taken to the other emergency room and have somebody make a decision about her life that related to their bottom line, to their profit and loss. A lot of Americans share her concern.

So we have an agenda. We have an agenda on managed care that says there ought to be a patient's bill of rights. People ought to know what their medical options are. No accountant 500 miles away from a hospital room or a doctor's office ought to be giving guidance on whether a doctor's judgment is appropriate with respect to treatment. And yet that is what is happening in this country.

We have an agenda on managed care. We think it ought to be one of the first items of business here on the Senate floor when we finish the highway bill. Let's talk about managed care. Let's talk about the health care. Let's talk about the 160 million people who are in managed care plans and ask the question, what does this plan mean to my health care? to my family's health care? to my children's and my parents' health care? What does it mean to our pocketbook? What kind of coverage exists for us today, tomorrow and next month? This Congress needs to be debating and answering some of those questions. These are life-or-death issues, not matters of inconvenience.

So when someone says the Senate doesn't have an agenda, they aren't talking about us. We have an agenda, but regrettably, we didn't win the Senate. The majority party that controls the Senate won the election. We understand that when votes are counted, whatever party wins wins, and they control the House and the Senate. But I want everybody to understand, when they see an editorial titled ''Congress Gone AWOL,'' ''Congress and the Clock,'' ''70 days left,'' or ''A do little Congress,'' that for some of us there is an agenda.

Many of us have very strong feelings about what issues the Senate should be considering—managed care, education, tobacco legislation, a whole series of issues that we want brought to the floor of this Congress and debated. The fact is we have some who, without question, want to have the engine running but have the transmission in idle. They don't want to go anywhere. They just want to claim the car started. We would like to put this car in drive and drive towards an objective that we think represents the best interests of this country.

On education, we understand that State and local governments should make the main decisions in elementary and secondary education. But many of us also believe that we have a national interest in trying to reach goals and achievements as a country in elementary and secondary education. The President and those of us on this side of the aisle are very concerned about trying to find some way to address the issue of class size. Are there things we can do with respect to class size and modernizing schools? For example, we understand that reducing class sizes can have a substantial impact on the teaching of children. Smaller class size means more attention is paid to each of the children, and we understand that is important.

The issue of modernizing schools—many of our schools all across this country are 30, 40, and 50 years old and in disrepair. I have been in schools, unfortunately, like the Ojibwa School on the Turtle Mountain Indian Reservation. These are schools children shouldn't be in. Reports from the General Accounting Office about the schools say they are unsafe. I have seen light fixtures dangling from the ceilings and frigid winter air coming through the trailers that masquerade as schoolrooms. We can do something as a Congress to modernize schools and remedy their state of disrepair. We want to talk additionally about the issue of minimum wage, about those at the bottom of the economic ladder. We made a couple of adjustments in the minimum wage on a bipartisan basis, but we need to further consider how to restore its purchasing power, not to a level above where it used to be, but to a level comparable to where it historically has been.

It is interesting in this country that we have a market system that is very generous to some and not to others. That is the way the market system works, and I accept that. In the market system we have in this country we have a right to make choices. I certainly don't want to discontinue those choices. But by our choices we've created a system where a man who is 7 feet 2 inches tall and can dunk a basketball gets $120 million. Where does that come from? It comes from folks who watch television or go to a basketball game, if they can afford to do so. But that's $120 million for somebody who can dunk a basketball and $30,000 for an elementary schoolteacher.

Which one would you pick? We make choices in the public and private sectors. Actually, when I refer to the private sector, there are not exactly unimpeded economic circumstances in professional basketball, where somebody makes $120 million, because it is not exactly an open and free market system. There are different circumstances in professional basketball because they limit the number of teams and so on.

My point is that the question of what we invest in both publicly and privately in this country determines a lot about what kind of a country we are going to have in the future. Our agenda, which we think would improve this country, deals with health care and education and jobs and income opportunity—a whole range of issues that we think represent good and strong positions for this Congress to consider. So the reason I came to the floor this afternoon is to say that the next time I see one of these editorials that says ''do nothing, do little, march in place, you know, the car is in idle,'' we have plenty to do. If we finish the highway bill this week—and I hope we will and I will support all the efforts to get this done quickly—then I hope next week we can grab a hold of a significant part of this agenda that we feel is important. If we do this, I think the next editorial will say, gee, they tackled education and health care and a lot of things that are very important to the people in this country.

I yield back the balance of the time I haven't used.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTRAMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I have an amendment I will offer on behalf of Senator NICKLES, which would permit basically his mass transit funds to be used as it related to the funding of Amtrak activities in his State. I know of no opposition.

AMENDMENT NO. 1943 TO AMENDMENT NO. 1931

(Purpose: To permit States to use assistance provided under the mass transit account of the Highway Trust Fund for capital improvements to, and operating support for, intercity passenger rail service)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. NICKLES, proposes an amendment numbered 1943 to Amendment No. 1931.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

Mr. D'AMATO. Mr. President, this makes no changes in the allocations of the appropriations, but it empowers the State transportation people to

make decisions as to how they will allocate the mass transit dollars that come to them. If they wish to use them with respect to their Amtrak facilities, that is their right. I support the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1943) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe the Senator from Rhode Island has an amendment he would like to offer.

AMENDMENT NO. 1944 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to capital projects and small area flexibility)

Mr. REED. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mrs. BOXER, proposes an amendment numbered 1944 to Amendment No. 1931.

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

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

The amendment is as follows:

On page ____, line ____, insert "and provides non-fixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)" after "for mass transportation".

Mr. REED. Mr. President, this amendment would broaden the definition of capital expenditures for paratransit facilities. These are vehicles used for disabled American citizens. There are many communities in the United States that have these facilities. This definition would not adversely affect the allocation and would provide, we hope, for more use of the paratransit services. I encourage adoption of the amendment.

Mr. D'AMATO. Mr. President, we have no objection and support the amendment.

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

The amendment (No. 1944) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe we have reached a point where I am not aware of any other outstanding amendments. I think there may be two Senators who, for whatever reason, would object, apparently, to us calling for a vote. But it would be the intention, otherwise, of the leadership to dispose of this amendment by at least 5:45, is what I've been given to understand.

