The place the locals thought was haunted is now Yellowstone National Park and its centerpiece, Old Faithful. What they avoided now attracts 3 million visitors a year, most in motor vehicles. Congestion has become so great that authorities are looking at shuttle buses to reduce traffic. While the solution won't thrill those who see themselves as modern-day explorers entitled to their personal mechanical steeds, it beats gridlock or rationing access to the park.

Yellowstone has bought a fleet of yellow tour buses similar to ones phased out in the 1950s, when the family car became king. The idea is keep the park experience from becoming an urban commuter's nightmare.

If the plan succeeds, it could join a list of common-sense measures aimed at stopping the head-on collision between the nation's simultaneous love affairs with the automobile and its parks.

Rocky Mountain National Park in Colorado began shuttle service in 1978 to reduce congestion, parking problems and damage to resources. Glacier Park in Montana has brought back refurbished red 1930s tour buses. Yosemite and the Grand Canyon are moving in the same direction.

Massive Denali Park in Alaska long ago stopped private vehicles a few miles inside the entrance, limiting travel to buses to protect the fragile landscape. Zion Canyon, Utah, has done likewise. Even small parks such as Harpers Ferry, W. Va., have had to keep cars a couple miles away and bus visitors in.

Mass transit and national parks sound like an oxymoron. But as the thunder, not of geysers, but of auto traffic threatens to drown out the beauty of nature and the dignity of the past, public transportation is one key to keeping the parks accessible to all.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. DORGAN, Mr. JOHNSON, Mr. DASCHLE, Mr. THOMAS, and Mr. CONRAD):

S. 1044. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, we are having a crisis in the West. Actually, we are having a crisis anywhere that there are people who raise livestock. The crisis comes about as a result of neither fair trade nor free trade—in fact, the elimination of both. This bill is designed to make a correction in that. It is a clarification. I do not think the clarification would be necessary if enforcement were done, but this bill will clearly set out that a part of the problem can be solved.

Part of the crisis that particularly the small farmers and ranchers who raise livestock have is the drought we are having in the West. We are in the fourth year of a drought right now. That is resulting in a lot of for sale and auction signs going up on ranches. This is partly because they are not getting the proper price for their product. It is a controlled market; it is not a free market.

To bring it to a level that more people would understand, imagine trying to sell a house where the U.S. tradition might have changed so that everybody worked through a realtor, or at least 80 percent of the people worked through a realtor, and the realtor did not really show the house to other people. The realtor bought the house and then put it on the market themselves. The realtor had the capability to set the market price because of the other houses they owned.

That is what is happening with captive supply. There are a lot of technicalities to it. I sincerely hope my colleagues will take a look at it and understand it a little bit. It is very difficult. It is very detailed. It is very complicated to understand, but it is very important to understand. It is important to understand on behalf of the ranchers and consumers.

Now, one would think that if the price were being driven down for the rancher, those of us buying meat at the supermarket would get it for less. But if one tracks the price the ranchers are getting and the price the consumers are paying when the price goes down for the rancher, everything stays level for the consumer. So where is the money going? It is staying in the middle somewhere. We know where it is staying, and we know why it is staying, and it is control of the market. We do not usually allow that in the United States, but in this instance we allow it.

So 80 percent of the market is controlled by four packers, and they set the price. They set it in a way that the rancher has no control over it whatsoever. So the ones suffering this drought and suffering all the risk are the ones receiving the least money from the entire process. We do not believe in that in America. My bill is designed to change that.

Packers who practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the current law, but this law is not being enforced. What we are left with is unenforced laws or no laws at all to protect the independent producer. Since the Packers and Stockyards Act is not being enforced, and the cost to enforcing the law on a case-by-case basis in the courts is expensive and time consuming, today I propose the Senate take action.

Most laws require enforcement. They are like speed limits on a country road. No one pays attention to the sign unless the driver is sharing the road with an agent of the law who will enforce

it—like a police car. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying any attention to because the police are too busy doing something else.

The bill I am introducing today is not just another sign on the road, it is a speed bump. It does not just warn cars to go slower, it makes it more difficult for them to speed. Does it solve the whole problem? No, but it is one speed bump on the way to solving the problem.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong. Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. Now, in other businesses, that sounds like how we already operate. But it is not the way the packer operates. Producers are only given a contract that says they will get a certain dollar above the average at the time of the slaughter. And then if the person who controls the market drives the price down, the average can be well below what they ever anticipated it would be.

Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality grade or other factors outside packer control. It prevents packers from changing the base price based on the factors they do control.

Contracts that are based on the futures market are also exempted from the bill's requirements. In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. That would be pretty unique if they knew what the prices were on the products, particularly when it is captive supply. Whether they take the opportunity to bid or not is their choice. The key is they have the access to do so.

I have worked on a number of bills and we have had success getting them through the Senate, and then the lobbying effort in conference knocks them out. That has sincerely convinced me there is a controlled market. Every attempt we make to provide a little speed bump is taken out and it is usually in conference. It usually passes the House, passes the Senate—not in identical form—but it has trouble in the conference committee. That is because there are a lot more lobbyists for the packers than there are for the small ranchers and livestock producers.

My bill also limits the size of the contracts to the rough equivalent of a load of livestock, meaning 40 cattle or