care plans very quickly and you will have an increase in the number of uninsured that will be in the millions. You will also have costs. CBO estimated that the Democrat bill would increase health care costs by 4 percent over what they are already estimated to cost, at 5.2 percent. That is a 9.2 percent cost increase if we enact the Democrat bill. That would cause millions of people to lose health insurance. I don't think that is smart.

So I want to just make sure that our colleagues are aware of the fact that we are willing to have a significant, credible debate. We are willing to consider various alternatives. We are not willing to get an unlimited amount of time. Earlier, my colleague had offered his bill on an appropriations bill. I said it didn't belong there. Maybe we should have left it there. We could have offered some substitutes.

One way or another, we are going to take up this issue. It is our intention to take it up prior to the August break. That is the majority leader's call. We understand that we have a lot of appropriations bills to do, and that must be done. I know my colleagues on the Transportation Committee are ready to go to work. I won't delay them much longer. We will have adequate time to debate the pros and cons of this bill.

I heard some other allegations—that they don't do anything. The Senator from Delaware said, ''They have all this lip service. They provide for emergency care, gag clauses, and access, direct access to OB/GYN and pediatricians, but that doesn't do anything.'' I disagree. We protect the unprotected. We don't have the philosophy that we should preempt States who are, in many cases, doing a better job than the Federal Government. There is a presumption on the Democrat side that the Federal Government can do it better than State government. Let's protect the unprotected, cover the plans that don't have protections often by the State.

My State has 24 mandates. They have a lot of things that aren't in the Democrat plan or Republican plan, and they are doing quite well. They are considering many more. Most States are looking at the Patients' Bill of Rights, and 36 States have already enacted several others, and 45 States already have a gag clause. Maybe some people think Washington, DC, should decide what kind of communication should or should not be made by physicians, and so on.

My point is, I think we have tried to craft a very careful, balanced, good proposal that won't escalate costs, that won't have undue mandates. The Democrat proposal has 359 mandates. Maybe instead of calling it the Kennedy bill, the Patients' Bill of Rights, they should call it the Kennedy bill of mandates, because it is this idea that the Government in Washington, DC, should dictate everything.

So I look forward to the debate. I look forward to resolving this issue and trying to come up with a good, responsible bill that won't drive up health care costs, that won't add layers and layers of bureaucracy and regulation and red tape, that won't really deter quality health care.

Our bill, I might mention, has a lot of things to deal with improving quality health care. I compliment Senator COLLINS, Senator FRIST, Senator JEFFORDS, and others who worked to put a lot of quality provisions in this health care, whether you are dealing with women's health, or dealing with research, trying to get research out to States and rural areas that would really improve quality health care—not a Federal definition that we know best, but trying to really advance technology and get that information to patients, to various areas around the country that would actually improve the quality of health care in America today.

I thank my colleagues who are managing this bill. I hope they will have success in moving this bill forward. I look forward to the debate and, hopefully, a debate next week on the so-called Patients' Bill of Rights.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

THE ZAAZHOA CASE

Mr. JEFFORDS. Mr. President, I rise today to share some great news and to give thanks to the Members who helped me with respect to this very emotional situation that we have dealt with. I want to share the great news that three young Vermont girls who were abducted to Egypt are now back. I want to thank 56 of my colleagues for their support in this case for signing a letter to urge their return to Vermont. I also want to thank the Egyptian and American Governments for their invaluable assistance.

Last October, anticipating a Vermont court order giving his wife sole custody of their three girls, Michael Zaazhoa took Sarah, Maryam and Leila under falsified passports and fled to Egypt. Lamis Zaazhoa began the frantic search for her girls, ages 3, 5 and 6, which took 9 months, and culminated in a joyful reunion at the U.S. Embassy in Cairo this past Friday.

Lamis listened to the wise counsel of her family and decided to go the long, anxious route of petitioning the Egyptian courts for sole custody of her children under Egyptian law and getting an Egyptian court order for the return of her girls. The Vermont delegation quickly swung into action in support of her efforts, enlisting the help of the U.S. Embassy in Cairo and the Egyptian Embassy in Washington.

