

sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol and contributes heavily to the DWI fatality rate in my home State and throughout the country. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

Tomorrow I will introduce legislation entitled the "Drunk Driving Casualty Prevention Act of 1998" to prohibit the sale of alcohol through drive-up sales windows. I hope to have some cosponsors for that provision at that time.

Mr. President, this ban will make a difference. According to one study, there are 26 States that do not permit drive-up windows. In 1996, these States had, as a combined effort, a 15-percent lower average drunk driving fatality rate than the 24 States that permit sales through drive-up windows.

In the States with the ban, the average rate was 4.6 for 100,000 people as opposed to 5.46 in all other States. On a percentage basis, States with a ban had a 14.5 percent lower drunk driving fatality rate than States that permit sales through windows.

In 1996, comparing 19 Western States in particular, the nine States that have a ban in place had a 31 percent lower average drunk driving fatality rate than the States that permit sales.

In 1995, there were 231 drunk driving fatalities in my home State of New Mexico. Based on the 14 percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could have saved between 32 and 35 lives in that year in my State. Nowhere is it more true that if we can save one life by closing these windows, we need to do that.

The difference can be explained because there are three main benefits that accrue when you close drive-up liquor windows.

First, once the windows are closed, it is easier and more accurate to check the identification when the customers have to purchase their liquor over the counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age.

A second benefit is that it is easier to visually observe a customer for clues that that customer is impaired by alcohol or other substances if they have to walk into a well-lighted establishment to make their purchase.

In one municipal court in New Mexico, 33 percent of the DWI offenders reported having purchased their liquor at drive-up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they only looked in their rearview mirror while waiting in line at the drive-up window to buy their liquor.

And third, it sends a clear message to the population that drinking and driving will not be allowed to mix.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine

the characteristics and the arrest circumstances of DWI offenders who bought alcohol at drive-up liquor windows compared to those who obtained it elsewhere. Nearly 70 percent of the offenders studied reported having purchased the alcohol that they drank prior to arrest. Of those offenders, 42 percent bought packaged liquor, and the drive-up window was the preferred place of purchase.

The study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders are.

Mr. President, we have had one sort of test case in New Mexico, and that is in McKinley County. It was one county in our State that had a terrible problem with DWI and petitioned our legislature for permission to close the windows in that county, the drive-up windows. They did close those windows. Businesses in that community did not see their profits cut in two—the liquor businesses. In fact, they saw their profits jump. The DWI prevention strategy that was employed in McKinley County reduced the fatality rate from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. I plan to offer this amendment to the ISTEA legislation tomorrow or later this week. I urge my colleagues to join me in co-sponsoring that legislation.

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

The PRESIDING OFFICER. Will the Senator withhold suggesting the absence of a quorum?

Mr. BINGAMAN. I do withhold.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess.

Thereupon, at 12:34 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Indiana, 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, the pending business, as I understand it, is the Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I ask unanimous consent to set aside the Wellstone amendment for the consideration of a McCain amendment.

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

AMENDMENT NO. 1680 TO AMENDMENT NO. 1676
(Purpose: To deal with matters under the jurisdiction of the Committee on Commerce, Science, and Transportation)

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 1680.

Mr. MCCAIN. 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. MCCAIN. Mr. President, first of all, I thank Senator CHAFEE for all of his efforts on this ISTEA issue. He has done a remarkable job. He is a remarkable man. I had the privilege of working for him when he was Secretary of the Navy, and he sometimes felt he didn't provide me with enough leadership at that time. But I am grateful for everything that he has done, and I'm especially grateful for his leadership on this very, very important issue to our Governors, our mayors, our county supervisors, and our city councils.

I say to my friend from Rhode Island, about 50 county supervisors from my State were in yesterday, and this issue dominated their conversation. I am grateful that he has been able to work through this. So the small amount that we are responsible for in the Commerce Committee, I hope, adds to this bill and helps us to move forward as rapidly as possible.

This amendment contains the proposal of the Committee on Commerce, Science, and Transportation to reauthorize ISTEA programs through fiscal year 2003.

The amendment seeks to reauthorize the National Highway Traffic Safety Administration [NHTSA] State safety grant programs, the Motor Carrier State Assistance program, and the Hazardous Materials Transportation Safety Enforcement programs.

The amendment also authorizes new and innovative safety initiatives at the Department of Transportation, including programs focusing on performance-based safety standards and advanced information data analysis.

The amendment 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