United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, MARCH 10, 1998 No. 24

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You have created us to love You. The words of the Bible admonish us to love You by giving thanks. Thanksgiving is the memory of our hearts. Today, our hearts overflow with memories of Your goodness to our Nation, Your grace to each of us, and Your guidance in the decision-making challenges of leadership. When we review our nation's brief history, we have been not only a Nation under God but a Nation under Your watchful, providential care. We renew our trust in You as the Sovereign of our Nation and the generous benefactor of the prosperity and blessings of our land.

As individuals, we think of all You have done for us. You are the source of our gifts, the One who has opened doors of opportunity for us and given us exactly what we have needed to live faithfully and obediently for Your glory.

Thanks be to You, Lord, for this Senate and for the powers You have entrusted to it for the progress of our Nation toward Your goals. Engender in the Senators a renewed sense of profound gratitude for Your call to serve, through the voice of the people. We join with the Senators in thanksgiving for the privilege of serving. May gratitude be our controlling attitude as we receive a new aptitude to work today with joy and delight. Through our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUTCHINSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. D'AMATO. Mr. President, this morning the Senate will resume consideration of the pending transit amendment to S. 1173, the highway bill. It is hoped that the Senate will be able to make considerable progress on the numerous amendments that have been offered and filed in regard to the highway legislation throughout today's session.

As earlier announced, the majority leader, after consultation with the Democratic leader, will announce when the previously filed cloture vote on a modified substitute amendment to S. 1173 will occur. By unanimous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Members should anticipate a busy voting day with votes continuing into the evening as the Senate attempts to make progress on this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

D'Amato amendment No. 1931 (to amendment No. 1676) to reauthorize the mass transit programs of the Federal Government.

AMENDMENT NO. 1931

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of amendment No. 1931.

Mr. D'AMATO. Mr. President, the pending amendment, the mass transit portion of the highway bill, is one that has been carefully crafted, one that has increased transit in proportion to the needs of our country. I can say quite candidly that there are not sufficient funds to meet all of those needs. Indeed, that is one of the problems that we have attempted to deal with, recognizing the budget constraints that we have.

Now, let me say we have pending before the Senate from our colleagues on both sides of the aisle well over $15 billion in requests for new transit starts. They come from all over the country. They come from California, they come from Colorado, they come from Utah,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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they come from Texas, they come from the Carolinas, and they come from the traditional large transit States such as New Jersey, New York, Pennsylvania and Illinois. It will be impossible for us to do justice to all of these. We will have to be selective and mindful of getting the greatest dollar value invested in moving people. That is what we are attempting to do.

So it was that we have increased substantially the allocations in this area. We have provided some $2.5 billion more for new starts over the life of the bill.

Now, having said that, notwithstanding this increase, we are talking about providing, in terms of budget authority for these programs, approximately $4 billion to $5 billion, and we have well in excess of $15 billion worth of requests. That does not take into consideration requests that will be coming for desperately needed projects to help unclog the various urban-suburban areas, to move people in the best methodology, getting them off the road where it is possible into a light rail system or into a bus transit system. That does not take into consideration the requests that will be flowing from the House of Representatives. I imagine that they, too, will be numerous.

Now, in terms of where the greatest increases have been as they relate to resources, I want to point out we have increased, by way of percentage over and above the 1991 figures, 38 percent more for rural America, recognizing their needs. Is that enough? No, absolutely not. But can we accommodate all of the needs of mass transit, given the budget constraints? No, we can't. So we have to attempt to prioritize. That is what we have done. They have received the largest increase as it relates to any particular section of America—38 percent—recognizing that traditionally they have not used mass transit and that it is now becoming something that rural America, suburban America, is turning to more and more.

Now, whenever my colleagues have suggested there be some departures and radical formula changes that would provide $1.5 billion more for rural America, would this Senator like to do that? Certainly, but where do we get the money? Now, let's be honest with this; if we are going to get into a game of taking from those who have a demonstrated need to increase disproportionately the dollars allocated under this bill, we are going to have trouble having a bill. I suggest that is not why we are here. Ours should not be a game of saying how do I enrich or how do I get extra for my State.

I suggest, when it comes to the highway transportation bill, this Senator said, ''Look, we recognize that there have been a number of States that have had incrementally faster growth, have greater needs, have not gotten back a percentage which can be defended in terms of the revenues they send to Washington from the gasoline tax, and they should get a higher benefit from the additional funds that are provided for transportation.'' That is why the formula as it relates to distribution is one that I will support, notwithstanding the percentage that my State gets goes down, goes down because we are talking about fairness.

If we are going to operate in terms of meeting all of the needs, then we can't simply say, ''Oh, no, I can't have any less a percentage, I have to have more or the same,'' I think we have to look at basic fairness. So I am really putting forth an appeal here to suggest that we not attempt to come up with a formula that is going to give a few dollars more to a majority of the States, to build a coalition on that basis as opposed to what is fair.

Now, if this bill did not provide 38 percent more for rural America, then I could see the Senators from the rural districts coming in and saying, ''Where is our fair share?'' But 38 percent more has been provided. That is more than any other—if you want to say particularly large State, small State, rural State—has received. It is in total proportion because as it relates to the new starts, our smaller urban areas will be getting them. That is open to all of America based on a competitive form there, and it fits within the budget caps because those moneys spend out slower.

So I say to my friends here, in all due honesty, this Senator wants to be accommodating, and will be. We didn't get to this position now where we have, I believe, a well-crafted bill—I am willing to entertain any suggestion for improvement, but I have to start out saying, to come to this Senator with a $1.5 billion request, which has come from staff to staff, for more in one area, simply because you can line up the votes on the basis of pure numbers, is not what we should be about. It is wrong. It is counterproductive. While I respect meeting legitimate requests and needs of the Members and of communities and to demonstrate one's concern for his or her constituency, certainly that is to be applauded. But let's look at the constraints of the budget and what we are operating under. I would like to give to rural America $5 billion of the $5 billion that we have allocated, but then how do we meet the needs of the rest of the country?

I hope we will not get into pity for the so-called rural States because some ingenious staff members have developed a program whereby they can count and figure that we can put 30 some odd States together and we are going to get each State a few dollars more, and then don't they come down here and say ''We will vote for our State because, after all, I have to vote for my State.'' That is not what this bill should be about. That is not what this body should be about. I really dislike having to call that to the attention of our Members. And this is a Senator who has supported those programs and policies that are important to the regional interests of my colleagues and their States. I have never come down here and said, ''Well, what do we get?'' I am asking now for a little bit of equity here. If my colleagues are going to attempt to go forth on this—and I must say to you that I have held out until my staff could meet with some coalition. But when we met, we were told they want $300 million a year more. Where does it come from?

I say to my friends, my colleagues, you are not going to get it under the budget authority. Even if I went along with that, the Budget Committee is not going to be able to find that money because it spends out faster.

Secondly, there is the question of fairness. To say we are going to increase an allocation and say that we want an 85-plus percent increase—that is what people are saying. My gosh, if you want to say let's look and see if we can do somewhat better, that is one thing. But to come in and say you want an 85 percent increase, that is horrendous. It is not reasonable.

If we want a bill—and this Senator wants a bill—then I say to those colleagues who have every right to lobby for the interests and to work for the interests of the people of their State, let's do so with some reasonableness so we can have an accommodation. I don't want to be opposing friends and colleagues simply because I say that we have the best way. We have a limited amount of resources. I think we have been fortunate enough to get to the point that we have, where we have stretched the resources of both our committee and the Budget Committee.

This isn't a situation where we can just open it up. By the way, we can use money for buses as fast as anybody else. But that spends out quicker. The Budget Committee isn't going to be able to find the money if we do that. I say to my colleagues, if you are on the floor, let's have a little balance. When I have staffers sitting down with our staff, when we say let's look and see, and they say we need $1.5 billion more or $300 million more, that is not being reasonable. That is going beyond. To say we want $1.5 billion, and to jigger the formulas around so we are not doing it on a per capita basis—but we are changing that also—that is not going to work.

Mr. President, I say let's go forward in the spirit of attempting to ascertain whether there are methodologies available to provide additional resources. That is fine. But to come forward in this manner and say, well, we have a coalition of X number of States—I have done that before. We have had to defend against formula changes. I don't like it. It's not conducive to working together for the best interests of our States, our region and, more importantly, the people of our country as a whole.

I yield the floor.

Mr. SARBANES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am pleased to join with Chairman D'AMATO in introducing the Federal Transit Act of 1997 and the Transportation Equity Act as part of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991, what is characterized as ISTEA II. I want to commend Senator D'AMATO for his leadership on this bill and urge my colleagues to support this important legislation.

The Federal Transit Act of 1997 continues for another 6 years the program structure established in ISTEA in 1991. It takes the total funding for Federal transit programs, all Federal transit programs, up from $31.5 billion for the 6 years under ISTEA I to $41.3 billion over the next 6 years.

Adoption of the budget agreement for transit continues the important 4-to-1 funding relationship between highways and transit that was incorporated in ISTEA. Actually, that ratio has existed now since the early 1980s, during the administration of President Ronald Reagan, when we raised the gas tax 5 cents. Four cents went to highways and 1 cent went to mass transit. We have managed, subsequently, to maintain that 80/20 ratio with respect to the allocation of the gasoline tax.

The additional funding provided for in this legislation is critical to address the demand for transit in all regions of the country. The Department of Transportation reports in the newly released 1997 Conditions and Performance Status Report on the Nation's surface transportation system that we need to spend almost $10 billion every year just to maintain existing transit conditions.

Enactment of this bill will at least take us a good part of the way toward meeting the goal of maintaining current conditions on transit systems nationwide. It doesn't really take us far enough out to address the question of improving the conditions and performance of the transit systems.

The bill and the budget agreement increase the authorization levels for discretionary capital grants of formula programs to new levels. Funding for urbanized areas, for rural areas, for the elderly and persons with disabilities, the bus capital program, the fixed guideway program, and new starts are all covered under this legislation.

The new levels should, hopefully, provide an important boost to much-needed transportation services in all parts of our country. Transit investment is critical to achieving the full implementation of the Americans With Disabilities Act. Enactment of this legislation strengthens the important Federal commitment to a national transit program.

Building on the flexibility in ISTEA, the bill ensures that local decisionmakers continue to have the necessary tools to make balanced transportation decisions based on local needs. There is a new emphasis in this bill on giving transit operators greater flexibility to use transit formula funds.

The definition of capital is expanded to include preventive maintenance activities. These changes help ensure that the Federal investment is properly maintained and encourages the development and deployment of new transit technologies. In this legislation, small urbanized areas, those between 50,000 and 200,000 population, will gain the flexibility that rural areas already have. This is a flexibility that is already provided to rural areas of the country; namely, to use their formula funds flexibly for either capital or operating assistance. In other words, they won't be divided into categories in this respect. This change should help to offset the reductions in the operating assistance that various areas of the country have faced over the past 3 years.

In combination with the expanded definition of capital, which I referred to above—expansion includes preventive maintenance activities—this new flexibility will benefit all transit operators in those communities.

The transit bill also includes an additional $600 million over 6 years for a new access-to-jobs program that is designed to improve transit services for welfare and low-income individuals to get to and from jobs. Actually, one of the greatest obstacles welfare recipients face in getting jobs is getting to the job. Making public transportation more accessible ensures that people can move from welfare to work.

This legislation follows the path broken by ISTEA in placing emphasis on regional planning and flexibility to allow each area of the country, whether rural or urban, east or west, north or south, to use Federal transportation dollars, along with matching State and local resources, to develop the best mix of highway and transit systems to meet local infrastructure needs. It seeks to level the playing field so that local decisionmakers can make those choices, in effect, on an equal basis.