I don't know what my colleagues might object to or what part of the bill they might want to debate. It would seem reasonable to me that if they do have objection, they should come to the floor and state it. Let's have a vote on it or an attempt to deal with whatever they feel is an inequity. We might lose, we might win, or they may get their way, or they may not. But the business of the people, I believe, would best be served by resolving this.

I just have no idea at this time as to what their objections might be. So even if I were in a position to remedy the deficiencies—and I am not saying this is a perfect bill; it is far from perfect, and it could be second-guessed by many. But I am not in a position, nor is the ranking member or Senator REED, who is standing in for Senator SARBANES, at this point to even offer any type of solution or compromise if we are kept in the dark.

Now, I don't see any useful purpose in that. So I ask that our respective sides reach out to our colleagues through their staffs to ascertain from them whether they can inform us as to what procedure they would recommend we undertake. If it is to stop the entire bill, then it would seem to me that the leadership should be advised so that they can proceed accordingly. Any Member has the right to lodge his or her objection and to take to the floor and, indeed, make their views known, offer their amendments, or prolong debate. I guess that is a nice way for saying "enter into a filibuster." I respect that. I have, on occasion, resorted to that myself.

Now, having said that, I came down to the floor and took the floor and raised my objection. So when we have reduced a bill to a point where all of the Senators, except one or two, have agreed that we should go forward, it seems to me that in fairness to the body we should have some kind of an explanation and set about a course of action to determine how we can deal with it. That would not be my prerogative; that would be the prerogative of the majority and minority leaders. They might decide to file for cloture, or they might decide to undertake another activity, or they might even be able, as I would think, to mediate successfully a cessation of the objections from our colleagues. But I want the RECORD to note that we have done as much as we can. We are here. We are ready. This bill is ready, and, as far as I am concerned and to the best I can determine, this amendment is ready to be acted on. Forty-one plus billion dollars would be spent over the next 5 years on a combination of activities—rural, urban, suburban, new starts, new buses, improvement of existing facilities, extension of some —a whole combination.

Even at this eleventh-and-a-half hour, there are some very worthy amendments that we have taken dealing with the disabled and giving communities the ability to buy vehicles and put them in a capital program that they might not qualify for, giving additional flexibility to States to use some of these funds.

So I think it is a well-balanced approach to transportation. I hope my colleagues will give us an opportunity to conduct the business of the people as it should.

With that, Mr. President, I suggest the absence of a quorum, and maybe we can get our two colleagues to come down and resolve their differences.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1945 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to new start rating and evaluation)

Mr. GRAHAM. Mr. President, I will soon send to the desk an amendment which will provide for three additional criteria to be added to the current five criteria that are utilized for purposes of the Federal Transit Authority's determination of the validity of a New Start application.

These three additional criteria are population density and current transit ridership, the technical capability of the applicant to construct the project, and the degree of local financial commitment to the project, including the degree to which the local community has overmatched the project.

The purpose of these three are to add three relatively quantifiable factors to the five existing factors that will be used by the Congress and by the Federal Transit Administration in determining which of the New Start applications are appropriate for Federal participation.

I urge adoption of the amendment on behalf of Senator MURRAY and myself.

Mr. D'AMATO. Mr. President, one of the great problems that we have today is that as more communities grasp the realities of the access to move people, particularly in our urban centers with great densities of traffic, and come to the Federal Transit Administration with their proposals to construct people movers to areas that are alternatively utilizing mass transit, there are some programs that are started that shouldn't be started, for a variety of reasons.

In some cases, the technical know-how and capabilities that should be there, in terms of studying and getting them ready, just are not. So the Senator says one of the criteria is the technical capabilities to construct the project. You can come in with a wonderful project, but it is "pie in the sky;" it is not possible. And what is taking place is that new starts are being considered, undertaken, lots of

money is being laid out by the Federal Government, and engineering studies and what-not are taking place, engineering costs are being racked up, and there is very little likelihood of people ever being able to move. In other words, no transportation project is really going to get underway.

So I commend the Senator for saying let us take a look and see if this really is real; is it going to work? Obviously, the needs should be tied to the numbers of people that can and should be moved in these new start projects. Again, it is nice to have one in every community. But what is the logic and sense of spending x hundreds of millions of dollars if the numbers of people who would be moved on a daily basis are negligible—if there is no demand? So the Senator sets this as a criterion.

And the third and probably most important is the degree of local financial commitment to the project; i.e, overmatch. There are those who are attempting to build these projects and think they can do it simply with Federal funds. That is not the case. We look for matching funds. And those communities that recognize the need as such, so they are willing to not only contribute what the minimum contribution from the local community is but overmatch it, put in more, certainly they should have, where funding is available, the ability to draw down those funds faster so those projects can be built.

Right now I think it would be fair to say that we probably have too many projects that have been given a green light but there is no hope of them moving forward because some of these criteria the Senator has put forth are not met. So this is prudence, in saying, let's do that which can be done.

I commend the Senator, and I support his amendment.

Mr. REED. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. REED. I concur with the analysis of Chairman D'AMATO with respect to this legislation and also commend the Senator from Florida. This is a legislative initiative that puts further precision into the granting of startup contracts. It puts in factors that are critical to the whole consideration of when we should support at the Federal level a local initiative.

As the chairman said, one of the major criteria is local support, which is measured most effectively in terms of dollars, but also in terms of the population density and leadership they anticipate in this new startup. All of these are important additions to existing criteria, which the Senator retains.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mrs. MURRAY, proposes an amendment numbered 1945 to amendment No. 1931.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GRAHAM. If there are no other persons wishing to speak on this amendment, I urge a voice vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1945) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Alon Street of my office be granted the privilege of the floor throughout debate of ISTEA II.

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

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that at 5:40 p.m., the Senate proceed to a vote on the pending transit amendment No. 1931, as amended, to S. 1173, the highway bill. I further ask unanimous consent that no amendments be in order to the amendment.

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

Mr. D'AMATO. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, there is an outstanding issue between the Environment and Public Works Committee and the Banking Committee involving university transportation centers. Apparently, there are conflicting provisions in our bills.

I thank my friend and colleague, who has done such an outstanding job, the senior Senator from Rhode Island, Mr. CHAFEE, the chairman of the Environment and Public Works Committee, for his patience. I am committed to working with the chairman to resolve this situation together. I thank him for allowing us to proceed. I believe we will be able to work this out, and I pledge to work with him. He has always demonstrated a willingness to accommodate the needs of his colleagues, and I am looking forward to being able to do it in this case as well.