After the Egyptian courts ruled squarely in Lamis's favor, I walked around the Senate floor with a letter from Senator LEAHY and me to President Mubarak of Egypt, asking for his support. Fifty-five of my Colleagues signed this letter. I am deeply appreciative of my Colleagues help, which I consider pivotal to the success of our efforts. And I am very grateful to the Egyptian Embassy and Egyptian Government for its help in ensuring that Egyptian law was enforced and the girls were returned to their mother. The staff of the American Embassy was there for us all along, and arranged the swift return to the United States of Lamis and her girls once they were reunited.

I wish I could have invited all of my colleagues to the wonderful meeting Senator LEAHY and I had with these three sweet girls yesterday! Their beautiful smiles and the joy on Lamis's face deeply touched the hearts of all those present. In difficult situations like these, we rely on the good offices of our Government, and the cooperation of our friends in foreign governments. And yesterday we saw with our own eyes the beautiful fruits of those efforts!

This is an unusual result. Many of these cases occur, but very, very few are reconciled the way this was. I thank Jeff Munger of my staff in Vermont, whose sister brought to his attention the plight of the children and spearheaded the results that we got. So, again, I thank all the Members for their helpfulness in getting the three little girls back to Vermont.

I thank the Chair.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SHELBY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 2307, the transportation appropriations bill.

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

The clerk will report.

The bill clerk read as follows:

A bill (S. 2307) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, in putting together the Fiscal Year 1999 Transportation Appropriations bill, we were faced with the difficulty of trying to adhere to the spending levels in the new highway and transit authorization bill and still provide adequate levels of funding for other transportation priorities. We have done that in this bill, and I think it represents a balanced approach to meeting our nation's transportation needs. I want to thank the Chairman of the Committee on Appropriations Senator STEVENS, for all his assistance and advice as we put this bill together and moved it through sub and full committee consideration.

We have also worked diligently with the senior Senator from New Jersey,

Senator LAUTENBERG, the ranking minority member of the subcommittee on transportation appropriations, and with the distinguished ranking member of the Committee on Appropriations, Senator BYRD, to try to accommodate the requests of every Member of the Senate. No one got everything they asked for, but I think as Members look at the details of the bill, they will see that we did our best, with the limited resources we had, to accommodate everyone's request.

I want to outline just a few highlights of the bill, if I may.

The Airport Improvement Program is set at $2.1 billion for 1999, the highest level ever. This funding will expand the capacity of our Nation's airports, reduce delays and congestion, and, most importantly, it will improve aviation safety in America. As the demand for air travel increases, we must ensure that our airports are able to efficiently handle traffic that will come with it.

Highway spending is also at the highest level in history—more than $27 billion. This funding will help States clear out their backlog of overdue highway construction and improvement projects. With more than 40,000 American lives lost each year on our Nation's highways, we must do everything to make them as safe as possible. Highway spending not only improves safety but also will provide good jobs for thousands of Americans.

I believe we have adequately funded both the Coast Guard and the Federal Aviation Administration operations accounts, and we have provided increased flexibility for the Secretary to manage both operations accounts to meet air traffic control and drug interdiction demands.

I am pleased that we were able to fully appropriate the authorized levels for the National Highway Traffic Safety Administration. That agency's funding in this bill represents an 8 percent increase over last year and will aid in their efforts to conduct airbag research, develop automatic crash avoidance technologies, and increase seatbelt use, and also reduce drunk driving on our highways.

The Federal Transit Administration will receive $5.365 billion, an 11 percent increase from 1998. These funds will be used to build new light rail transit systems, replace dilapidated public buses, and construct intermodal facilities to speed the transfer of people from one transportation mode to another.

Regarding Amtrak, the bill provides an additional $555 million on top of the $1.1 billion Amtrak will receive from the Taxpayer Relief Act that we passed last year.

My concerns about the level of Federal subsidies for Amtrak are well known in this body. Since the railroad was created in 1971, Amtrak has received $21 billion in Federal support. That is an average of $750 million a year. Mr. President, that is a disproportionately high level of subsidy for a railroad that only serves 20 million intercity passengers every year. Mr. President, by way of comparison, 600 million Americans fly every year. This means that more people fly in a 2-week period than ride Amtrak over the course of the year. The bill before you this evening contains a provision requiring Amtrak to print the per-passenger subsidy on each Amtrak ticket sold. According to the GAO, Amtrak loses an average of $47 per passenger. I think the American people have a right to know how their tax dollars are being spent.