ISTEA gave us a balanced, multimodal approach to designing and constructing transportation systems, quality systems that reduce congestion, reduce air pollution, conserve fuel, improve efficiency in the movement of people and goods, contribute to the economic well-being of our country nationally, and help us compete more effectively in the global economy.

The legislation that is now before us continues that balanced approach to the development of an integrated and intermodal transportation system. Now, I don't think there is much argument that transit is critical to our overall economy. It's especially essential to our ability to sustain and revitalize the great metropolitan areas of the country.

In many areas, transit systems provide basic mobility for people of all ages and abilities. As an increasingly larger proportion of our population ages, we need to ensure mobility for active seniors who can no longer drive. I really want to stress that point. This is a very important matter. Various senior groups have actually been to us underscoring how essential transit is in terms of meeting the needs of our senior citizens.

Clearly, transit systems link people to jobs, to medical care, to shopping and other essential services. They are particularly crucial to lower income Americans who have no other alternative to reach their jobs. Making public transportation more accessible ensures that people can move from welfare to work.

Now, let me turn for a moment to the interrelationship between effective transit systems and the environment and dealing with the challenges we confront with respect to our environment. Congestion and air pollution are two major headaches that we confront every single day, whether or not we drive. Increased use of public transit is critical if we are to reach Clean Air Act goals in areas with significant noncompliance. In fact, many of the gains that have been already achieved under the Clean Air Act are now in jeopardy unless there are viable transportation alternatives. Air pollution constitutes a major public health threat, and careful scientific study has shown that the danger posed by air pollution to health is more pervasive than scientists previously thought. In fact, the American Lung Association estimates that the national health care bill for air-pollution-related illness is $40 billion a year.

In many areas of the country, transportation actually is a major creator of air pollution for both ozone smog and particulate matter pollutions. Whether it be diesel trucks or gasoline-powered vehicles, they contribute to that problem. One way, of course, of reducing this problem is for people to make greater use of our mass transit systems.

Secondly, congestion is imposing significant costs to the economy and wasted time and fuel as drivers are simply stuck in traffic. If we did not have public transit, there would be a minimum estimate of 5 million more cars on the Nation's roads, requiring 27,000 more land miles of roads. Last year, the Texas Transportation Institute released its 10th annual report on congestion in 50 urban areas. Research showed that commuters in one-third of the Nation's largest cities spend more than 40 hours a year in traffic jams, and they estimate that the gridlock costs the Nation over $50 billion a year.

Use of mass transit systems is on the increase. In the third quarter of 1997, transit ridership increased by 2.6 percent over the same period in 1996. Actually, the total number of trips taken on all modes of public transportation from July through September of 1997 exceeded 2 billion. More than 50 million more trips were taken on transit during this period than during the same time the previous year.

Third, transit means mobility. According to the Federal Transit Administration, over 10 million Americans

use transit each working day, and another 25 million use it less frequently but on a regular basis. Public transit provides these commuters with an affordable and convenient transportation option. Mobility is important in all parts of the country in urban, rural and small town America. This legislation seeks to contribute to an improvement in transit in all parts of the country.

Finally, transit is an important contributor to economic development and job creation. Observers from across the political spectrum recognize that quality transit investment, whether bus or rail, makes good economic sense.

In ''Conservatives and Mass Transit: Is It Time For A New Look?'' Paul Weyrich and William Lind state that transit serves important conservative goals, ''including economic development, moving people off welfare and into productive employment, and strengthening feelings of community.''

Public transit is also about jobs—creating jobs and connecting people with jobs. Increasingly, employers see the benefits of locating their businesses near a transit line for employee access to work, for reduced need for parking facilities, and for the economic benefit from commercial development around transit stations.

Mr. President, a balanced, integrated national transportation network is essential to improve the economic productivity and quality of life of all Americans. Public transit is a vital part of our intermodal transportation system. We must continue to invest to both maintain existing transit and to build the necessary infrastructure to meet growing, unmet demands for quality transit systems.

ISTEA has worked well for transit, and that has brought many benefits to our States and to the country. Passage of the Federal Transit Act of 1997 will keep America moving forward well into the 21st century.

Therefore, I am very pleased to join with Chairman D'AMATO to continue a strong Federal transit program as we reauthorize ISTEA.

I urge my colleagues to support this very important legislation.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Loretta Garrison, of the Committee on Banking, Housing, and Urban Affairs, be permitted access to the floor during the consideration of S. 1173 and S. 1271.

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

Mr. SARBANES. Mr. President, I want to address very briefly the matter which my distinguished colleague from New York was addressing just before I took the floor, because apparently it now appears, unfortunately, that we are going to have a squabble over regional allocations of transit money. The transit program has always been based on need. We have tried to structure the program in such a way that it responds to need, whether it is in the urban areas, the small metropolitan areas, or in the rural areas of the country. If we get into a sort of, ''well, I need to get back what I put in'' mentality, this can be carried to an extreme.

My State, for example, is a high taxpayer to the Federal Government with a high per capita income. On any chart we put in, we are right up in the top handful in terms of what we put into the Federal Treasury. We don't get, to use an example, much from the agricultural subsidy program—from the various stabilization programs for agriculture. I, in fact, have supported those programs in this body, responding to the appeal of my colleagues from the farm States that it is essential to the economies of their States and, indeed, essential to the economy of the Nation.

I think a strong agricultural program is essential for America's strength, just as I think a strong transit system program is essential to America's strength. But I have not approached that issue on the basis that I should get out of the agriculture subsidy program a relationship to the money we are putting into the Federal Treasury. I am willing to take that issue on its own in terms of the need to have the program. I think if you are going to have a united nation, you have to have a certain amount of that attitude.

We have already been through a revision of the highway formula that has markedly shifted the percentage shares distributed under that formula to the Western and Southern States, and we recognize the arguments that are made for that. That change is taking place in other sections of this legislation.

I, for one, would be very much opposed to departing from the needs criteria in addressing the transit systems. We are trying to meet, in effect, national transportation needs. The extent of that, of course, varies in different parts of the country. We structured legislation to try to ensure that a reasonable amount of resources go into each part of the country. But we have not structured it on the basis of, in effect, you get back something that is related to what you put in. As I said, if we go down that path, there are any number of programs that we are supportive of that are not done on that basis. And I think Members, if they stopped and thought about it for a bit, would reach the conclusion that it would not be advisable to have that approach.

So I hope these matters can be dealt with in a spirit that recognizes the national interest that is involved in these transit system programs and that maintains some sense of equity as between highway and transit moneys, which I think is essential—that sense of equity is essential—if we are going to develop a balanced and integrated national transportation network.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I would like to commend the chairman of the Banking Committee, Chairman D'AMATO, for all of his hard work on the issue of mass transit and the authorization legislation.

I have listened with interest to some of the comments both of my colleagues have made here on the floor, and what they say is true in many regards—that we have some real needs in urban metropolitan areas; we have real needs in regard to congestion; we have real needs in trying to deal with the problems of air pollution; we have real needs in trying to deal with the elderly and how they are going to get back and forth to meet their needs of everyday living.

I have been working with Senator ROD GRAMS for an amendment on six guideways and the new-start amendment. All it is dealing with is new dollars that will be going to fix guideway systems. We are talking in this amendment about a third of the dollars that actually go into mass transit.

The State that I come from, Colorado, maybe falls into the classification of a rural State, but the fact remains that many States like Colorado are experiencing tremendous growth. We are not having a rural problem; we are having urban problems. We are having problems with air pollution. We are having problems with congestion and how people are going to get back and forth to work in a timely manner.

So those problems that many of the larger communities of our country have experienced for many years we are now beginning to experience while moving into a new century. People are looking to the West, and they are looking to the South to retire. They are becoming used to using a lot of these fixed guideway systems. So they are moving to States like Colorado. Maybe they are moving to Arizona, California, Florida, Southern States because it is warmer weather, it is a good place to retire. Consequently, many of the communities that were small are now experiencing growth problems and are experiencing traffic problems in trying to meet the needs of their citizens.

I have many communities on the front range area of Colorado. That is the area that is just east of the Rockies. The Denver metro area runs all the way from Pueblo, CO, and Colorado Springs, there is a Denver metro area, then north to Boulder and Longmont and Fort Collins. This is an area that extends for about 120 miles. There is a lot of growth occurring in these areas. These communities are looking at ways of how they begin to move traffic off of roads where there is a lot of congestion and where they are dealing with some serious air pollution problems. They want to clean up the air in Colorado. We are privileged that we live in a beautiful State. We want to see it remain that way.

If we can have a fair option, at least, of trying to tap in on some of the money for new fixed guideway systems

and new starts, then it gives these communities an opportunity to begin to plan and to begin to become a part of the formula so that mass transit dollars can become available for those communities.

As a member of the Banking Committee, I would like to recognize that the chairman has fought hard for more dollars for mass transit. Because of his effort, obviously, we are all going to benefit from it.

I would also like to thank ROD GRAMS, who is also a member of the committee, who has been working with me, who is from Minnesota and who is cosponsoring my amendment, for fighting hard to try to get the committee and get the Senate to recognize that as we move into the next century things are changing, that there are States that are beginning to experience urban problems, and they need to have some solutions that may be available through new mass transit projects and need to have an opportunity to access these dollars.

I have worked hard to see that Colorado and similar States get a fair return on their gas contributions to the highway trust fund. Now I am going to work hard to make sure that there is a fair return as far as mass transit dollars because we are moving into a new century. Many of these States that in the past have not had a need for these dollars now find the need to resolve some of their urban problems that are developing. These efforts, I think, become particularly important in the context of additional funding that appears to have been secured for mass transit.

The obvious question is which States are going to get this additional money? Is the money going to be distributed under the same formulas in place up to now, or will there be a fair allocation of new funds?

I would like to talk a little bit about the Allard-Grams amendment, which I think is a very straightforward amendment. It simply states that any new money in the Fixed Guideway Modernization Formula, and the New Starts Program, will go to new transit systems. We are only talking about a third of the mass transit dollars. This is not a minimum allocation amendment. It does not require any set allocation to any State. This amendment would specifically address two of the mass transit programs and requires that new funds go to new systems. All of these transit projects would have to meet the criteria that are currently in law for funding under these programs.

Mass transit is funded with both gas tax funds and general funds. Currently, 2 cents of the gas tax is allocated to mass transit, and under the recently approved budget agreement that is going to rise to nearly 3 cents. Obviously, there is a lot at stake here for the future.

Certain areas of the country have done very well under the current system, but some of the disparities, I think, are very striking. From 1992 through 1997, my State received only 50 percent of the return on its gas contributions to mass transit, and many States get far less. This current year, 1998, was actually the first year that my State did well in the program. While I am obviously hopeful that this will continue, it is very important to lay the groundwork to make this happen.

The funding disparities are striking in some of the mass transit programs. One of the two programs that this amendment addresses is the Fixed Guideway Modernization Formula. Up to this point, 90 percent of the funds, that is, under current law, 90 percent of the funds have gone to 11 cities that are specifically designated in the formula. While the committee bill alters this somewhat, it ensures that the lion's share of the Fixed Guideway Modernization Formula funds will continue to go to 11 statutory cities.

This is an authorization bill for the 21st century. It takes us through 2003. It is, therefore, very important to recognize that the urban growth in this country is occurring in the West and in the South. If Federal programs are going to be effective, they need to shift with the times, and the high-growth regions of the country are going to have the greatest justification for new mass transit dollars. The Allard-Grams amendment would afford the Senate the opportunity to look at how a portion of the mass transit money is being distributed.