Mr. President, let me say that I am deeply grateful for the tremendous leadership and contribution that the senior Senator from Maryland, Senator SARBANES, has contributed, both himself personally and with a great and talented staff, to bring us to this point. I do not know how many people really thought that within this day we would be able to come to a point where we are in a position of passing this part of the Surface Transportation Act overwhelmingly. Without his patience, without his leadership, without his constant support, both during the negotiations for attempting to achieve the additional funding, $9.8 billion over and above the previous ISTEA allocations, we could never have been in a position to accommodate the legitimate interest and needs of so many of our colleagues.

Again, while we might have differences because we do represent different regions, different configurations of the population where different needs may exist, while not everyone is happy, I am certain that there are those in the mass transit industry who think we need more. Understand, this is not a pie that continues to expand. There are constraints and we have to draw from that which we are allocated.

On the basis of both working to achieve a greater allocation and working to achieve a fair distribution, no one has done more than my good friend, the Senator from Maryland. For that I am deeply, deeply appreciative. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank my able colleague, Chairman D'AMATO, for his very kind words. I simply underscore that it has been a pleasure to work with him on this issue and also to thank him very much for his leadership throughout. He has been, of course, a leader on the transit issue in the Senate. It was reflected once again in the consideration of this measure.

I also thank by name the staff people involved: Steve Harris and Loretta Garrison on this side of the aisle, and Howard Menell, Joe Mondello and Peggy Kuhn on the other side of the aisle, who really have made extraordinary contributions. They have worked late at night, early in the morning, on the weekends. They have really committed themselves totally to helping to bring us to this state of affairs. The fact that we have put together a good transit title is very much due to the tremendous contributions which the staff people have made. I express my appreciation to all of them.

MODIFICATION TO AMENDMENT NO. 1931

Mr. D'AMATO. Mr. President, I have one unanimous consent request, and it is technical in nature. I ask unanimous consent to modify amendment No. 1931 to change all references to the ''Intermodal Surface Transportation Efficiency Act of 1997'' in the amendment

to the ''Intermodal Surface Transportation Efficiency Act of 1998''—that is very technical in nature, again because we waited 6 months—and change all references to the ''Federal Transit Act of 1997'' in the amendment to the ''Federal Transit Act of 1998.''

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

The modification follows:

Modify amendment (No. 1931) to change all references to the ''Intermodal Surface Transportation Efficiency Act of 1997'' in the amendment to the ''Intermodal Surface Transportation Efficiency Act of 1998'', and to change all references to the ''Federal Transit Act of 1997'' in the amendment to the ''Federal Transit Act of 1998''.

Mr. SARBANES. This is an apt demonstration, Mr. President, of the fact that we are really up with the times.

Mr. D'AMATO. Mr. President, I thank the Committee on Banking—all of the members. They have been particularly helpful and have made, I think, tremendous contributions to allow us to arrive at this point.

The Budget Committee, especially Senator DOMENICI and Senator LAUTENBERG—without their help we could not have come to this point. And I thank the leadership of the Senate that has given us the opportunity to work in a collaborative manner and has been supportive.

I also note, for the RECORD, and to the chagrin of some, there were some who said, ''Oh, the Senate and its leadership don't care about mass transportation, that if you look at the numbers of States that use it or are dependent on those as opposed to those who are not, then those needs will be neglected.'' I think that maybe even some colleagues, for whatever reason—some colleagues in the Congress—may have hoped that to be the case. But, once again, I think the common good, and recognizing how we have to deal and must deal with each other, overrode the parochialism that sometimes rears its head.

I could not be more grateful and thankful for the leadership that has been provided on both sides of the aisle by Senator DASCHLE, and the minority side, and by Senator LOTT on the majority side.

I say that my staff, particularly Peggy Kuhn, Joe Mondello, Jr., Loretta Garrison, under the able leadership of Howard Menell, staff director, have been Herculean and have been totally dedicated to bringing us to this point. Again, I am deeply appreciative of them.

I am also appreciative of the professionalism of the minority staff. They have been absolutely outstanding. No one could have asked for better cooperation from the minority staff. Sometimes I think they felt that they worked for me or sometimes I felt that I worked for them. More often Senators, I think, are accountable—people do not realize—to our staff to a great degree. But I thank them. I thank them for their patience and for their persistence and for their working long and enduring hours. They have made, hopefully, the amendment that will be considered a reality.

Mr. President, I yield the floor.

Mr. SARBANES. I see the Senator from Texas is on the floor. I say to the Senator, we are scheduled for a vote at 5:45. So the time between now and 5:45 is available.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise in support of the amendment. I think Senator D'AMATO, Senator SARBANES, and all of those who worked so hard, including especially Senator DOMENICI, for helping us find this money in the budget, should be commended, because there is no question that highways are the lifeline of our country. But there is a point at which in you cannot build enough freeways in our biggest cities to get rid of the congestion. This is especially happening in some of the States that have new emerging big cities that have not kept up with their infrastructure demands.

Some of those cities are in my State of Texas. We now have some of our biggest cities starting to try rail. And some are being successful. For instance, in Dallas, when people said, no one could get Dallasites out of their cars, nevertheless, people are leaving their cars to ride the new DART trains. It has been so successful—over an extended period of time—that they are going to try to get the extended DART lines out in a quicker timetable.

So it is very important that we look at cities, not only like Dallas, but San Antonio, El Paso, Austin, and Fort Worth in my State. There are other States now that are looking at new transit systems—Colorado, Utah—Western States that have not had traffic problems before.

The issue really is that in order to have a good infrastructure in our country, we must have more than one mode of transportation. Highways are the lifeline. But we also have airports and airplanes. We have buses. We have trains. Particularly in our urban areas, this is the only way we can address congestion. We cannot have a clean environment in a major city if we have cars stuck on freeways for hours at a time. We cannot have environmental purity throughout our States if we do not have some way to stop this congestion.

The aesthetics. You cannot continue to build big spaghetti-bowl freeways and have any kind of aesthetics if you cannot get away from that.