Finally, Mr. President, let me comment on the Project Labor agreement provision. At full committee consideration of the transportation appropriations bill, the chairman requested that we postpone the debate on this provision until the floor. I believe that the chairman's position to postpone this debate until the floor made sense. And I know that he has been working to resolve this issue in a fashion that will allow the transportation appropriations bill to move expeditiously through the Senate. I will continue to work with the chairman and with Members on both sides of this issue to see if we can craft—and I believe we will be able to craft—a solution that is workable for everyone involved. The intent of the original language in the bill was to prohibit discrimination against any worker in this country simply because he or she chooses not to join a union.

Mr. President, I am proud of what we have been able to accomplish in this bill. I believe it will benefit all Americans by improving transportation services in this country. I look forward to working with the members of the committee and the Members of the Senate to move this bill through the Senate.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, I am obviously pleased that the Senate has now turned to the consideration of the transportation appropriations bill. It has been some time in coming. And action on the transportation bill has been delayed for several weeks while the committee sought to resolve some of the challenges that arise when there are vital interests needs to be met with too few resources to meet them.

Mr. President, I first ask unanimous consent that Peter Rogoff, a member of my staff, be permitted privileges of the floor during the consideration of this bill.

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

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, it is always interesting, to me anyway, that when we get to something like transportation and we start talking about the numbers and how much we are able to spend on highways and aviation, on buses, and rail, whatever we do, we still fall short on this country's needs for investment in infrastructure.

There isn't a Senator here who doesn't come to Senator SHELBY or me during the time of the negotiations looking for more opportunities to invest in infrastructure. They want to get rid of the potholes, get rid of the obsolete bridges, update our system.

I know I speak for the chairman of the subcommittee, Senator SHELBY, with whom I have the pleasure and opportunity to work—Senator SHELBY and I have known each other for some time. He is a man with specific opinions on things. I could be described as a ''pussycat''—I don't think so. But we have our differences out on the table, and we work to resolve them. There is one thing in this relationship, and that is mutual respect. I want to say today that Senator SHELBY has not only exhibited patience but also a genuine interest in resolving issues, getting rid of the problems, and getting on with the task. Between us, I think we have a pretty good piece of legislation.

For me, one of the greatest challenges that we faced in developing this bill was finding the funds for Amtrak. Senator SHELBY, as is his wont, spoke out about his views on Amtrak. But he has respect for others' views—for those people who see Amtrak as an integral part of the transportation system in this country, an essential part of the system.

While he is concerned about the amount of subsidy that Amtrak is getting from the Federal Government, it is also bidding its way towards self-sufficiency. Until we have the proper kind of equipment that attracts riders, that can make the trip—and the trips are made in faster times, particularly in the Northeast section, where in just the few States that Amtrak goes through with probably 100 million people, it is a significant part of the population in the country. Yes, it requires subsidy, but so does aviation.

We go beyond the ticket tax, which is significant. What we are saying to the people who ride in aviation is you pay a tax for this. We don't really say that in similar terms with Amtrak. You pay a heavy tax when you fly. The system is totally built by the taxpayer and local interests when it comes to aviation. If Amtrak didn't operate, I would like to point out that we would need 7,500 new flights a year on 757s to make up for the numbers of people who are carried on Amtrak.

We were able to fashion a compromise which was in this bill reported unanimously by the Appropriations Committee on July 14. It includes $555 million for Amtrak for the coming year, and as the chairman noted, there is over $1 billion worth of funding; some of that in operating expenses; some of that in capital expense, but it is $66 million less than the level requested by the administration.

Now, we are on the verge—1999 is the year—of getting high-speed rail equipment in the Northeast corridor. And

for the benefit of those who are listening not familiar with it, the Northeast corridor is that corridor of traffic between Washington here in the South, and Boston on the northern run, with New York and Newark as the intermediate points along the way.

Well, if we can get that ride down—and I think that we can—to less than 2½ hours, I can tell you, Mr. President, I have been out at the airport many times to take a flight that was advertised to be 40 and 45 minutes, and it has taken 3 hours. It is not because the airplane is so slow. It is that it's so crowded we can't get off the ground. And sometimes I find when I land in the Newark area we have to wait 30, 40 minutes to get to a gate. We are straining at the seams. And if anybody rides the highways of America they know there is plenty of congestion. I don't care what State it is, you will find a place in those States where highway congestion is unbearable, the air is foul, and we are consuming far more fuel than we ought to because we are building a further dependence on the countries outside our shores that produce it.