As noted, the amendment addresses the Fixed Guideway Modernization Formula and the New Starts Program. We selected these two programs because they have, up to this point, been funded entirely by gas tax revenues. These two programs combined constitute about one-third of the mass transit dollars—only one-third of the mass transit dollars. I make this point for a simple reason: This amendment is not an attempt to reallocate the entire mass transit funding system; this amendment is only a modest first step towards equity for those areas of the Nation that are experiencing the greatest degree of population growth. Even with the changes proposed by this amendment, a small number of cities will continue to do very well when it comes to mass transit funding. Our amendment simply requires that new money, money above the 1997 funding levels, will go to new transit systems. Old transit systems will continue to receive what they received in 1997. The difference is they will not continue with such a large, disproportionate share of new funding.

The problem is most glaring in the Fixed Guideway Modernization Program. This formula program funds everything from underground rail to light rail to bus shuttles and even HOV lanes. While 45 cities currently receive some funding under the program, it has historically allocated 90 percent of funds to 11 cities. I would like to ask the Members of the Senate here to view a chart with me that demonstrates the unfairness of the formula up to now. This is under current law. In this formula, we have 11 statutory cities that are getting 90 percent of the dollars in the Fixed Guideway Modernization Formula. The other 34 cities are getting 10 percent. That is current law.

I would like to recognize the chairman's efforts. Realizing that there is a problem there, he has tried to do something in this bill. We should not forget that all transit systems have modernization needs. In fact, when we refer to the 34 new systems we are speaking only in relative terms. Before any system even qualifies for Fixed Guideway Modernization Formula funds, it first must be in operation for at least 7 years. In our part of the country, that is getting out of the realm of a new system, if they have been there for 7 years. Many parts of the so-called new transit systems are even much older than that.

Obviously, the 11 cities have the largest systems, and generally the oldest systems. One would expect them to get a large portion of the money. I concede that. However, I think most would agree with me that 90 percent is excessive. The committee bill does begin to address this past disparity. I bring up a chart to show where we are as far as the committee bill is concerned. Again, I compliment the committee and our chairman for his work in this regard.

This is, again, the Fixed Guideway Modernization Formula and what happens at $1 billion of total funding. Eleven of the statutory cities in this one program, under the Fixed Guideway Modernization Formula, will get 83 percent of the dollars; 17 percent is then divided among these 34 other cities. Even with the committee bill, we see there is a split of 83 percent for the old and 17 percent for the new at the $1 billion funding level. If it is less than that, obviously the 11-cities' statutory amount is going to be protected and there will be even fewer dollars available for these 34 cities as we move below the $1 billion level.

Let me explain how our amendment would change the way it is now, in the current bill. First, we leave the current Fixed Guideway Modernization Formula in place up to the 1997 funding level. So 90 percent of those funds would continue to go to the 11 statutory systems that receive these funds now. This would continue in each and every year; however, the amendment provides any amounts above the current funding levels would go to new systems.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. ALLARD. I yield to the Senator from New York.

Mr. D'AMATO. I want the Senator to know that I absolutely understand the equity and the justice which the Senator seeks. There is no denying it, under the old formula as it related to rail modernization, fixed rail modernization, that those communities

that heretofore did not have a system would not have moneys allocated to them. That is why we attempted to structure—and this gets a little complex, but I think the Senator knows this, and probably even to a far greater degree than the Senator from New York. I commend the Senator from Colorado for a thoughtful approach to dealing with this inequity. What the Senator is saying to these 11 cities is: Look, you have been drawing down, traditionally, X dollars. Let the program operate that way and let those additional funds over and above be allocated to the other areas of the country which have not been drawing those funds. That is the essence of the Senator's amendment. Is that a fair characterization?

Mr. ALLARD. With only one little modification I would make to that, as far as new starts are concerned. We are talking about new, the new part of the formula, where communities are trying to get started into mass transit. Because we see the solution for some of their community problems. Yes.

Mr. D'AMATO. Certainly. So now I have to say to my colleague that that would appear unfair, and I think there is something to be said for recognizing a basic situation that should not continue as we have new growth throughout the regions of our country. I think the Senator's State is one that goes right to that. There is tremendous growth in the Denver area and other areas where heretofore mass transit was never looked upon as a necessity, or something that was on the minds of people. Now, moving college students or senior citizens or others from the suburban region into the business districts, back and forth, becomes important, whether it be by way of bus, light rail, et cetera. That is why the committee attempted to deal with this, and I commend the Senator for a balanced presentation of his amendment, because he took time out to recognize that the committee attempted to deal with this by making available those funds over and above the previously allocated level, $760 million annually, available to the communities that heretofore have not shared in that.

It may be that in that distribution of funds the Senator from Colorado could differ with us, because what we have done is recognize that these systems that are in existence need continual refurbishment, and there are billions of dollars being poured in from the State and local governments. Indeed, my State allocates at least 50 cents for every 50 cents that comes from Washington. It matches it. Indeed, in many projects it overmatches, it puts much more than that in because they have allocated, by way of the transit box and local revenues, these funds. It becomes so critical.

I might say, and I am giving an approximation, 30 percent of all mass transit riders nationwide are in New York. We draw down considerably less in the way of all of the transit dollars. We do not overdraw in terms of the numbers of people moved, nor do we put in the application of local tax dollars that go into these systems. In a minute I am going to give you the exact number.

We have the lowest subsidy in the Nation per rider; that is 34 cents. If we are going to take a nationwide average, it is 64 cents per rider.

I just say this so we get a balance. Why do we need a balance? Because if we are going to get into the situation of saying 11 cities draw 80-plus percent, or 90 percent of the funds, we have to look at what are the numbers of people being moved and what is the percentage in terms of people being moved and their contribution and moneys coming back from the Federal Government. I do not have the number yet but I think it will be an interesting one, and I should have it. We are looking to get it—in terms of how many people are being moved.

And I would venture to say that we are probably moving more than two-thirds of the Nation's mass transit riders in those 11 communities. Now, having said that, those are more than communities, they are regions—regions—because when we talk about New York, it is servicing Connecticut, it is servicing New Jersey, as well as all New Yorkers.

When you talk about the transit system of Chicago, for example, it takes in a huge expanse. It is not just the 3-and-a half-plus million people in Chicago, but all of the outlying areas—that is, regions. So I think we have to think about this. And if you take the Philadelphia transit system, again, people from Delaware, people from New Jersey, as well as the Pennsylvania region come in.

In no way am I attempting to diminish the Senator's argument—or not even argument but presentation—to say, look, as it relates to the newer funds, we want those over and above what have been traditionally put forth, and an opportunity to have a more significant sharing of the revenues. The Senator did point out that in this bill, for the first time, we have provided that—maybe not to the Senator's standards or to that which you would think would be fair, but we have provided that new-starts funds over $1 billion, above what we have provided, will be shared on a 50–50 basis, recognizing that these 11 areas that now serve—I will get that number; but let us use a number—at least 70 percent of the Nation's transit riders. And I think that is a number that is fairly accurate. They will continue to have a need to modernize. They will continue to have a need to make the kinds of improvements that are so desperately necessary.

Some of these transit systems are 100 years old. So, consequently, if we do not provide additional revenues to these starts, we are going to have great difficulties in the maintaining of these older systems.

So while my colleague makes a good point—and I notice the Senator from Minnesota is here, Senator GRAMS; and I know he is working with you on this—while there is every reason to logically say, you have to provide for our needs, we started to do this. I take great pride in that. And our bill prior to your coming to the floor and prior to our markup last year, we did provide for a fairer, better allocation. It may be that it is not enough.

But let me simply say this to my colleague, that it would be, in this Senator's opinion, unacceptable—and this is important because it goes to the heart of where I am coming from—it would be absolutely unacceptable to say to 70 percent of the mass transit riders, to the communities that carry 70 percent of the mass transit riders, that as it relates to additional funds, you cannot have any more. Now, just as it would be unreasonable for us to cling to the old formula, it would be unreasonable to say, as it relates to additional funds, you cannot have any.

What I am saying to my friends and colleagues, to both of you, is, please, let us sit down, and make your presentations, because I do not argue against the thrust of what you are going to say, that you want some of these resources, and see if we cannot work on a system that will do fairness to your position and yet recognize the necessity of having an increasing dollar allocation to these old systems that are moving tens and tens of millions of people and do need these additional funds.

That is where this Senator is coming from, not coming from, ''It has got to be my way or this way.'' But let us look at it in that way. If we can, I believe we would have the ability to serve the needs of our own communities. I recognize that. There is no one who fights harder and sometimes has been accused of parochialism for the people of his State than I, so I recognize when my colleagues have that interest and good intent for their States. But let us see if we cannot do it in that manner, where we really do the best we can with the limited resources. And I am very willing to sit down and talk to them.

Mr. ALLARD. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. ALLARD. I appreciate your willingness to work with us on these issues. And like the Senator from New York, I am not inflexible; I want to recognize the problems we have in these areas and be sensitive to that. All I am asking is that the Senate and the chairman and everybody—and I believe you are doing this—think a little bit about what is happening demographically as we move into a new century, and what has happened to those populations in other parts of the country that are going to be facing some of these problems you have been dealing with for many years. In fact, people from my part of the country, I hope, would consult with people from your part of the country in dealing with

these problems, because these are new problems for us.

There is a tremendous amount of commitment from the local communities in Colorado. They are willing to make commitments to more than pay for their fair share of the mass transit programs. They are not looking for a lot of Federal dollars, but they would like to have a little bit of help. They are willing to commit a lot of local dollars to these programs, even despite the fact that, these are programs that are paid entirely by gas tax dollars. And so in a way, they feel that, well, we spent this money on these gas taxes with the use of our cars and trucks. They have been paying for these in some ways because they have been buying fuel for their vehicles. So they feel that they do not want to be left out of the system.

I would just like to show what our amendment does, the Allard-Grams amendment on the fixed guideway. It actually changed the formula for 68 percent for 11 statutory cities and then 32 percent for the other 34. And there is some difference of opinion as to where that fair level is. But, like I said, we are willing to be sensitive to your needs. I appreciate the chairman's willingness to be sensitive to our needs. But I would like to explain the second part of our amendment which addresses the New Starts Program.

Here our amendment, once again, addresses only new money, and we do not take any money from projects already receiving funds from fully funded grant agreements. And why is this amendment necessary?

Well, Mr. President, one might assume that the term ''new starts'' means that money allocated through this program must go to new transit program projects. Actually, new starts are currently defined very broadly, and much of the money goes to additions on the same old systems that receive most of the fixed guideway money. And the Senator from New York pointed out those needs.

Under the Allard-Grams amendment, all money above the 1997 funding level would be set aside for new projects. We define ''new projects'' as entirely new fixed guideway systems or additions to fixed guideway systems that have been in revenue operation for 15 years or less, which is different than current law which says that they have to be in operation at least 7 years.

Again, this change would not greatly alter the current system, but it would set some important benchmarks for where we would be heading in the 21st century. As I noted earlier, the amendment would not alter the process for selecting worthwhile projects. Both Congress and the Federal Transit Administration would continue to determine which projects have merit and fund them accordingly, and which projects the local communities would be most willing to contribute to to make sure it happens from locally raised funds.

Currently, there are dozens of potential new starts located in States throughout the Nation. Unless we more carefully earmark funds specifically for new systems, these projects will continue to wait for many years.

Now, this amendment is an important change, and its impact grows with each year. Those older systems will continue to get a very generous allocation, in my view. However, the new systems in the fastest growing regions of the Nation will be able to claim a growing portion of the funds.

Now, I have not moved my amendment at this time, and I am not going to at this time, because I want to continue to have this dialogue on the floor with the chairman of the Banking Committee. But there are some very important issues here that I think we need to begin to think about in getting this country ready to address problems that will be coming up in the next century.