So I do think highways are our first line. And that is why the lion's share of the money is going to highways. But I think this amendment, that allows $5 billion additional for transit, half of which is earmarked for our new starts, recognizes that there are new emerging cities that are behind in their infrastructure improvements. This will give them the capability to do new starts in things like rail systems that will have, hopefully, the success of the Dallas DART train. Even Houston is beginning to look at this kind of rail system in a line from Katy to downtown where the freeway congestion is like a parking lot most of the day.

These are things that I hope we can help to start. I hope that we can give incentives to some of our major big cities that have not had years and years and years of mass transit funding to be able to start thinking of new and innovative ways to have a cleaner environment, to stop the waste of money and time of congested traffic, and to have aesthetics that are also pleasing in a city.

So these are the reasons that I am supporting this amendment. I think it is quite a good compromise. I think Senator D'AMATO and Senator DOMENICI, along with Senator SARBANES, and all of those who had the foresight to provide this extra money, are to be commended. And I do commend them. I hope my colleagues will recognize that this is an environmental vote, it is an anesthetic vote, it is a time-conserving vote, and it is a money-conserving vote.

I hope that we will pass this and give our cities the chance. The locals match this Federal funding. It is not like it is all Federal funding. The local people should match. That is the right thing to do. But this does give them a very important start.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. D'AMATO. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment 1931, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—96

Abraham	Coats	Glenn
Akaka	Cochran	Gorton
Allard	Collins	Graham
Ashcroft	Conrad	Gramm
Baucus	Coverdell	Grams
Bennett	Craig	Grassley
Biden	D'Amato	Hagel
Bingaman	Daschle	Harkin
Bond	DeWine	Hatch
Boxer	Dodd	Hollings
Breaux	Domenici	Hutchinson
Brownback	Dorgan	Hutchison
Bryan	Durbin	Inhofe
Bumpers	Enzi	Inouye
Burns	Faircloth	Jeffords
Byrd	Feingold	Johnson
Campbell	Feinstein	Kempthorne
Chafee	Ford	Kennedy
Cleland	Frist	Kerrey

Kerry	Mikulski	Sessions
Kohl	Moseley-Braun	Shelby
Kyl	Moynihan	Smith (OR)
Landrieu	Murkowski	Snowe
Lautenberg	Murray	Specter
Leahy	Reed	Stevens
Levin	Reid	Thomas
Lieberman	Robb	Thompson
Lott	Roberts	Thurmond
Lugar	Rockefeller	Torricelli
Mack	Roth	Warner
McCain	Santorum	Wellstone
McConnell	Sarbanes	Wyden

NAYS—4

Gregg	Nickles
Helms	Smith (NH)

The amendment (No. 1931), as amended, as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

SAFETY TITLE

Mr. McCAIN. Mr. President, I would like to comment on the Commerce Committee's Safety title that was adopted by the full Senate last week. That amendment reauthorizes the many surface transportation safety programs last reviewed in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Mr. President, the Commerce Committee spent considerable time and effort developing that safety amendment. The Committee held a number of hearings—both at the full Committee and Subcommittee levels—to consider ISTEA reauthorization matters under its jurisdiction. The Committee held hearings focusing on National Highway Traffic Safety Administration (NHTSA) issues, including air bag deployment and seat belt usage; motor carrier safety issues, including the Motor Carrier Safety Assistance Program (MCSAP) and truck size issues; hazardous materials transportation; and proposals to improve protection of underground energy, water, and communications systems from excavator damage.

The comprehensive safety amendment is a bi-partisan Commerce Committee product. It incorporates many of the proposals requested in the Administration's reauthorization submission, which was entitled the National Economic Crossroads Transportation Efficiency Act (NEXTEA). This bi-partisan amendment also includes a number of new transportation safety proposals. It is designed to improve travel safety on our nation's roads and waterways, promote the safe shipment of hazardous materials, protect underground pipelines and telecommunications cables from excavation damage, and ensure that our nation's commercial motor vehicle fleet is well maintained and safely operated.

Mr. President, transportation safety must be at the forefront of our deliberations during the debate on ISTEA reauthorization and I was pleased to offer one of the very first amendments. S. 1173 proposes funding and policy authorizations to improve our transportation infrastructure and facilitate the efficient and economical transportation of people and goods. The amendment offered on behalf of myself and Senator HOLLINGS is a vital component of that effort. Our amendment will help ensure that people and goods not only move efficiently, but that they move safely too.

The need for improvements in federal transportation safety policy is crystal clear. The National Transportation Safety Board (NTSB) report that deaths from transportation accidents in the United States totaled more than 44,000 for calendar year 1996. Highway-related deaths, which account for more than 90 percent of all transportation fatalities, rose by 109, reaching a total of 41,907. The Federal Transit Administration reported 120 fatalities from accidents associated with the operations of light and commuter rail companies, compared to 98 in 1995. And, pipeline-related deaths totaled 20, compared to 21 in 1995.

Mr. President, I would like to provide a broad overview of the various transportation safety provisions contained in the amendment as adopted last week. First, this amendment would reauthorize a number of programs under the National Highway Transportation Safety Administration (NHTSA) to improve safety on America's roadways, including grant programs which would provide $1.1 billion to the states over the next six years. While many of us wish we could have authorized funding at the levels requested by the Administration, the Committee had to also acknowledge the budget agreement entered into last year. Accordingly, the levels authorized in the amendment reflect that agreement. However, I stand ready to increase the levels should an agreement be reached with the Budget Committee to enable a higher authorization level.

Second, this amendment reauthorizes funding for programs to ensure the safe transportation of hazardous materials. It also includes a number of changes intended to strengthen and improve the hazardous materials transportation program. For example, according to DOT's Research and Special Programs Administration (RSPA) statistics, there were hundreds of transportation related incidents involving undeclared or hidden hazardous materials. These incidents resulted in 110 deaths and 112 injuries from January 1990 through October 1996. This legislation would give DOT inspectors the authority to open and examine the contents of packages suspected of containing hazardous materials.

This provision would help ensure that packages containing undeclared hazardous materials shipments can be removed from transportation before they harm individuals. In the event a package is opened under the amendment's authorities, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel could continue in transport.

The amendment also expands hazardous materials training access by allowing States and Indian tribes to use a portion of their grants to assist small businesses in complying with regulations. DOT has indicated that the majority of hazardous materials shipment and packaging mistakes occur at small businesses.