And so this investment in Amtrak is one that is going to be made to get us to be able to take delivery on the high-speed equipment which is due next year, 1999.

I thank Senator STEVENS, the chairman of the committee, and Senator BYRD, the ranking member of the full committee, as well as, again, Senator SHELBY, the chairman of the Subcommittee on Transportation, for helping us to find an acceptable funding level for Amtrak, and I also thank them for their patience throughout the process.

The Transportation Subcommittee faced a real daunting challenge in constructing a bill that kept faith with the promises included in the recently enacted Transportation Equity Act. That is the transportation program for the next half dozen years for the 21st century. It is a beginning into the 21st century, and with our infrastructure investment, as modest as it is, I can't say that it is one of America's proudest achievements because we are woefully underfunded, but it is a good start in the 21st century and I am looking forward to building on that.

The TEA 21, as it is referred to in acronym fashion, law authorized substantial increases in our surface transportation programs, and this appropriations bill includes a historic 15-percent increase for funding for the Federal Highway Administration, and an 11-percent increase in funding for the Federal Transit Administration. Separate from these well-deserved increases in the surface transportation area, the bill seeks to meet, to the best of our ability, the needs of the FAA.

You heard me just reciting the fact that crowding in the air is not an insignificant factor. If you want to fly into the New York area, or you want to fly into the Chicago area, the significant metropolitan hubs across our country, you have to share that space, and if the weather turns foul you wait forever. We could upgrade the system. There are other countries that have systems where takeoffs and landings are done at zero visibility. It is done mechanically. The pilot has to be there, but that airplane can touch down safely when you can't see the ground. I know I have been in a couple of flights like that, and it is always a shock when you don't see something and you feel that hard ground beneath you.

That is what we ought to be doing. We have to invest more in all of our transportation modes and aviation as well. The Coast Guard is one incredible agency. We ask so much of the Coast Guard. We not only have them out doing drug interdiction, which is a very popular part of their agenda, but if one looks at the marine system that we have in our country, the development of boating, fishing, the whole recreational aspect of marine life is there because the Coast Guard manages it. They put out the buoy markers. I know sometimes I get lost out there, so I can tell you that they are there. It is not that they have moved. It is that I haven't been able to find them properly.

It is an incredible system. And on top of that, they do pollution patrol; they do a patrol to try to intercept illegal immigrants who want to get to this great country of ours and are willing to risk their lives to do it, sometimes in tire tubes out in the ocean. The Coast Guard is there to provide interdiction, but also humanitarian service as well. And when it comes to rescues at sea, boy, there is nobody better than the Coast Guard. They know how to do it, and they are called on by everybody on every occasion. We just saw a ship fire, the Carnival Cruise Line ship in Florida. The ones I saw right there on the spot were the Coast Guard. They are always there. They need constant investment. I know one of the complaints in some of the northern areas is they don't have enough icebreaking equipment, for instance. We get it sometimes from the Defense Department.

So, when you put all these needs together, it is not an easy challenge. I say, once again, Chairman SHELBY and his staff, Wally Burnett, Reid Cavnar and Joyce Rose, do a terrific job, as well as the people on my staff, Peter Rogoff and Liz O'Donoghue—I mentioned before Peter Neffenger—and Carole Geagley, for the job the staff has done.

The staff has worked very hard. I don't think it is realized outside that by no means are these 9 to 5 jobs. Yes, they are. I am sorry. They are 9 at night to 5 the next morning. That is the kind of jobs they are. We give them time off to sleep, go home, meet their families, say hello to their newborns, get breakfast—the work requirement is beyond comprehension, in many cases. But it gets done, and I am proud of what we did this year.

Mr. President, as Members are aware, and the chairman brought it up, the bill as reported by the Appropriations Committee contains an extremely controversial rider. It is something regarding Project Labor agreements. The provision effectively wanted to stop labor-management agreements that have served successfully for years to hold down construction costs and improve working conditions. Imagine—on those occasions, which are too few, where management and labor shake hands across the table, no longer could they say, ''These are the conditions we are going to be working under. This is what you can expect from us, and this is what you can expect from us; we are going to bridge our differences now, before this job starts. We are going to decide on things like pay scales and work schedules and health care—all of those things. We are going to decide together on the schedule that we want to meet. We want to be proud of this job when it is finished.''