So I now yield to the Senator from Minnesota, Senator GRAMS, who is a cosponsor on this amendment with me. And I would like to recognize the contributions he has made both to the Senate and to this issue of transportation, particularly mass transit.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I am pleased to join my friend and colleague from Colorado in support of this amendment, the Mass Transit Capital Investment Grants and Loan Program of the ISTEA II bill. I am very pleased that dialogue has been going on recognizing the needs of the 11 core, or old, systems and also looking at the needs of the future of the 34 cities and others to come on line and how they are going to be able to receive the funding they are going to need to handle the mass transit needs they are facing today and in the very immediate future.

So I am very glad to see at least the dialogue is going on to begin the process of changing the current formula to take into consideration and into account both the needs of the existing systems but also the growing needs of growing systems as well. So I commend both Chairman D'AMATO and also Senator ALLARD for their work on this.

In recent years, Minnesota has received, Mr. President, less than a 20 percent return on its gas tax contributions to mass transit, and many States have received even less. Through the Allard-Grams amendment, I seek to ensure that Minnesota gets a fair and equitable return on its gas tax contribution.

Now, we do not have the ridership on mass transit because we do not have the mass transit. If we do not have the mass transit, we cannot move the number of people, we cannot get into the formula argument of how many—70 percent, et cetera—people move on these existing systems. So there has to be a formula to ensure an equitable return to make sure these cities, such as the Denver or the Minneapolis-St. Paul area, have the funds to be able to invest in their transit needs.

Now, section 5309 is entirely funded by the gas tax, and it provides nearly half of our Nation's mass transit dollars. We intend to amend this program to provide an equitable and fair distribution of transit dollars to new systems. These are systems in areas where the rising population dictates the need to resolve traffic congestion through mass transit options.

As the Senator from Colorado has indicated, the amendment consists of two program changes. First, we make a change in the Fixed Guideway Program, and second, an improvement in the New Starts Program. Now, unless the Senate bill is amended, the vast majority of section 5309 will go to existing transit systems only. If mass transit programs are to be effective, well, then, the funding needs to go to the cities in regions of our country that are the fastest growing and drastically need this transit funding.

In 1997, fixed guideway systems were funded at the level of $760 million in modernization funds. This was distributed on the formula of 90 percent to the 11 ''old'' or ''statutory'' systems, and only 10 percent went to the 34 ''new'' systems. The committee title alters this somewhat, but most of the funding for fixed guideway funds will continue to go to the 11 statutory cities.

Now, let me make one very important point. This amendment does not alter the current level of funding for the 11 old systems. It merely requires that of all the new funding above the current funding levels of $760 million for 1997 go to the new transit systems. These new systems include the 34 new systems that now receive funds and any additional systems that meet the threshold requirement of 7 years of revenue operation during the 1998 through the 2003 year period.

Just let me list the 34 new systems that would receive increased moneys from this amendment. They include Los Angeles, Washington, DC, Seattle, Atlanta, San Diego, San Jose, Providence, Dayton, Tacoma, Wilmington, Trenton, Lawrence-Haverhill, Chattanooga, Baltimore, Minneapolis-St. Paul, St. Louis, Denver, Norfolk, Honolulu, Hartford, Madison, San Juan, Detroit, Dallas, Sacramento, Houston, Buffalo, Portland, Miami, Phoenix, Jacksonville, West Palm Beach, Fort Lauderdale, and Tampa.

Of course, this list will continue to grow as other cities come on board in the future years once they meet the existing threshold requirement of 7 years of revenue operation. By the year 2000, the Allard-Grams amendment would direct 24 percent of fixed guideway modernization funds to go to these new cities. Even under our amendment, the vast majority of funds would continue to go, again, to the 11 ''old'' systems. And that is still a very generous allocation of these resources.

The New Starts set-aside for projects for new transit systems is defined as projects for completely new fixed guideway systems, or extensions to existing fixed guideway systems placed in revenue service for 15 years or less.

The amendment would ensure that growth in the New Starts program is directed at assisting new transit systems. Also, another important point to make is that this amendment would not alter the process for selecting worthwhile projects.

Both Congress and the Department of Transportation would continue to determine which projects have merit, and fund them accordingly. There are no earmarks or language that would direct the funds to our states. While there are additional monies that have been added to the new starts program, the Transportation Appropriations Committees would still need to decide which new start projects to fund and at what levels to fund these projects.

Keep in mind that both the Fixed Guideway Modernization and New Starts program combined constitute less than one-third of the mass transit dollars. Even with the changes proposed by the amendment this small number of cities will continue to do very well when it comes to mass transit funding. Our amendment is a small step toward ensuring a minimum degree of equity to regions in our nation that now have the greatest growth. I urge my colleagues to support our amendment.

Mr. President, I would like to take this opportunity to recognize the importance of the ISTEA II bill and thank the floor managers for their efforts to report out very comprehensive and difficult legislation that is vital to all our states. The Senate's ISTEA II bill represents the result of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I want to again thank them for the work they've done to bring this bill to the floor. The citizens of my home state of Minnesota strongly support a 6-year reauthorization bill funded at the highest levels we can. This must be one of our top priorities in this session, and I hope we can soon reach a time agreement to facilitate its passage. I know we have only considered a few of over 200 amendments, many of which are nongermane, to this bill.

As we are all painfully aware, the short-term ISTEA reauthorization bill expires March 31, 1998. After May 1, states will be prohibited from obligating any federal highway or transit funds at all. Although the money has been appropriated, it cannot be spent.

This makes it especially difficult for a cold-weather state such as Minnesota to fund construction projects for the summer and fall construction seasons. That is why we must pass a 6-year reauthorization bill, rather than merely extending it for another 6 months. Again, on behalf of Minnesota constituents, I ask my colleagues to allow this bill to proceed rapidly. I am pleased that an agreement was reached on transportation spending in order to move this bill forward.

I'm glad that we will now be able to spend the 4.3 cents per gallon federal gas tax that was moved from the general budget to the Highway Trust Fund in the Balanced Budget Act of 1997. I was pleased to be a supporter of the effort to use the 4.3 cents for its intended purpose of fulfilling our nation's transportation infrastructure needs and obligations. This will mean that federal highway spending will be increased by some $26 billion over the next few years.

With these extra funds, the bill's authorizations for roads and bridges jumps from $145 billion to about $173 billion. We will now be able to guarantee states at least a 91 percent return on their gas tax payments to Washington. For Minnesota, this additional spending will result in an average increase of $47 million per year. The bill would also increase Minnesota's average share by over $129 million per year above the 1991 authorization.

But most importantly, I want to commend Chairman DOMENICI for his commitment to find real offsets to this new spending so we do not break the spending caps in the 1998 balanced budget agreement. Mr. President, while I was pleased with the spending agreement, I am concerned about the additional spending for new programs that was negotiated as part of this agreement.

As one who has supported an amendment in the past to reduce the level of funding for the Appalachian Regional Commission, and require that the Commission provide a specific plan for future downsizing, I am particularly concerned about the extra $1.89 billion for the Appalachian highway system. I was disappointed that some Senators would seek to add earmarks for their own states, when all states would benefit from the additional funding. The earmarks have increased the total funding amount—and expected and necessary offsets will undoubtably hurt other states such as mine in unrelated areas, including possible tax increases.

Mr. President, the short-term extension of ISTEA is approaching its expiration. We need to go forward and approve a new highway reauthorization bill that is fair to states and consistent with our five-year balanced budget agreement as well.

I yield the floor.

Mr. ALLARD. I thank the Senator from Minnesota for his very fine statement. I have no further comments and I yield the floor.

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. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Mr. President, let me address the question, because my colleague has been very persuasive. When you give a picture with 11 cities getting 90 percent of the transit moneys for mass transportation—about that, or 80 some-odd plus percent for the 11 regions; and I really think they are regions that receive most of the rail modernization, three quarters of the people—so where do you put the money? I don't say this to diminish my colleague's argument in terms of providing funds for those regions which are now developing needs because they have become high-growth, fast-growth and therefore they want to begin to have the people movers. They want to move people, get them off the roads. They want to partake of this program. That is not an issue.

We will come into conflict with people who say all additional moneys, all new moneys for rail modernization shall go to cities that heretofore have not participated. Then what you are saying is that those communities that are now moving hundreds of millions of people, 1 billion plus riders annually—that is a lot of people; a lot of people going to work—thereafter additional funds can't be used to modernize to keep these systems operational.

Now, are we saying they have a fixed cost and that their costs don't go up; that they don't have a need for additional funds over and above the levels they have been traditionally receiving? Of course not. That is like saying you can spend the same amount of money to maintain the Nation's highway systems and roads every year, and since you have been getting money, you don't need any additional money over and above. That is silly. The fact is that costs do go up and they are going up. The main thing, as these facilities become older, particularly where you have transit systems that go back 75, 80, 90, 100-plus years—that is why we call it rail modernization and fixed guideway systems—their needs will absolutely be greater than new systems coming in.

So to simply say that any moneys over and above what they have traditionally received should now go to those who heretofore have not participated is not something that this Senator could accept. I don't pretend to speak for my colleague, the ranking member, the senior Senator from Maryland, but I am quite sure that Senator SARBANES would have to take that same position, and all of my colleagues who represent these 11 regions would similarly find themselves in a position to say, ''Are you saying that notwithstanding you are provided more money, new money for rail modernization, because we are an older system, we are not going to get any of that money?'' It is on that basis that I have to oppose my colleague's amendment as put forth.

However, I want my colleague to know that I am not unwilling to look

at an alternative, to say, can we provide funding that will recognize the needs of these other communities that historically have not participated? That is the art, then, Mr. President, of attempting to deal with an issue that will provide equity and fairness for the present system and for those who wish to start systems.

I see my colleague and friend, the distinguished Senator from Maryland, rising, so I yield the floor.

Mr. SARBANES. Mr. President, I agree with the distinguished Senator from New York, the chairman of the committee.

There are just a few basic points I want to make. First of all, I think all of us owe a significant measure of appreciation to the chairman of the committee for his efforts interacting with the chairman of the Budget Committee to find additional money for transit programs.

In other words, a real effort was made here to get more money into the transit programs to help address the various needs of people.

Secondly, on the fixed guideways, the committee itself, in consultation with the public transit groups across the country, made an adjustment in the workings of that formula so it is not as though we are oblivious to some of the problems that have been raised here on the floor. We try to make adjustments to take care of them.

Thirdly, it is very important to understand that about three-quarters of the riders are in those cities. So there is a relationship between where you are putting the money and where the ridership is. This gets complicated because more and more cities now want to come on line with transit systems. The additional money that the chairman and those of us working with him have been able to gain for the transit programs will help to make that possible.

Now, the distinguished Senator from Colorado said that this last year, he thought his return had jumped significantly. As I understand it, there is a full-funding agreement for the transit system in the Denver area so that the payout is beginning on that system. One of the problems you have here—and people have to understand this—the transit systems have to be funded in discreet jumps. You can't do it just a little bit everywhere each year because that doesn't give you enough money to build your transit system. In order to build a transit system, the transit systems have to work with the Department of Transportation to get a full-funding agreement, and then there is a commitment. So you get a jump, a discreet jump, in the amount of money coming in to build your system. You have to do that with each system that is coming along. If you just give a few extra dollars in each place, you can't build a transit system with that little money.

Now, one of the problems, obviously, we will confront as we move along is more and more areas and regions recognize the desirability of a transit system, so they want to be part of the process. I am in favor of their being part of the process.

I fought very hard with the chairman to maintain the 80/20 allocation. If we had lost that allocation, I think our ability to have additional money for transit would have been very quickly on the downslide.