The amendment also authorizes the Secretary of Transportation to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

Third, at the request of the Majority Leader, this amendment incorporates S. 1115, the Comprehensive One-Call Notification Act introduced by Senators LOTT and DASCHLE on July 31, 1997. S. 1115 would facilitate a national effort encouraging states to strengthen their laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. S. 1115 passed the Senate by unanimous consent on November 9, 1997.

Fourth, this amendment reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection.

It further authorizes a performance-based approach for the MCSAP, removing many of the prescriptive requirements of the program. Instead, States would be given greater flexibility to implement safety activities and goals they design to evaluate and improve truck safety programs. This new performance-based approach, to be implements by the year 2000, would enable States to spend their limited resources on those activities best able to address their unique motor carrier problem areas.

This legislation also contains several other important truck and bus safety enhancement provisions. The amendment would help ensure greater safety oversight by permitting the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration. The bill further strengthens safety oversight by extending safety regulations such as Commercial Drivers Licensing and drug and alcohol testing requirements to for-hire passenger vans. It would also permit the Secretary to order any unsafe carrier to cease operations. Currently this authority applies only to prevent unsafe operations of commercial passenger carriers and hazardous materials carriers.

We have also incorporated a number of provisions designed to promote the

timely and accurate exchange of important carrier and driver safety records. Strategic and effective policies should always be based on timely and accurate information. Good data is crucial to good decision making. Therefore, the McCain/Hollings amendment gives the Office of Motor Carriers the capability to improve its existing data collection programs through the development of more technologically advanced systems.

We have all too often heard of stories where even the most sophisticated information systems contains inaccurate data and data which frequently is difficult for the affected party to correct. Therefore, when implementing the information systems and strategic safety initiatives authorized in the McCain/Hollings amendment, the Secretary of Transportation should ensure that the motor carrier data collected is needed and accurate, and that the information collected is protected from disclosure that would unfairly injure the motor carrier or the commercial motor vehicle driver.

Mr. President, every time Congress considers legislation affecting federal motor carrier safety regulations, various segments of the industry seek exemptions. Some are common sense, such as acknowledging the special transportation time constraints of farmers during the planting and harvesting seasons. But, I strongly believe we should not have to pass a bill every time an exemption is warranted. The consideration of regulatory exemptions is a proper function of the Executive Branch.

This amendment seeks to address this issue. Today, the Secretary of Transportation has the authority to grant exemptions. However, the authority is relatively meaningless because prior to granting a waiver or exemption, it must first be proven the exemption would not diminish safety. That's an appropriate consideration, but how can DOT assess an exemption's safety risk if it can't first test the concept on a limited pilot basis?

In an attempt to address this problem and recognize the Secretary should be permitted to examine innovative approaches or alternatives to certain rules, Senator HOLLINGS and I have worked to define a process whereby the Secretary may grant waivers and exemptions. This legislation would also authorize the Secretary to carry out pilot programs to test the affects of limited regulatory exemptions.

I am urging my colleagues to work with Senator HOLLINGS and myself to help us enact a reasoned and safe waiver/exemption/ pilot project process. While this amendment also incorporates three amendments authored by Senator BURNS to provide regulatory exemptions to three industry segments, I have committed to working with Senator BURNS to find an alternative approach. We are not quite in agreement, but I think we are getting closer. I bring this to my colleagues attention in order to inform the members that I expect that some amendments will be offered very shortly to alter the Senator's exemptions.

In another transportation area, the McCain/Hollings amendment addresses the serious security threats to our Nation's railroad and mass transportation systems. As my colleagues well know, our transportation system is vulnerable to security threats. Two years, Arizonans and citizens throughout the country were saddened to learn of an Amtrak derailment near Hyder, Arizona, which claimed the life of one individual and injured seventy-eight others. Shortly after the accident, the sadness turned to shock as we learned that the derailment could have been caused by someone who may have intentionally sabotaged the track. The Arizona accident is not unique. There have been other examples of acts against railroads. Therefore, as requested by the Administration, this legislation would create criminal sanctions for violent attacks against railroads, their employees, and passengers. The penalties are similar to those which currently cover vessels, airlines, motor carriers, and pipelines.

Finally, this amendment addresses boating safety concerns. In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, this amendment would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. It is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

This amendment would also reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. It provides funds to the states for vessel sanitation pumpout programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

I am well aware that Senator CHAFEE and other members of the Senate Environment and Public Works have views on certain aspects of these boating safety provisions. We have been working and will continue to work with these members on this section of the McCain/Hollings amendment in an effort to reach an agreement on these provisions prior to final passage of the bill.

Mr. President, clearly this is a very comprehensive transportation safety amendment. I have not discussed every single item, but I have provided a thorough overview of its complex provisions. I also ask unanimous consent that a summary of the amendment be printed in the RECORD.

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

SUMMARY OF THE MAJOR PROVISIONS IN THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SAFETY TITLE AMENDMENT TO S. 1173

SUBTITLE A HIGHWAY SAFETY

Subtitle A reauthorizes grant programs administered by the National Highway Traffic Safety Administration (NHTSA) that are designed to improve safety on America's roadways. The Subtitle authorizes over $1.1 billion to the states during the next 6 years for the safety grant programs. Specifically, the Subtitle would reauthorize the State and Community Highway Safety Program which provides grants under Section 402 of Title 23. The incentive grant program concerning alcohol-impaired driving countermeasures is also reauthorized, but the Subtitle moves it from Section 410 and incorporates it within Section 402 of Title 23.

Subtitle A adds several new grant programs. One of the grant programs established would improve occupant protection programs by encourage states to provide for primary enforcement of seat belt laws. That program is located in a reconstituted Section 410. Subtitle A provides incentives for the states to improve safety programs, rather than sanctions. Another program added would provide grants to states to encourage them to improve the quality of their highway safety data. Subtitle A also expands NHTSA's existing drugs and driver behavior research and development program to include measures that may deter drugged driving. The Subtitle includes an amendment offered by Senator DORGAN to authorize NHTSA to undertake programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. An amendment offered by Senator FORD requires State highway safety programs to have guidelines that improve law enforcement services including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks.