The chairman of the Appropriations Committee used a reference. He said in the Alaskan pipeline they had an agreement that saved billions of dollars, because everybody understood exactly what their responsibilities were and there was no room for work stoppages or things of that nature. It is a system that works. Why some people felt it was time to stop it, I don't understand. But I respect the differences that we have here.

The issue was discussed at length during full committee markup of the bill. As Senator SHELBY noted, Chairman STEVENS asked us to defer this until we get to the floor and get this bill out there so Senators can see it and understand what we are doing. We did just that, and the result is we have a compromise that Senator STEVENS sought to develop that would allow the bill to move forward and gain the President's signature.

Senator SHELBY and others involved, Senator KENNEDY from Massachusetts, and I, agreed this was a consensus with which we could live. I am delighted that took place so we did not have to wrangle over it. We want to get this bill in place so when the new year starts, October 1, we are ready to go with the new spending levels and new programs.

Once we have concluded our opening remarks, we are going to adopt the managers' amendment that encompasses a compromise on this issue, so all parties are agreed they will live with it. I thank my colleagues for their efforts in reaching this compromise.

In closing, I want to express my view that the most important funding in this bill is not for any individual project or any individual State. The most important funding in the annual transportation appropriations bill is the taxpayers' dollars that we commit to maintaining safety throughout our national transportation network.

Safety in the skies—we know we are crowded, we know we are busy, and we

know there is a terrific strain on the staff who maintain the aviation system, the controllers, those in the towers and those in the service routes along the way. They do a terrific job. One need only look at the accident record, the number of people. Senator SHELBY mentioned there are 600 million travelers a year. Look at that and thank the Lord, look at the accident record. You will see one of the nearly perfect systems that one could imagine operating in our skies with all that volume.

We want the same thing on our roads. We want to reduce drunk, careless driving. We would like to even reduce road rage. I don't know how we do it. Sometimes we get into rage here, but we should be able to do that.

Safety on our waterways—again, the Coast Guard is there marking out routes. It is just a terrific facility that we have.

So, safety is the No. 1 priority of my agenda. It is the No. 1 priority for the Secretary of Transportation, Secretary Slater, and for the President of the United States. He talks about it a lot. And Senator SHELBY indicated he is interested in safety.

I am hoping one day we will be able to shore up our .08 blood alcohol level bill. We passed a bill that goes part of the way, but we have to go further in order to make it complete. The worst thing that can happen to a family is to lose a youngster, a young person, to an automobile accident when we try so hard to bring them up, to raise them and encourage them, and then have somebody get in a car where someone has been drinking too much and end their life.

We are focused on safety. We are going to do that. I cannot overemphasize the responsibility that every Senator has in ensuring our transportation laws protect the safety of our traveling public to the maximum extent possible. The fate of the traveling public is truly in our hands each and every day. During the up and coming debate we are going to discuss a number of amendments that are critically important to the safety of our constituents.

With that, I yield the floor to my colleague. We are ready to consider amendments and start with the managers' amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, first of all, I thank the distinguished Senator from New Jersey for his kind remarks, because we do work together on a lot of issues, not only in the Appropriations Committee but also we both serve on the Intelligence Committee and spend a lot of time generally behind closed doors. He is an active member of that committee, too.

AMENDMENT NO. 3324

(Purpose: An amendment on the part of the managers.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. LAUTENBERG, proposes an amendment numbered 3324.

Mr. SHELBY. 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 19 of the bill in line 2, strike ''*Provided,* That $3,000,000 shall be transferred to the Appalachian Regional Commission''.

On page 26 of the bill, line 15, insert the following before the period: ''*Provided further,* That of the funds provided under this heading, $5,000,000 shall be made available for grants authorized under title 49 United States Code section 22301''.

On page 20 of the bill, in line 17, after the colon, insert: ''*Provided further,* That within the $20,000,000 made available for refuge roads in fiscal year 1999 by section 204 of title 23, United States Code, as amended, $700,000 shall be made available to the U.S. Army Corps of Engineers to determine the feasibility of providing reliable access connecting King Cove and Cold Bay, Alaska and $1,500,000 shall be made available for improvements to the Crooked Creek access road in the Charles M. Russell National Wildlife Refuge, Montana:''.

On page 28 of the bill, amend the figure in line 5 to read ''7,500,000''.

On page 44 of the bill, insert at the beginning of line 1 the following: ''New York City NY Midtown west ferry terminal''.