We know there are lots of needs. Members come to us. We understand that. We are trying to work with Members in order to achieve that. You can't look at one segment of the transportation funding without relating it to the other segments, not just within mass transit, but highways as well.

Now, the chairman's State and my State take a sharp hit on our percentage share of the highway money in this bill. We take a sharp hit on the percentage share of the highway money. Many of those who are now coming to us who were seeking to rework the transit formulas, in fact, were among the States that benefit very significantly by the reworking of the highway formula.

I am trying to look at it with a broad point of view. I recognize some of the arguments that have been made about the highway formula, although I had counterarguments I could make if you want to talk about miles traveled, congestion and all the rest of it. I can bring up a list of figures. The second most congested area in the country on highway traffic is right here in Washington, DC, as most of my colleagues probably realize as they seek to move around the area. But in any event, those adjustments are getting made, and we are recognizing that those adjustments are getting made. Now, even within the transit scene, it's clear that the new-start money is moving to new areas. Now, that simply is happening. I don't think the old areas ought to be ''frozen out'' of new starts because often they have to, as it were, extend their systems to accommodate the movement of populations further out into suburban areas.

We are trying to build systems here that work, and we recognize the needs of new areas. I think we have tried to be very responsive, as a matter of fact, in the committee to try to address the needs of new areas.

So I say to my colleagues that I think it's very important to try to take a balanced view. I think it's important for the Senate to try to come out with a balanced bill that represents a reasonable accommodation amongst all the interests that are reflected in the Senate, because the nature of the political dynamic is quite different in the House, if one stops and thinks about it for a moment. I think that if we have a balanced bill, it can become a kind of magnet point in dealing with the House. If our bill is seen as unbalanced, it won't be that magnet point, and the House people, I think, will obviously be seeking to move it to a new balance. So I think it is very important for us here to try to come with a new balance, and we are working hard to try to get that.

I made my point on the highway formula, and I don't intend to press it any further. But in terms of taking a broader view, I hope we can get a comparable response on the transit measures. But you have these older transit systems—actually, a system that is more than 15 years old may need modernization worse than any system in the country. You have to upgrade these systems. New York has upgraded its system, and it made an enormous difference in ridership and in the general acceptability of the transit system. So we understand the problem, and we are trying to work with our colleagues. We are trying to keep moving this process along. We really have worked overtime to try to get the additional resources to help ease the situation. And I think, having done that, although we have to carry it all the way through the appropriations process now, I think we are in a better position to respond to needs that Members have.

If we get into undoing all of these arrangements—it is a never-ending process—then I think we are going to confront a lot of difficulty. I appeal to all of my colleagues to recognize the complexity of it and recognize that the committee has been trying to deal with it. I think the chairman has bent over backwards to try to find ways to accommodate Members. But I certainly hope we don't make any sort of major, sweeping changes in the allocation because it's going to throw the balance completely off.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my friend and colleague, the ranking member, Senator SARBANES, for recognizing what we as a committee and our staffs have attempted to do in coming up with a bill that does not nearly meet the needs of all of our constituents because there are spending limitations. We are going to have a tough time. I can tell the Chair that we have a minimum of $15 billion-plus worth of requests for new starts. And I think if you were to look at them, you could probably—and I am not attempting to rank them; that is not my job. There is a procedure which does that, and I think they should be ranked, but as it relates to cost-benefit, numbers of people moved—I know when you look at the city of Denver, where my colleague comes from, there is no doubt that the program being advanced by the city and metropolitan region will be probably one of the highest ranked. But they are going to have to earn that ranking. But you can't have that kind of development and not believe that it's not going to be there.

Demonstrated need is the key. In fairness to my colleague, I don't want to imply that he is arguing for any change on that. I am simply saying

that when we look at the numbers of applications that will be coming in, I have to tell you that there will not be nearly enough resources to do them all. I hope that, in the fullness of time, we will be able to get a better allocation for mass transit generally. I think we are being very, very myopic as it relates to the manner in which we are allocating resources nationwide. It is easy to put money in and justify for highways. It has a very strong base of support. That is undeniable. But something that is even more important, or equally as important, is when we look at our major urban centers throughout this country, we are going to begin to find in those fast-developing areas in the South and far West, as people migrate, you are going to have incredible problems, whether it be in Atlanta, Denver, Memphis, et cetera. As these areas build and develop, we are going to want to be able to move these people. Unless we provide the resources, it's not going to happen. So we have had a rather unbalanced—I think the last time we provided any moneys was in the legislation that I authored, and I had a tremendous battle, back in 1982. It authorized 1 penny out of the nickel to be set aside from gasoline for mass transit.

Let me say this to you. If it sounds like I am self-aggrandizing, I don't mean to. But, thank God, we were able to get those moneys set aside. I have heard more people complaining about that. What a myopic view. Where would some of the systems in their States be? They have come on rather recently, and they have applications for more, and I am talking about large States that have to move large numbers of people. Their representatives are complaining about that 1 penny set-aside. Well, what would you have then in terms of any type of new start or mass transportation? We would not be having this debate and we would not be having a mass transit bill.

Some people say, oh, we don't care, we don't need it, we don't want it. That is a rather narrow-minded point of view. So I have to say, thank God, we are at this point where at least we have limited resources that have been provided as a result of the 1 penny set-aside as opposed to no resources that we would have. We would not have any. So maybe we are lucky that the Senator, at this point in time, can come to the floor and say, ''Listen, we want a better allocation on that.'' I don't fault him for that. I think he has real merit in his position of saying, ''There is this need, so can't we do better?'' I say to the Senator that I want to try to do better under these. I hope we can come to the floor some day, sooner rather than later, because the expressed, absolute need—by the way, we save lives. When you get people out of the automobiles in congested areas where sometimes they are stuck 30 minutes when coming through a bridge or tunnel, whatever, and put them on a modern system that moves them back and forth, you take out tons and tons of pollution.

We have one project that we are looking at in terms of removing 1 million trucks a year off of the roads between New York and New Jersey. It is a tunnel project. It is not part of this bill. They estimate that we will be able, as a result of this one tunnel, to save in the New York City region 3,000 lives annually—3,000 people who otherwise would be dying. That is not to talk about the incredible hospital costs that go into it, the hundreds of millions of dollars in terms of asthmatics, et cetera. That is just one little project.

We are talking about another one for moving 100,000 people a day who now have to make a cross-town transfer. They come into New York City on one side of the city and then have to transfer and go all the way over to the other side to get to their job, and then come all the way over again. They are talking about eliminating 12,000 taxicab rides a day. They are talking about saving $900 a year for 100,000 people who have to pay then to go back and forth. In terms of hours, it's about an hour a day for each one of these 100,000 people. So the man-hours can be saved.

The pollution that would result will be cut down, and the quality of life will be enhanced. These are the kinds of things that can and should be available to us. There is an underlying problem in this bill—a big one: we don't provide sufficient resources. We can't, unfortunately. There are the budget constraints. So, I think we all have to recognize that there has to be a little give and take on this thing. This is not going to be good for us if we have to make changes in terms of a parochial sense to take less. I think the Senator from Maryland stated it well. We get back a smaller percentage as it relates to the highway that we received previously. But we had to recognize that there are expanding areas and they need some money. I am willing to recognize that here. But I need some help in arriving at that, because there is an underlying deficiency. I might say to those colleagues who are going to say we need more, then help us and support us when it comes to providing additional resources for all of mass transit, so that we can see that rural America and urban America are not in conflict and we can make those needs.

Right now, our job becomes impossible to meet all of the needs, due to the lack of resources. That is a fact. And were it not for the incredible work of the Budget Committee, and particularly Senator DOMENICI, in finding available resources, we would not even be at this point, and the inequity and problems would be even greater.

So I thank my colleague, Senator SARBANES. Again, I want to commend the Senator from Colorado for coming forth in a way, hopefully, that will provide additional resources to the people not only in this region but in like regions throughout the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder if I may have 10 minutes to speak out of order.

Mr. D'AMATO. I have no objection.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Con. Res. 82 are located in today's RECORD under ''Submission of concurrent and Senate Resolutions.'')

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to move on and talk about one related matter for 5 additional minutes.

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

TIBETAN UPRISING DAY

Mr. WELLSTONE. Mr. President, today is the 39th anniversary of the Tibetan Uprising Day. On March 10, 1959, the Tibetans instigated a massive uprising against the Chinese in Lhasa, the Tibetan capital. It was ruthlessly suppressed by military force. An estimated 80,000 Tibetans were killed, and the Dalai Lama was forced to flee, seeking refuge in India. Every year, on March 10, the Tibetans in exile gather to commemorate the anniversary of this unfortunate day and to protest the continued occupation of Tibet.

Mr. President, there are demonstrations all across the country which commemorate this day, March 10, 1959. And I would like to bring to the attention of my colleagues the meaning of today to the people in Tibet and to make a linkage to what we are doing on the floor—again, with Senator MACK from Florida, with Senator HUTCHINSON from Arkansas, with Senator FEINGOLD from Wisconsin.

By the end of this week, because of the personal commitment of the majority leader, we will have an up-or-down vote on a resolution, or an amendment to a bill, which will call on the President to put the full force of the United States authority behind the resolution which will be critical of or condemn human rights violations in China before the International Commission on Human Rights, which is going to start meeting on March 16.

I have a letter which was translated into English—but I am going to keep this forever, because I think it is such a great thing—from Wei Jingsheng, which he wrote out in my office on Friday. This is an appeal by Wei, who spent 18 years in prison and had the courage to stand up for what he believes in. He will be nominated for the Nobel Peace Prize.

This is the request to the U.S. Senate to please go on record this week, before the International Commission on Human Rights meets, strongly behind a resolution calling on the President to do what the President has promised to do, calling on the administration to do what they promised to do, which is to move forward on a resolution at this Human Rights Commission in Geneva which will be critical of, or condemn,

the human rights in China, including the crushing of the culture and history and the people in Tibet.

Mr. President, silence on our part would be betrayal. It would be unconscionable. Our country is a great country because we support human rights. We support the freedoms of people. We support the idea that people should not be persecuted because of their religious practices. They should not be persecuted because they have the courage to challenge governments if one of those governments is left, or right, or center.

I said it yesterday, but I will say it one more time today. I hope we will work with the President. We are going to get a strong vote for this resolution. I hope the President and the administration will do the right thing. I have myself been calling the State Department. I think Secretary Albright wants to move forward on this. I have not had a chance to talk to her. She is, of course, abroad, working on another very important question about what is happening to people in Kosovo—and rightfully so—trying to lead an international effort and making it clear to Milosevic that Serbia cannot with impunity do this to the people in Kosovo. I believe she is a strong advocate on human rights.

I talked to Strobe Talbott and to Sandy Berger. I have been putting calls in to their offices, and I think it is important that this week the administration come out with a clear position which would be a reasonable position, doing just what the President has said we ought to do. We don't link it to trade agreements, though I think we should. But this is the right place—at this U.N. Human Rights Commission—to be talking about these human rights violations.

Mr. President, I yield the floor.

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. 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.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I believe that we have made substantial progress and, hopefully, we will be able to come to an accommodation that will meet the needs a number of my colleagues have expressed relating to the fixed rail modernization system. We are working on that at the present time. I hope we are going to be able to further deal with the question of New Starts in a way that will be satisfactory to my colleagues.

Last, but not least, it is my hope that we can resolve even the most contentious of points if those who are advocating changes will either meet with our staffs or come to the floor for the purposes of introducing their amendments so we can dispose of this significant portion of the bill, hopefully today. I believe we can, or certainly we can make very significant progress.