SUBTITLE B HAZARDOUS MATERIALS TRANSPORTATION

This section reauthorizes funding and strengthens and improves programs to ensure the safe transportation of hazardous materials. It would authorize DOT inspectors to open and examine the contents of hazardous materials suspect packages to prevent illegal shipments and requires DOT inspectors to mark opened packages and notify the shipper before the parcel can continue in transport. In the event a package is opened under the authority provided in Subtitle B, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel can continue in transport.

Subtitle B also expands access to hazardous materials training opportunities by allowing States and Indian tribes to use a portion of their grants to assist in training small businesses in complying with regulations. This provision is necessary because the majority of hazardous materials shipment and packaging mistakes occur at small businesses. The Secretary of Transportation also is authorized to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

The Committee held a hearing on issues relating to the reauthorization of the Hazardous Materials Transportation Act on May 8, 1997.

SUBTITLE C—COMPREHENSIVE ONE-CALL NOTIFICATION

This section incorporates the provisions of S. 1115, the Comprehensive One-Call Notification Act, introduced by Senators Lott, Daschle and others on July 31, 1997. S. 1115 is intended to encourage States to strengthen laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. The measure creates a voluntary program under which states that choose to improve their underground damage excavation prevention programs could apply for Federal grants.

The Subcommittee on Surface Transportation and Merchant Marine held a hearing on S. 1115 on September 17, 1997 and S. 1115 passed the Senate by unanimous consent on November 9, 1997.

SUBTITLE D—MOTOR CARRIER VEHICLE SAFETY

Subtitle D reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding to the States for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection. It also authorizes a performance-based approach to be implemented for the MCSAP by 2000, removing many of the prescriptive requirements of the program. A performance-based program would enable States to target their safety enforcement efforts on activities that directly improve motor carrier safety.

Subtitle D contains other provisions intended to strengthen commercial motor vehicle safety enforcement by permitting the Secretary to order any unsafe carrier to cease operations. The Secretary's existing authority applies only to the prevention of unsafe commercial passenger operators and hazardous materials carriers. The provisions in Subtitle D permit the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration.

To promote the timely and accurate exchange of important carrier and driver safety records, Subtitle D would authorize comprehensive information systems and strategic safety initiatives to support motor carrier regulatory and enforcement activities as requested by the Administration. The Subtitle also establishes a pilot program to help facilitate the exchange of accurate driver records data history. Language is included in the Subtitle to permit carriers to provide safety records of former drivers to prospective employers as required by law without the fear of a former employee taking legal action against the carrier, provided the data exchanged is accurate.

The Full Committee held a hearing on Truck Safety issues on April 24, 1997.

During the Commerce Committee's consideration of this legislation, three amendments offered by Senator Burns were accepted by voice vote. The amendments would exempt retailers that transport agricultural chemicals from the Department of Transportation's hazardous materials transportation safety regulations; permit States to waive Commercial Driver License (CDL) requirements for custom harvesters and other farm-related service industry employees; and, exempt all drivers of utility industry vehicles from Department of Transportation Hours of Service and physical testing and reporting regulations.

SUBTITLE E—RAIL AND MASS TRANSPORTATION SAFETY

As requested by the Administration, Subtitle would provide for criminal sanctions in cases of violent attacks against railroads, their employees, and passengers. These stronger criminal sanctions, intended to help deter against future attacks against the rail industry, are similar to penalties which currently cover attacks against vessels, airlines, motor carriers, and pipelines. In addition, the Subtitle clarifies the Secretary's authority to ensure safety issues are fully addressed prior to making grants or loans to or for the benefit of commuter railroads subject to the Federal Railroad Administration safety regulations.

SUBTITLE F—SPORTFISHING AND BOATING SAFETY

In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, Subtitle F would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. The Subtitle is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

Further, the Subtitle would reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. Subtitle F provides funds to the states for vessel sanitation pump-out programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

SUBTITLE G—MISCELLANEOUS

Subtitle G includes an amendment adopted by the Commerce Committee offered by Senator GORTON. The Subtitle authorizes $10 million from general revenues for each of the years covered by the Intermodal Transportation Safety Act reauthorization for grants to States for pilot projects to improve and rehabilitate publicly and privately owned shortline and regional railroads. Subtitle G requires the shortline and regional railroads to share in the costs of the rail infrastructure improvement projects funded by the State grants.

AMENDMENTS NOS. 1709 AND 1710

Mr. MCCAIN. Mr. President, I rise today in support of two amendments as sponsored by Senator CAMPBELL, numbered 1709 and 1710, which would improve the delivery of ISTEA funds for the Indian reservation roads system now administered by the Bureau of Indian Affairs (BIA).

Amendment 1709 is an administrative efficiencies provision that will allow tribes to construct more roads and bridges with the funds they receive under ISTEA. Simply put, amendment 1709 allows Indians to get a bigger bang for their ISTEA buck.

The amendment does not increase the overall ISTEA funding targeted to Indian roads and bridges under this bill. Instead, it allows tribes to assume all functions, programs, activities and services previously managed for tribes by an inefficient and wasteful BIA bureaucracy that has been paid for with ISTEA funds.

Unless we enact this amendment, up to six percent of the Indian ISTEA funds will continue to be diverted to pay for a BIA bureaucracy that is often located far from the Indian communities to be served. Amendment 1709 would provide express authority for these funds to be made available to willing tribes to build roads and bridges in their local communities.

Congress has been trying to curb the BIA bureaucracy and support tribal autonomy ever since 1975 when it first enacted the Indian Self-Determination Act, known as Public Law 93–638. In recent years, I have been pleased to be part of legislative efforts to expand Self-Determination and Tribal Self-Governance.

Four years ago, the Congress enacted substantive amendments to Public Law 93–638 which by its terms makes all funds, at all levels of the BIA, available to tribes to do for themselves what BIA bureaucrats have previously claimed to do for Indians. Public Law 93–638 authorities now allow a tribe, at its option, to cut through levels and levels of bureaucratic red tape and efficiently build things and run programs. The law has well-developed minimum standards and reporting requirements which assure accountability without a wasteful and offensively paternalistic federal oversight bureaucracy.

In many ways, Public Law 93–638 works like a consolidated block grant. It is designed to encourage tribal efficiency and accountability, and to maximize benefits by targeting local priority needs.