On page 51 of the bill, insert after line 19 the following: ''Whittier, AK intermodal facility and pedestrian overpass''.

On pages 86 and 87 of the bill, strike all of section 336 (lines 16–24 and lines 1–10).

On page 88 of the bill, in line 18, after the semicolon insert the following:

(3) in subsection (d), by inserting ''(including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1))'' after ''subsection (b)(3)(B)(i) of this section''; and.

And on page 88 of the bill, in line 19, amend the ''(3)'' subsection number to read ''(4)''.

On page 90 of the bill, in line 1, after the semicolon insert the following: ''$3,500,000 is provided for the Providence-Boston commuter rail project;''.

On page 92 of the bill, after line 25, insert the following:

SEC. 351. Item 1132 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Mississippi, is amended by striking ''Pirate Cove'' and inserting ''Pirates' Cove and 4-lane connector to Mississippi Highway 468''.

On page 78 of the bill, strike lines 8–15, and insert the following:

SEC. 322. None of the funds in this or any other Act may be used to compel, direct or require agencies of the Department of Transportation in their own construction contract awards, or recipients of financial assistance for construction projects under this Act, to use a project labor agreement on any project, nor to preclude use of a project labor agreement in such circumstances.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides of the aisle. I think it makes sense and will allow us to move forward with the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection, the amendment is agreed to.

The amendment (No. 3324) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Mr. President, I would just like to tell my colleagues in the Senate, some of them are here on the floor and in their offices, Senator LAUTENBERG and I are ready to move this bill toward third reading. We haven't heard from anyone. We will give a few more minutes in case somebody wants to get in, or offer an amendment to this bill, but we believe this is a well put together bill, as I said earlier. Both sides have put a lot of work into it. We should not keep Senators here all evening. We will move as soon as we can.

If we don't hear from somebody on the floor in just a few minutes, it is my idea, if Senator LAUTENBERG concurs at that time, to move to third reading.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. If I might, I knew we constructed a good bill. I didn't realize it was this good. But the fact of the matter is I guess we covered everybody's requests fully. But we should wait to see if any of our colleagues want to come down to the floor and commend us for it.

Otherwise, I think we are seriously ready to go. I am feeling a little lightheaded because we haven't heard a lot of criticism. But the bill is here. If there are people who want to amend it in any way, let them come down now or forever hold their peace, or something.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a fellow in Senator BINGAMAN's office, Mr. Dan Alpert, be given floor privileges during the pendency of the transportation appropriations bill.

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

Mr. LAUTENBERG. 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. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. WELLSTONE. Thank you.

OCCUPATIONAL AIR QUALITY TESTS IN COAL MINES

Mr. WELLSTONE. Mr. President, I rise today to call to the attention of colleagues a disturbing set of circumstances and facts which I believe merit investigation and probably legislative action on the part of the Senate. I also believe that the facts I am about to discuss warrant more attention than they have received so far from the Justice Department.

There is evidence of significant violation of Federal law leading to great harm. I hope that in addition to the Congress responding appropriately, the Justice Department might look further into this matter.

I am referring to what appears to be a record of widespread systematic cheating on occupational air quality tests by operators of many of our Nation's coal mines. This alleged cheating, of which there appears to be nearly incontrovertible evidence, apparently has led to much unnecessary suffering in thousands of American families. It likely also has led to the unnecessary death from black lung disease of thousands of American coal miners.

Unfortunately, I am not referring to conditions that existed early in this century, or even conditions of the 1950s or 1960s. I'm talking about circumstances of the 1970s, 1980s and 1990s. I'm talking about allegations related to existing conditions and practices in American coal mines today.

I ask unanimous consent, Mr. President, to have printed in the RECORD a series of articles that appeared in April of this year in the Louisville Courier-Journal.

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

FROM THE EDITOR

For years, a quiet but deadly tragedy has been played out in the nation's underground coal mines.

Coal mine operators have known about it.

The federal government has known about it.

And coal miners themselves have known about it.

The tragedy is that in 1998 black-lung disease still exists and hundreds of miners nationwide die of the disease each year because of cheating on air-quality tests.

Doctors have known for a century that coal dust causes black lung, which can be prevented through underground dust-control measures.

But 30 years after Congress placed strict limits on airborne dust and ordered mine operators to take periodic tests inside their mines, almost 1,500 miners die of black lung every year.

The Courier-Journal set out to find out why.