If we are not going to have agreement, then I can tell you it is my intent, after negotiations and after deliberations and debate, to move to table those amendments on which we cannot come to an agreement. But I hope we will work to the best of our ability. I think by putting this off we are not going to add to the likelihood of finishing this chapter of the bill today, and that is my hope.

This is an important piece of legislation which I believe the Senate, and I know Senator LOTT, our majority leader, is anxious to dispose of. That means the difference between States doing nothing and States beginning their highway projects in an orderly fashion, undertaking the necessary work to get their transit systems going and improving them. There are contracts that have to be let out. It takes time.

So, the sooner we get this done the more likely that some of the programs that otherwise will not continue, or start, this spring, will get started. We have to give the States assurance that there is going to be an orderly flow of funds. So I urge my colleagues if they have provisions or have statements they want to make, between now and 12:15 they can certainly come down. That would be a good time to make those statements. If there is legislation that they seek, now is the time to make it known to the committee, to the staff, and seek either an accommodation or action on their legislation. Certainly between now and 12:15, if anyone wants to come down to speak to these issues, or 12:30 when we go out—or thereafter, when we reconvene at 2:15—we are ready, willing and able to deal with whatever ramifications my colleagues might have or whatever legislative solution they might look for. We are willing to discuss and entertain their legislative proposals, again, by way of staff work directly, or the Senator meeting with his colleagues and/or Senators offering legislation. We can attempt to dispose of their legislative proposals one way or the other.

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. SARBANES. 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. SARBANES. Mr. President, I just want to make a few points about the importance of transit as we are considering this amendment.

First of all, when we had the energy crisis, there was a tremendous focus at the time on transit, which in a sense faded from the scene because we no longer confront an energy crisis. But it is very important to underscore how energy efficient mass transit is in terms of moving people and goods. We have developed and, of course, even improved technology with respect to low emissions on clean-fuel buses, clean technology for light rail systems and for heavy rail systems.

People have to understand that means it is just that much less oil we have to import. So we are able to decrease our dependence on foreign oil by developing transit systems. And, of course, we are able to, as a consequence, improve our balance of payments situation. We often lose sight of that. We do not talk about that very much nowadays because energy isn't seen as a critical issue. But I simply want to remind people that at the time when we had the oil embargoes and everything, there was a tremendous emphasis on transit and its importance.

Secondly, the importance of transit for improving the environment I think is indisputable. It is estimated that over 40 percent, between 40 and 50 percent, of all Americans live in areas with unhealthy air, according to the EPA. In many communities, transit investments are a cornerstone of the strategies to achieve air quality standards. A failure to develop transit capacity will undermine our efforts to give millions of Americans cleaner air to breathe. So we have to recognize that transit is important for environmental purposes as well.

Thirdly, traffic congestion in our Nation's largest 50 cities is estimated to cost travelers over $50 billion annually, just from the bottlenecks and the gridlocks. These delays translate directly into added cost to businesses and to individuals. Transit carries the equivalent of 5 million additional automobiles per year. People need to sort of envision what would happen if we did not have these transit systems. You would have utter chaos.

So we have to address this congestion and delay cost for millions of American motorists. And it is interesting to note, transit is used disproportionately during peak periods, peak-period commuting, which is exactly the same time when the roads are at their most congested. So, obviously, it serves a very important purpose in limiting or diminishing the amount of congestion that would otherwise occur on the highways.

Now, not only does it eliminate or decrease the amount of congestion, transit also provides essential access for people to jobs and shopping and medical services. It is estimated there are about 80 million or above Americans who do not drive, in other words, people who, to get around independently, are totally dependent on transit.

Transit is also essential now as we focus on moving people from welfare to

work, a major national priority, one as a consequence of the legislation passed by the Congress. Now the States are under very tight constraints in terms of addressing that population. It is estimated that only a very small percentage of welfare recipients, 6 percent, own cars. So most people on welfare would be dependent on transit in order to get them to and from their jobs.

So a strong and vibrant transit system, I think, is critical to the Nation's economy, to the well-being of our communities. I hope we can keep these additional considerations in mind as we address the transit title which is now pending before the Senate. There are these additional benefits that flow from it, and they really flow to the country as a whole.

If we can reduce our dependence on foreign oil and the import of oil, we become less in the hands, as it were, of others overseas, and we improve our balance of payments position. Transit makes an important contribution in that regard. It clearly makes a very strong contribution in the effort to improve our environment and to achieve clean air quality. It helps to reduce congestion.

Of course, people look around and say there is a tremendous amount of congestion now. I only say to them, think how much worse it would be if we did not have the transit systems. I mean, for those in the areas that are served by a transit system and are traveling by automobile or truck and encounter a lot of congestion, think what they would encounter if there was not a transit system moving millions and millions of people every day. You would have absolute gridlock in those areas of the country.

Now, as we deal, of course, with the welfare-to-work challenge, transit is a major component in helping us to succeed in addressing that challenge. It is also clear that transit is an important contributor to economic development and property values. Those areas that have the availability of convenient transit services have discovered that it makes an important contribution in spurring economic development and job creation. So, Mr. President, I hope our colleagues will keep this in mind.

An argument was strongly made in this body many years ago that we needed farm-to-market roads. We needed roads to make it possible for farmers to move their goods to market. As a nation, we responded to that and sought to support a farm-to-market network of highway transportation. I am supportive of that concept.

I think if we are going to build the Nation, we have to be sensitive to the needs of all parts of our country. I very much hope my colleagues will be sensitive to the needs of transit. Actually, everywhere in the country, we have provisions in this bill for rural transit, and transit in cities of over 50,000 and up to 200,000, special provisions. But, of course, we have the situation in which we have the greater urban centers where literally millions of people move every day on mass transit. If it were not there, if we did not have a first-rate system, we would have a total, total breakdown in the functioning of the economy.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. 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. SARBANES. Mr. President, I think we are now scheduled to go out, as I understand it, for the party conferences.

RECESS

The PRESIDING OFFICER. The Senate is recessed, under the previous order, until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask permission to address the Senate as if in morning business.

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

LOSING OUR WAY II

Mr. GRASSLEY. Mr. President, in earlier remarks, I indicated a number of problems in our domestic drug control efforts. I intend now to highlight some of the problems in our international control efforts. Many past problems in this area have been documented in testimony before the House and Senate and in reports issued by the Congress. Let me give just a few highlights of recent issues that speak of deep problems.

I am concerned that the Administration seems only too willing to give drug producing pariah states a pass. Recently Senator HELMS and I wrote the Secretary of State on North Korea. We wanted to know why, with indications that the Government of North Korea is implicated in drug production, that there was not more effort to confront this pariah state. The response was that we don't know enough. Well, why don't we know enough? Basically because we are not asking the questions. We are not putting our collection assets on the problem.

This is one way of avoiding confronting North Korea on drug trafficking. This is a country apparently whose only two cash crops are nuclear weapons and illegal drugs. Yet, we ignore their drug activities and provide them help with nuclear materials. This is not the only dictatorship and enemy of the United States that this Administration is declining to confront for drug production and trafficking.

During the recent recess, the Administration pulled another rabbit out of its hat. In the process, it once again showed its disregard for both requirements in law and for consulting with Congress. Mr. President, most members are probably not aware that the Administration has dropped Syria from the countries that we certify on drugs. The rationale the Administration offers for this move, done without consulting with Congress or Israel, is that what drug production there is in Syria does not affect the United States. That is not, of course, what last year's International Narcotics Control Strategy report, the Administration's own report, said. It is not what presidential certification notices have said. It is not what the Israelis report. It does not accord with the realities of international drug trafficking and the nature of the activities of organized criminal gangs. But there's more to the story. The Administration says it made this decision strictly on interpreting the law. In its reading of the law, the Administration argues that Congress did not mean to include countries like Syria where production is not coming to the United States. That is a singular interpretation, however.

I have here a copy of an interpretation by the Senate Legislative Council's office pointing out where the Administration's reading of the law is in error. I also note that the Administration undertook this significant change in policy based on the legal opinion of a single State Department lawyer. They did this without consulting with anyone in Congress. And, in my view, they did it by not complying with the law.

What all this means is empty gestures that send useless signals to pariah states. The fact that it does this by using U.S. drug policy as the throw away issue tells us a lot about how seriously this Administration takes our international counter-drug efforts.

The law requires the Administration to submit to Congress each November 1 the list of countries to be considered for certification. My staff reminded the State Department of this requirement in late October. It became clear, however, that Administration officials had no intention of meeting that requirement. Only under pressure did they finally get the paperwork up here, 10 days late. This tardiness was in spite of the fact that they promised not to be late, after having been weeks late in 1996. And they were weeks late then even after Congress gave them an extra month to get the list up here. This list, as I say, was late. I note also, that in being late, the Administration submitted it just days before the Congress recessed. That is, it submitted a document that contained a controversial decision without consultation or the opportunity for serious discussion.

Not only did the Administration not seek to consult on this important issue before the decision, it delayed action to avoid accountability after the decision. What next? Having ignored North Korea and having given Syria a wink, can we expect the Administration to certify Iran? Don't laugh. That was under consideration. The Administration cannot confirm significant changes in Iran's drug control efforts, but it was prepared to take Iran's word on the matter. It was only when J.C. WATTS and I and several other Members of Congress blew the whistle on this that the idea was dropped. What was going on here? Why all the sneaking around? Iran suggests more cultural exchanges and the Administration plans to certify them as doing the right stuff on drugs. Once again, we are going to use our drug control policy to make gestures to our sworn enemies. What is wrong with this picture? Do these steps, this lack of consultation, suggest a deficit of seriousness on drugs?

There's more. The Administration has also been mounting an effort to deconstruct the annual certification process. With all the misinformation being floated around about that process, it may be hard for the public and members of Congress to get at the facts. Let me just make a couple of points. Certification is about accountability. It is about expecting the Administration and governments in the major drug producing and transiting countries to take drug control seriously. It is about establishing standards to measure that seriousness. It is about expecting the Administration to then report on compliance with those standards to the Congress and the public. Let me note also, that recent and past polls indicate that the public supports tough standards. The Administration, however, it trying to undo this. For an Administration that has a record of avoiding accountability standards, this should come as no surprise. This is yet another area where the Administration is mounting an effort to weaken or disregard performance measures.

But let me continue. On the issues I deal with on the International Drug Caucus, I see an Administration that doesn't follow through. Let me give just one case in point. This concerns nominations. The important post of the Assistant Secretary of State for International Narcotics Control remains vacant. We have yet to see a nomination. It has been vacant for many months. The post of Commissioner of Customs remains vacant. On this latter point, however, I am happy to see some movement, at last. Still, that critical post has been vacant for over six months.

I also note that the Office of National Drug Control Policy has recently asked Congress to give them new presidential appointment positions. But the important post of Demand Reduction Deputy has not seen a qualified nominee in several years. It is vacant. The critical post of Supply Reduction Deputy has been empty since the Administration took office in 1993. These are the two most important posts in that office. Vacant. Unqualified candidates. Inaction. This is the legacy.

The Administration also continues to send mixed signals to our partners in Latin America on drug control. Leaving aside the retreat on certification, the Administration cannot seem to get clear on its priorities. There are a number of examples, but I'll stick to one. In 1994, the Administration almost destroyed one of our most important information-sharing programs with Peru. This program enabled the closing of the drug smuggling air bridge. Congress stepped in to prevent the cutoff of information to this highly effective program.