In the 1994 amendments to Public Law 93–638, the Congress intended to apply these authorities to all funds administered by the BIA, including ISTEA funds transferred to BIA from the Department of Transportation for the benefit of Indian roads and bridges.

Despite our clear references in Committee report and floor language that this was our intent, the BIA has refused tribal efforts to fully subject all ISTEA funds to Public Law 93–638. This issue has consumed hundreds of hours of federal-tribal negotiations since 1994. Great sums of time and money have been wasted in arguments between BIA and tribal officials about whether the Congress wanted to permit the BIA roads bureaucracy to continue to fund itself by diverting up to six percent of the ISTEA funds away from actual construction in Indian and Native communities.

Last month, the BIA issued proposed regulations on Tribal Self-Governance which claim that the 1994 amendments do not prohibit the BIA from continuing to withhold from tribes up to six percent of the ISTEA funds in order to fund the BIA roads bureaucracy. ISTEA is the last major BIA account which the BIA continues to protect as immune from the reach of tribal requests under Public Law 93–638 to obtain a direct transfer of the full tribal share of these funds.

When I learned of this debate and the proposed regulations, I looked back at our actions in 1994 and realized we in Congress intended the 1994 amendments to Public Law 93–638 to apply to ISTEA funds transferred to the BIA from the Department of Transportation. They were to be treated like all other funds administered by the BIA—if a tribe wanted to obtain its full share of funds directly, in a flexible and accountable contract or compact, it could do so.

I believed then, and I believe now, that there is nothing unique about building a road that requires a federal bureaucracy. Many tribes are building safe buildings that adhere to prevailing codes; they can do the same on roads and bridges without a heavy handed and costly BIA supervision.

There are two ways by which Amendment 1709 would squeeze more benefit out of the funding levels otherwise provided under ISTEA. First, the amendment would clearly and expressly allow any tribe, so choosing, to require the BIA to transfer that tribe's full share of ISTEA funding directly to the tribe rather than being siphoned off by a wasteful, federal bureaucracy. Second, the amendment would allow a tribe to administer ISTEA funds under the flexible authorities provided by Public Law 93–638, including greater local control and responsibility, field decision-making powers, sharply reduced paperwork and reporting requirements, audited accountability, consolidated local operations, and in general, the local, tribal power to respond to project challenges and local needs when and as they occur.

Amendment 1710 would require that regulations implementing the Indian ISTEA program and refashioning its funding allocation formula be prepared under negotiated rulemaking procedures adapted to the unique government-to-government relationship between Indian tribes and the United States. This amendment simply borrows from the recent success that Indian tribes and the United States have forged in carrying out the government-to-government negotiated rulemaking on the Native American Housing and Self-Determination Act of 1996 (NAHASDA).

In recent days, the Administration has finalized rules governing the implementation of NAHADSA. From what we have heard in Congress, nearly all Indian tribes are pleased with the outcome of this federal-tribal negotiated rulemaking process. That is remarkable, given that the final regulations put detail upon a major overhaul of the Indian housing program funded by the Department of Housing and Urban Development (HUD). NAHADSA reorganized how hundreds of millions of federal construction funds are spent each year. And the tribal satisfaction is even more noteworthy given that the federal-tribal negotiated rulemaking process also produced a revised funding allocation formula, guided by factors set out in the underlying statute.

Given the NAHADSA successes in allowing tribes to negotiate a new funding allocation formula to determine how the funds are divided up among tribes, I am convinced that the same approach should be applied to ISTEA funds. It works, and should be replicated on ISTEA, where many of the same issues involving housing construction are raised in efforts to construct roads.

Amendment 1710 reflects the language used in NAHADSA to provide a statutory framework of basic relative need assessment factors to be used by the tribal-federal negotiating team to develop a new funding allocation formula. The specific language of Amendment 1710 would ensure that the new funding formula fairly takes into account Indian communities who have not had their road needs met under previous formulas.

Amendment 1710 should not be seen by the BIA as an opportunity to completely rewrite the regulations already promulgated under Public Law 93–638. Indeed, these should for the most part apply to the Indian ISTEA, except where they now preclude a tribe from using the full authorities of Public Law 93–638 in the ISTEA program due to a mis-reading of our intention in the 1994 Amendments to Public Law 93–638 to fully subject ISTEA funds administered by BIA to Public Law 93–638.

Both amendments 1709 and 1710 will maximize the benefit of the ISTEA dollars in Indian communities. This kind of express statutory language in ISTEA is apparently needed to remove any room for doubt on the part of the BIA that all ISTEA funding for Indian roads and bridges must be brought within the parameters of Public Law 93–638. I urge my colleagues to support these two amendments as one way we can maximize the benefit, and better target the expenditure, of ISTEA funds otherwise directed toward Indian roads and bridges in this bill.

Mr. ASHCROFT. Mr. President, I am pleased to take part in the debate to reauthorize the Intermodal Surface Transportation Efficiency Act of 1997, commonly known as ISTEA. This debate was originally scheduled to take place the first week in May. As we all know, the current measure is designed to end in the last week in April. Had we not debated this until the first week of May, there would have been an interruption in the funding and the opportunity to build highways in this country. So I express my appreciation to the majority leader for moving this debate up and making it possible for us to address this issue. When we are talking about the construction of infrastructure, which allows the body politic to be nourished by the stream of commerce, it is important that we don't interrupt that stream. I thank the majority leader, however, for the people of Missouri, the crisis is not yet over. The necessary funds for their road improvement projects still have not been approved.

It is with great concern for the State of Missouri that I rise today. It is concern for everyone that relies on our transportation infrastructure to go to work or school, to the grocery store and to return home. It is concern for the workers who improve our existing roads and build new ones. I urge the Senate to quickly relieve the people of my state of the uncertainty caused by the lack of consistent funds, that hangs over their heads.

It also is imperative that we pass a six year ISTEA authorization bill that gives states a fair return on their transportation dollars. These funds enable states to invest in improvement projects that affect Americans daily lives. Every day millions of Americans depend on our roads and bridges to safely and timely go about their lives. The need for safe roads is universal to every thriving community and the life of every American. Investment in our transportation infrastructure translates into safer and less congested travel.

I have been contacted by several of my constituents expressing their frustration with Congress' failure to authorize the funds necessary to continue their road improvement projects. As they spend more and more time, stuck in traffic waiting to return home to their families, they wonder, ''Why Congress has not acted?'' They wonder, ''Why is ISTEA stuck in traffic, as well?''