The answers were shocking.

In a year-long investigation that involved interviews with 255 working and retired miners and computer analysis of more than 7 million government records, The Courier-Journal found that, among other things:

Miners continue to breathe dangerous levels of coal dust because cheating on dust tests is rampant.

Most coal mines send the government air samples with so little dust that experts say they must be fraudulent.

Many mine operators—non-union mine operators in particular—don't comply because strict adherence to safety regulations is time-consuming, costly and cuts into profits.

The federal agency responsible for protecting miners ignored overwhelming evidence of cheating.

Nearly every miner interviewed said that cheating on dust tests is common and that many miners help operators falsify tests to protect their jobs.

And almost no coal miners qualify for black-lung benefits under Kentucky's new workers' compensation law.

Since publication of the series, Kentucky's attorney general has asked U.S. Attorney General Janet Reno to investigate why mine-safety officials have ignored evidence of cheating. And state lawmakers have called for a special session to adopt new legislation on workers' compensation.

This reprint includes the entire five-day series, supporting editorials, followups and a guest column by the top mine-safety official.

We think this piece of work represents outstanding public service journalism in the finest tradition of The Courier-Journal.

Mr. WELLSTONE. That is the newspaper of Louisville, KY.

This remarkable series of five articles, principally by a reporter named Gardiner Harris, is titled ''Dust, Deception and Death.'' The series documents an apparent pattern of falsification of coal dust sampling tests by coal mine operators and it details the consequences of that dishonesty: unnecessary suffering and early death for American coal miners.

It is an extraordinary report. I do not believe it has received enough attention, although hearings have been taking place at the state level in Kentucky to look into the charges.

The paper conducted a year-long investigation. Hundreds of current and former miners were interviewed. More than 7 million government records were examined. Based on that research, the Courier-Journal's reporters concluded that cheating on air-quality tests in coal mines has contributed to great suffering and to a large number of deaths from black lung disease among American coal miners. Their reporting reveals that the Federal Government, at least until very recently, largely ignored readily observable indications of that cheating.

I do not draw absolute conclusions at this time from what is reported in the Courier-Journal. But I can say that what is reported in this series is consistent with what I saw and heard when I visited with miners in Eastern Kentucky a year ago. I was told then that cheating goes on in the dust sampling program in American coal mines. And I heard from sick and dying miners and their families about the connection between coal-mine conditions and black lung disease—especially in non-union mines.

We in the Federal Government have a responsibility to these workers and their families. At the end of my statement, I will make some suggestions regarding actions I believe we should take in the Senate. And I hope that colleagues, as they become more aware of this situation, might add to those suggestions and help determine the most appropriate response to what I believe is a national shame.

The initial shame is that the suffering and death of thousands of Americans appears to be the direct result of systematic cheating on a government-monitored health-protection program. The deeper shame is that we in the Federal Government have had the opportunity to know it, yet so far we haven't done very much about it. Dedicated people in the appropriate Federal agency, the Mine Safety and Health Administration (MSHA), are beginning to address this problem. J. Davitt McAteer, who is the Assistant Secretary for MSHA, has begun during recent years to take a number of steps, and he has called for further steps beyond those he has taken. But we still are not doing enough.

Before I cite some details from the series, I would like to read a portion of the newspaper's editorial on this subject into the RECORD. This Louisville Courier-Journal editorial, printed on Sunday, April 19, is headlined, ''Death and Denial.'' It begins as follows:

Coal is an outlaw industry. It is now, and it always has been. Coal is the closest thing to brute, unrepentant late 19th Century capitalism that we have left in American life. If you don't believe that, just consider the fact that ranks of miners choke to death every year because coal operators routinely cheat. They cheat on air-quality tests which could save lives. When they do that, they cheat workers of the years they would be able to spend with families and friends but for an early death from black lung. And this grotesque disease continues as the principal killer of coal miners, just as it has been for a half-century.

That is not the conclusion of some outside group of hostile critics of the coal industry. It is the editorial position of a major newspaper in the state of Kentucky, where that industry remains important to the economy. Let me recite the conclusion of that same editorial: ''One-third of all the nation's underground mines get cited for excessive dust. And those are just the operations that are caught in the flawed, sporadic dust tests. Miners are more than exhausted with this continuing outrage. They're dying.''

Mr. President, every article in this series warrants reading in its entirety. There are some sad and shocking quotes from former foremen in the