Today, the major declines in coca cultivation in Peru—almost 45 percent in two years—are directly attributable to that information-sharing program that the Congress rescued. Now, the traffickers are seeking to circumvent that program by flying through Brazil. Brazil is prepared to cooperate, but the Administration cannot get its act together to make this program happen. What's more, I have learned that some in the Administration are once again in the process of considering pulling the plug on this not only in Brazil but in Peru and Colombia. If this happens, we will throw away all our recent gains. If this is not enough, the whole counter-drug program in the region is in disarray. It lacks a coherence or consistent oversight and strategic vision. But this is not the only place we see a lack of comprehensive thinking.

There is a similar problem on our own borders. Over the past few years, I have supported efforts to increase our ability to police our borders. This has meant more funding on the Southwest Border and in Puerto Rico. The problem, however, is that there is no coherent vision coming from the Administration. What I have repeatedly asked for is a more comprehensive concept for the whole southern tier. We keep seeing plans for this place or that place. Now we hear plans about sealing the Southwest Border with technological wonders. We know, however, that the traffickers adjust to our control efforts. Thus, if we focus here, they shift over there. And they can shift faster.

As a recent Christian Science Monitor piece notes, we're seeing Miami Vice two. The traffickers are moving back into the Caribbean and south Florida. We need, therefore, a plan that does not create trafficking opportunities in one area while trying to foreclose them some place else.

But we don't see this. Instead, we see plans that rob Peter to pay Paul. Or we see another version of data slicing that I noted in my earlier remarks. The Administration is now double counting increases in the Border Patrol as contributions to the drug war. While INS and the Border Patrol have some responsibilities in the drug area, this is not their primary duty. Yet they are counted in drug spending. The primary responsibility at the border falls to U.S. Customs. And what is happening here? The Administration continues to under fund agents, inspectors, and intelligence support on our southern tier. Further, to strengthen the presence on the Southwest Border, the Administration robbed positions in U.S. Customs from Miami and New York and elsewhere. The result? We now see more trafficking in south Florida. It's time to stop this piecemeal approach and develop a comprehensive southern tier strategy. This will require not only more serious thinking but a look at the resources necessary to make our borders more secure. I, for one, will be looking for such an effort.

Problems at our borders and incoherence in thinking in dealing with our international partners are not the limits to the inconsistency we see.

I have been calling on the Administration to offer proposals for how to deal with the problem of international organized crime. A plan for bringing together comprehensive international efforts to disrupt the organizations most responsible for drug trafficking. To date we have seen nothing. The proposals are late. Sound familiar?

From these various accounts, it should be clear that we have a drug policy in name only. What we have is a collection of things with a price tag attached. We do not see accountability. What we do see is increasing drug use among our kids. What we do not have is the coherence Congress has asked for and the public has right to expect. We need better not just more.

With this in mind, I have proposed, separately, several initiatives to improve our drug efforts. I will be following up on those proposals.

I have gone on at this length to make it clear to my colleagues and the public that we need a lot of work on our national drug control strategy. Above all, we need seriousness of purpose and consistent follow through. We need to know where we're going. Otherwise, we will continue to wander around, lost, on roads that take us nowhere.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

Mr. REED. Mr. President, I would like to take a moment this afternoon to talk about the pending highway bill and particularly the transit provisions in that bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator D'AMATO and Senator SARBANES for their work on this initiative. The bill they brought to the Banking

Committee adds immensely to the act we are debating. It provides a critical component to the overall transportation in America, and that component is mass transit. This bill that Senator SARBANES and Senator D'AMATO have worked so hard on would provide $5 billion, which, over the next 6 years, would accumulate and provide sufficient funding for mass transit throughout the United States.

The legislation recognizes that in many regions of the country, particularly the Northeast where I come from, mass transit is one of the critical elements of our transportation policy. We do not have the space to build more roads. We also are in a congested area of the country in which environmental factors are so critical. Without mass transit we cannot deal with transportation problems, environmental problems, and also the basic needs of the people of my State and my region to be productive citizens.

This is particularly the case when we are talking about reforms we have just undertaken with respect to the welfare system, moving Americans from welfare to work. For many of these Americans, literally, their path to the work site is through mass transit, through buses, through subways. Without these vehicles, without these mechanisms, they cannot become effective participants in our work force. Transit is particularly important to my State of Rhode Island.

Just this morning I had an opportunity to meet with our director of the Rhode Island Transit Authority, Dr. Beverly Scott. She is doing a remarkable job. She impressed upon me again the important role that transit plays in my State. Ridership is up in Rhode Island. We are one of the few States in the country with a statewide system, one system serving the entire State. Last year 19.5 million bus passengers used our rider services. In addition, we had over 450,000 paratransit riders. These are small jitneys that move around the State, many times serving disabled Americans who cannot use the traditional buses that we still have in our fleet. Indeed, 18 percent of the riders of mass transit in Rhode Island are seniors or disabled Americans. These are individuals who cannot avail themselves of the highways through their own vehicles in many cases. They depend upon transit. They depend upon our role here in Washington to adequately fund mass transit throughout America.

We also have, because of our mass transit investments in Rhode Island, done some remarkable things with respect to the environment. It is estimated that the buses of the Rhode Island Public Transit Authority over the past several years have kept about 1.2 million pounds of pollution from entering our system. In doing so, they have allowed us to keep pace, at least, with the demands for a cleaner environment up in Rhode Island. We have to do more, but without mass transit we would be in a much more perilous situation.

There are those who are arguing with respect to transit that we should move away from traditional formulations of transit policy and start talking about minimum allocations, State by State, which, in effect, would reward certain parts of the country that do not have the history and, indeed I would argue, the strong need for transit services, as we do in the Northeast or in other parts, the older urban parts of America. I think this approach would be wrong. This bill we are considering in effect shapes national transportation policy. As Senators in the National Assembly, we have to recognize our national responsibilities. One responsibility is to continue to support those systems that are so essential to my region of the country, so essential historically.

I was thinking, as I spoke to Dr. Scott, my director of public transportation, that his family goes way back in transit. My grandfather, James J. Monahan, worked for the United Electric Railway System, which was the local transit system. In fact, he started around the turn of the century. Before there were electric railroads, there were horse-drawn rail cars, and he was working on those. We have seen, in my section of the country, this reliance upon transportation for years. We must maintain appropriate funding.

I hope we can do that because I think, if we would try to arbitrarily distort the funding for transit, if we would suddenly yield, not to sensible national transportation policy but simply regional interests, we could undercut something which is very essential, not only to my region but also to the Nation. If we do not have good transit in the Northeast and other parts of the country, we will not make our environmental targets, we will not be able to continue to develop a strong economy, we will not be able to ensure that all of our citizens have access to the job sites, we will not be able, in short, to do what we all want to do—provide for a transportation system that serves all of America.

I should point out, too, that in this debate we have seen changes impacting, through the highway formulas, adversely on many parts of the country. Those parts of the country are most dependent on transit. The idea of reformulating highway policy, which many of us have approached with some sense of cooperation because of our view of the national economy and the national needs, to turn around now and inject strident regionalism into the transit formula would, I think, be a mistake. We cannot, I think, in our position, bear to see some of these changes in the highway position without the confidence that transit funding will be maintained on a reasonable basis and that we will continue to develop and support good transit throughout this country but particularly in those areas that historically have relied upon it.

Mr. President, I hope we could summon not only the wisdom and courage to support this bill coming from the Banking Committee but also to oppose those proposals which would impose a minimum allocation on the States. We have to recognize and support transit as it exists today and develop new starts, for which there is plenty of funding in the proposal that Senator D'AMATO is bringing to the floor to do that. But we cannot, I think, impose some arbitrary constraints on the transit formulation which so far has served us very well.

I hope we can support this amendment from the Banking Committee, oppose the amendment that would distort it dramatically, and in doing so contribute, along with our highway provisions, to sound and very important national transportation policy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first say I tremendously appreciate the work and the contribution and the support the Senator from Rhode Island, Mr. REED, has given to the committee in bringing this amendment to this point. He has been constructive. He has been helpful. I particularly appreciate his efforts as they relate to that part of the program that concentrates primarily on attempting to meet the needs of those people who are trying to get off welfare. We are talking about the people who want to help themselves. He has been a leader in this area. Indeed, we have provided more funds and specifically targeted them to getting transportation for people who otherwise cannot get to work.

Later, I believe a number of our colleagues will be coming to the floor. I am going to ask those who might be listening and/or their staffs, to please, if they have amendments, come on down. Let's deal with them. I believe the Senators from Pennsylvania have an amendment that maybe a great number of colleagues would be willing to support. I know Senator REED would probably be one of the prime sponsors, in terms of enhancing that program, and that is programs to help people to get to work to get off the welfare rolls. So that is a plea I make to them.

At this point, I would like to recognize the outstanding work of Senators ALLARD and GRAMS in relationship to making, I think, an important contribution to this bill in seeking great balance. I believe the distinguished Senator from Colorado has an amendment he would like to offer.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1940 TO AMENDMENT NO. 1931

(Purpose: To make an amendment with respect to fixed guideway modernization)

Mr. ALLARD. Mr. President, I would like to call up amendment 1940, the Gramm-Allard amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado, [Mr. ALLARD], for himself and Mr. GRAMS, proposes an amendment numbered 1940 to amendment No. 1931.

Mr. ALLARD. 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 68, line 21, strike ''The next'' and all that follows through ''(7)'' on page 70, line 1.

Mr. ALLARD. Mr. President, I again thank the chairman of the Banking Committee for his willingness to work with both Senator GRAMS and myself. I think we had a very productive floor debate this morning about the transit needs of the different sectors of this Nation. I think Senator D'AMATO has certainly showed his statesmanship this morning in recognition of the transit needs of the more rapidly growing regions of this Nation, much of which is occurring in the Western United States as well as in the Southern States. States like Colorado are experiencing extraordinary growth, and our citizens are certainly anxious to have a fair return on transit dollars. As the chairman knows, Senator GRAMS and I have filed and discussed an amendment that addresses new dollars that will flow into the New Starts and Fixed Guideway Modernization Programs.

The chairman has agreed to accept some of the fixed guideway language that was included in our amendment. He has offered to work with us further in the conference committee. I now submit the revised language and urge its acceptance. I thank again Chairman D'AMATO for his willingness to ensure high-growth areas that are experiencing problems of congestion and air quality nonattainment shall be recipients of Federal dollars for New Start projects. In addition, we will continue to work with him on the Fixed Guideway Modernization Program to see whether some of the high-growth cities can be eligible for funding on an accelerated basis. I thank the chairman.

Mr D'AMATO. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also thank Chairman D'AMATO for working with Senator ALLARD and myself in recognizing that growing mass transit moneys should be more fairly and equitably distributed to the new systems in our country, including Minneapolis and St. Paul.

I represent Minnesota, a State that is growing, and growing in areas where rising populations are basically dictating the needs to resolve traffic congestion through new-start mass transit options. I thank the chairman for his commitment to work with Senator ALLARD and me in the conference and again to make the Fixed Guideway Program more equitable to the new system. I thank the chairman for his acceptance of our fixed guideway language in this amendment and for his commitment to work with us to maintain this language in conference, because it is important that a greater portion of the new funding above the current levels, currently $760 million in 1997, go to these new systems. These are the systems, as we have noted, that are growing the most and growing fast.

I also thank him for this agreement to work with us in conference to help us establish some very significant funding for new starts. I also thank Senator ALLARD for all his work with us on this as well. I thank the Chairman very much for his help and cooperation.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me say I am deeply appreciative of the work of my colleagues, Senator ALLARD and Senator GRAMS, and for their patience, for their diligence in working on behalf of their constituents and, more importantly, recognizing the need for balance, the need to meet the needs of the high-growth cities in the United States, which they represent, but also recognizing the needs of the older cities, the older transportation hubs, that also need to continue to get adequate funding.