While Congress has been unable to finish the job of passing the highway bill in a swift manner, there has been several Members of this body that have worked tirelessly to move this legislation forward. I am grateful, on behalf of the citizens of Missouri, for the work that has been done on this bill to ensure a fair return to Missourians for the kind of contribution that they make to the highway trust fund. I especially thank the senior Senator from Missouri, KIT BOND, for his irreplaceable effort in this battle. No Senator in this Chamber, in my judgment, has made a more conscientious and consistent effort to make sure that there was fairness in the allocation of these highway resources than Senator KIT BOND. Without his work, our current debate would not be to make sure the road construction continues unimpeded but to get it started again.

To me, the issue is clear, and it has been clear throughout the entire debate. When a Missourian fills a gas tank and pays 4.3 cents in Federal fuel taxes, that money should go to improving roads rather than paying for additional Federal spending on some social program in a distant State. That is another improvement that this bill reflects, putting highway taxes back into the highway trust fund.

I think the decision, which involved both the authorizing committee and the Budget Committee, to dedicate the 4.3 cent fuel tax to highways is a good one, and I am pleased to support that aspect of this bill. When this is all

over, Missourians will now see a 91 cent return on each dollar as opposed to a dismal 80 cents that it received under the former funding scheme. Under the formula that was passed out of the Environment and Public Works Committee, Missouri will receive $3.6 billion compared to $2.4 billion that Missouri received over the last 6 years of the 1991 highway bill. Missouri's average allocation per year would be around $600 million as opposed to around $400 million that the State received under the old bill. I believe this allocation of highway trust money to the development and construction of highways is appropriate. I would add that this is not taking from other Government programs. This is the allocation of highway trust money for highways. Uniquely, we are beginning to get to the place where we focus resources that we take from people who use the highways on the highways. That is a major benefit. Although, I would like to see a 100 percent return on Missouri's investments, I appreciate the advancements made over the last few days. Also, I am committed to working with the Budget Committee to see that these additional funds are offset so we can stay within the budget caps that were approved by this Congress last session.

Regrettably, we were unable to resolve these issues and a number of other concerns during the First Session. In order to continue funding to the states for their highway needs, Senator BOND authored the six month extension plan while ensuring that Missouri receives its fair share of highway dollars. The six month extension is scheduled to end April 30, of this year. I have recently received word from the Missouri Department of Transportation that their last bidding process for road construction contracts will be in March.

I would like to share with you some of the long term projects that are in jeopardy because of our failure to act expeditiously. These are all top priorities for the Missouri Department of Transportation. ''The replacement or rehabilitation of seven bridges on Interstate 70 in the St. Louis area. A new exit on Route 40 in St. Charles County to Chesterfield Airport Road.'' Here is a few not to far from my home in Southwest Missouri the, ''Widening to five lanes of Route 71 in Newton County. Rehabilitation of the Interstate 44 bridge at Route 50 in Franklin County. Widen and resurface 3 miles of Route 39 in Barry County.'' The list goes on.

Mr. President, federal funds make up about seventy percent of all funding for road and bridge construction in Missouri. With seventy percent of the funds hanging in uncertainty the Department of Transportation must end the bidding process. As the State of Missouri stops issuing construction contracts, contractors stop asking their employees to come to work.

In order to put this into perspective I would like to share with you an e-mail that I received from one of my constituents from St. Louis, Missouri. This constituent has been in the road construction industry for nearly thirty years. He writes,

> . . . We the construction workers, have always strived to produce quality, on time projects. You, the U.S. Senate have failed once again to provide those needed funds in any sort of timely manor . . . I received a notice on January 22, 1998 that the Missouri Department of Transportation was going to cancel all future lettings after March 1998. I wish I could make you understand the devastating effect this will have on the Missouri Construction Industry, it's workers and the many related and non-related industries in our state.
>
> I was hoping to be contacting you regarding a better allocation of those tax dollars back to Missouri to better represent the amounts paid into the trust fund, I now find myself doubting if there will be any authorization at all . . .

I do understand. I am grateful for the words of insight that I have received from my constituents.

I quickly would like to address one more issue. This is the amendment that was voted on yesterday to take away State highway funds if they do not establish a blood alcohol content of .08 for drunk-driving violations. I opposed this amendment, not because I do not abhor drunk driving. Far too many of us have lost loved ones as a result of this tragedy. However, I believe States are in the best position to make the decision on the most effective way to eliminate drunk driving. The 'stick' approach offered in the amendment was rejected by the 104th Congress, when we repealed the Federal speed limit. I believe the 'carrot' approach, contained in the safety provisions of this bill—which provides a .08 option—is the appropriate method to allow States the freedom to establish comprehensive programs to discourage drunk driving. That is why the National Governors Association, the National Association of Governors' Highway Safety Representatives, the National Conference of State Legislatures, the National Association of Counties, and the American Association of State Highway and Transportation Officials support the safety provisions contained in the bill, rather than the amendment offered by the Senator from New Jersey.

The people of Missouri gave me the privilege of serving them in this body. We would be derelict in our responsibility to them and the people of this great country, if one person lost their job because of our failure to act. I urge the Senate to once again avert the continued loss of time to our families, the loss of funds to our states and the loss of jobs for our workers, and quickly pass a long term ISTEA bill.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 9, 1998, the federal debt stood at $5,523,019,454,633.25 (Five trillion, five hundred twenty-three billion, nineteen million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents).

Five years ago, March 9, 1993, the federal debt stood at $4,209,676,000,000 (Four trillion, two hundred nine billion, six hundred seventy-six million).

Ten years ago, March 9, 1988, the federal debt stood at $2,485,526,000,000 (Two trillion, four hundred eighty-five billion, five hundred twenty-six million).

Fifteen years ago, March 9, 1983, the federal debt stood at $1,222,370,000,000 (One trillion, two hundred twenty-two billion, three hundred seventy million).

Twenty-five years ago, March 9, 1973, the federal debt stood at $455,698,000,000 (Four hundred fifty-five billion, six hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,067,321,454,633.25 (Five trillion, sixty-seven billion, three hundred twenty-one million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''THE 1996 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES''—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.