In addition, I am looking forward to working with my colleagues towards addressing the growing needs for mass transit in growing cities such as Minneapolis/St. Paul and Denver. They have unique problems. The problems of attaining the clean air standards certainly are not those just found in the cities of Boston or New York or Philadelphia. Indeed, in areas that we may not have ever considered, these are problems. They are. Cities like these must receive an equitable portion of the New Start funds so they may begin to implement mass transit as a solution of their problems of traffic congestion and air quality. Again, I commend them, and I am committed to working with my colleagues on this issue and on the issues of eligibility for funds under the fixed guideway formula.

Might I also say, I thank again, in all of this, my colleague and friend, the ranking member of the Banking Committee, Senator SARBANES, for working to achieve this balance.

Mr. President, I ask acceptance of the amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I just say, I think this is an instance of trying to work through, in a practical and pragmatic way, points that are being made, which the chairman has indicated he is quite prepared to do. So I am prepared to go along and accept the amendment in an effort in part to move this legislation forward and also to indicate that we are trying to be reasonable here. We want to get accomplished a result without departing from the basic structure of ISTEA in some significant way. I think what has been talked about here sort of puts us on that path. So I support accepting the amendment.

The PRESIDING OFFICER. Without objection, the amendment No. 1940 is agreed to.

The amendment (No. 1940) was agreed to.

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

Mr. ALLARD. 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 urge those Members who have amendments to come to the floor so that we can work on their amendments. This could have been one of the most contentious amendments and, indeed, started out on the very basis that almost no one saw a resolve of it. We can work through these amendments because we are willing to meet and speak to those who want to be heard. But they cannot be heard if they do not come to the floor.

I have asked that my colleagues from Pennsylvania, who have a unique amendment, one that attempts to help accelerate people from welfare into productive jobs, and helps them get to work, come on down and offer their amendment, because at some point in time we are going to move to close this. If they want to object, I am going to ask that they be here to object personally.

So I do not think that this bill is completed, by any stretch of the imagination, but I think we would like to move on it rather than put us in a quorum call and wait. So again, I can only suggest, come on down, offer your amendments, or at least have your staffs meet with our staffs so we can discuss a resolve of this so we can get this important legislation passed.

Mr. President, having nothing further in the way of any kind of productive suggestions at this point in time, 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. SANTORUM. 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. SANTORUM. Mr. President, I rise to talk about an amendment being offered by Senator SPECTER, myself, and Senator MOSELEY-BRAUN to the transportation bill before us, the mass transit section.

Over the past several years, when I was in the House and then here in the Senate, on the issue of welfare reform, one of the great concerns I had with putting time limits on welfare and requiring work was the ability of people, particularly in the inner city, urban areas, to be able to find job opportunities. We know that the urban core is not a job center and a lot of urban poor neighborhoods are not economically

well off in the form of job creation. So people who live in these poor urban areas have to have some sort of transportation access to get to the jobs. It has worked in the past fairly well when from the urban neighborhoods outside the center of town—in many cases where the job centers were—people could hop on transportation, a bus, rail, whatever, and go into the downtown area for jobs. That had worked well in the tourism industry, hotel/motel, et cetera. A lot of those jobs are not particularly high skilled because a lot of the urban poor don't have a lot of job skills starting out.

The problem with the current economy is that, in many cities, Philadelphia being one of them, the job creation boom is not taking place in the inner city; it's taking place in suburban corridors. In the case of Philadelphia, it is taking place in what's called the Route 202 corridor. In fact, we are not an anomaly. Two-thirds of all new jobs are being created in the suburbs. So you have a very odd situation happening. You have the dramatic increase in jobs; in fact, there is very low unemployment in most areas of the country. But there is still chronically high unemployment in the inner cities and, as a result of the new job creation happening in the suburbs, no transportation link for people in the urban neighborhoods out to the suburbs. Now, they can get to maybe a train station in the suburbs, or a bus station, as the bus that went into town for the commute comes back out of town. But they can't get from that station to their job, which may be in an industrial park somewhere. So that creates a real problem for the suburban business because the suburban business—and I have talked to a lot of suburban manufacturers who tell me they cannot find workers to get to their job sites.

Yet, we have a great pool of workers in the inner city. So what Senator SPECTER and Senator MOSELEY-BRAUN and I have sponsored is an authorization of $100 million to be used to encourage and develop reverse commutes. It's a very flexible program. It's a program that says the money is designated by the Secretary, and the Secretary can accept bids from a variety of different regional organizations. The transit organizations, different communities, a whole variety of entities can apply, which will create a tremendous amount of, I believe, and a very positive competition for these dollars and will require innovative plans to get people to the workplace. I believe if we are going to follow through with our commitment of requiring work—and we are reaching that time now with the bill—and stating that there is a 5-year time limit on benefits where people are going to exhaust that 5-year period of time and they are going to lose their cash benefit—and if there is no opportunity for a job in their own neighborhood or there is no opportunity for a job within transit distance, then we are, in a sense, locking these people into a desperate situation.

I don't think that was the intention of the U.S. Senate. It certainly wasn't my intention. So I believe that at least one of the keys to unlocking that situation is to create the opportunity to get out to the suburbs, to get out to where the job growth is occurring, and to provide a transportation network in the area of a reverse commute to do that.

I hope that we will get strong bipartisan support for this initiative. This is something that is essential if we are going to follow through. I speak specifically to the Members on this side of the aisle, many of whom are not big fans of mass transit. But mass transit is the lifeblood for millions of people who live in urban America. Millions of people could not go to work; they can't own cars; they don't have the money; they can't afford it in many of the neighborhoods because of insurance rates and everything else, not just the cost of the car. Mass transit is the only way for these people to get to work, and it is essential for us to provide the link. Particularly in the time that we are going to be forcing people off the welfare rolls, it is essential for us to provide the link for those people to get to the job site. We are doing the right thing with welfare reform. We have done the right thing. But now we need to follow up and make sure that those people who want to work, who have in many cases worked hard to get the skills to get into the job market, now have the access to take those jobs.

So I thank my colleagues, Senator SPECTER, Senator MOSELEY-BRAUN, and others who are supportive of this amendment. As I said, I hope that we can get very strong bipartisan support for this amendment to be added to the mass transit title. If we do not, then I think we are going to see a lot of big city mayors and a lot of activists descend upon Washington in a couple of years when that 5-year time limit is up, and they are going to say, ''You are telling us to cut these people off and there are no jobs where they live, no jobs within commuting distance of where they live, and we can't do it.'' Welfare reform will have failed. We can't let the transportation issue be the reason for that failure. This money will create incentives for businesses and other people in the suburbs and the city to create a network that doesn't exist now. Once that network is created, then I think we can begin to see, and, in many cases, employers will begin to see, the profitability of having this network in place. I think this money will go a long, long way in inspiring and instituting these kinds of plans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, I rise today to bring to my colleagues' attention the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. As was the case with Dr. Satcher's nomination to be Surgeon General, his nomination has been on the shelf, held by a ''hold'' at the request of only a few Senators. I will deal shortly with the reasons Jim Hormel's nomination has been stalled. But let me take just a few moments to review the history of the nomination and some of the facts about the nominee and his background.

Last fall, following a hearing on his nomination, the Senate Foreign Relations Committee voted to approve Jim Hormel's nomination by a vote of 16 to 2 at a business meeting on November 4, 1997. In point of fact, for those who were not present at the business meeting, the nomination was deemed a routine matter, and was approved by a voice vote, along with the rest of the committee's agenda of nominations and legislation for that day. No Senator spoke in opposition to the nomination. It was only after the meeting that two Senators asked to be recorded against the nomination, as was their right, which resulted in the final tally. Still, 16 to 2 is a strong endorsement by the Committee on Foreign Relations.

The nomination was placed on the Executive Calendar, and, despite the fact that the Senate confirmed every other Foreign Relations Committee nominee before the close of the first session—some 50 nominees in total—Jim Hormel's nomination was left languishing because of ''holds'' placed on it by a few Senators.

That such a distinguished and qualified nominee would face opposition is, on its face, hard to understand. Let me tell you a little about the Jim Hormel I have known for some 20 years now. He is, first and foremost, a loving and devoted father of 5, and a grandfather of 13. His entire family has been unfailingly supportive of his nomination. Anyone who has met him or knows him knows that he is decent, patient, and a very gentle person.

His professional credentials are equally impressive. He is an accomplished businessman. He serves as chairman of the California investment firm, Equidex, and he serves as a member of the board of directors of the San Francisco Chamber of Commerce.

He has also spent time as a successful lawyer and educator. He received his J.D. from the University of Chicago, one of our Nation's finest law schools, and he later returned there to serve as dean and assistant dean of students from 1961 to 1967. In addition, he currently serves as a member of the board

of managers of his alma mater, Swarthmore College, another of our Nation's finest institutions of higher learning.

Jim Hormel has also been a remarkably generous philanthropist and dedicated community activist. He has supported a wide variety of causes and organizations, but there has always been a common theme: bringing people together, resolving conflict, helping those who are in need, and making the surrounding community a more pleasant place in which to live.

Even a sampling of the organizations he has supported is impressive in its breadth as well as its diversity. In addition to his support for Swarthmore and the University of Chicago, he has provided resources and assistance to the Virginia Institute of Autism, Breast Cancer Action, the American Foundation for AIDS Research, the American Indian College Fund, the United Negro College Fund, the NAACP, the Institute for International Education, the Human Rights Campaign Foundation, the Catholic Youth Organization, Jewish Family and Children's Services, the San Francisco Museum of Modern Art, the San Francisco Public Library, the San Francisco ballet, and the San Francisco symphony. Many of these organizations have honored him with awards.

Not surprisingly from such a community-minded individual, Jim Hormel has throughout his life also harbored a firm commitment to public service. The first example of this was his service in the U.S. Coast Guard, Active Reserve, from 1951 to 1957. Later, he established the James C. Hormel Public Service Program at the University of Chicago Law School to encourage law students to go into public service. As a consequence of his leadership in this area, he was recognized by his peers when he received the Public Service Citation from the University of Chicago Alumni Association.

His commitment to public service and his dedication to the cause of human rights ultimately came together when he was named as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995. There, he helped the United States team press its case for improved human rights in nations as diverse as Cuba, China, and Iraq.

Finally, he was nominated in 1997 to serve as an alternate representative of the U.S. delegation to the 51st U.N. General Assembly. Now, this part of his biography is particularly ironic, in light of the situation we find ourselves in today, because this position is subject to Senate confirmation, and, indeed, on May 23, 1997, this same U.S. Senate unanimously confirmed Jim Hormel to represent this country at the United Nations.

So we have a well-qualified nominee for Ambassador. He has had a remarkable and distinguished career in several fields. He has demonstrated a lifelong commitment to public service. In recent years he has gained firsthand experience in diplomacy as a representative of the United States. He was overwhelmingly approved by the Foreign Relations Committee, and most notably, he was confirmed by this very same U.S. Senate only 10 months ago.

I suspect most listeners—and most of my colleagues—would expect such a nomination to be quickly brought to a vote and confirmed. Yet, the majority leader has refused to call this nomination for an up-or-down vote, and a number of Senators on the other side of the aisle have placed ''holds'' on the nomination.

It seems clear to many of us why these Senators do not want to allow a vote on Jim Hormel's nomination: because Jim Hormel is gay. In a clear, unquestionable case of discrimination, these Senators refuse to let the full Senate vote for a qualified nominee because of his sexual orientation. This Senator does not believe that the Senate wants to be party to this kind of discrimination.

Jim Hormel is exactly the kind of person who should be encouraged to engage in public service. He is intelligent, civic minded, generous, and he is a person of proven accomplishment who wants to serve our country. So we need people like this in public service, and we cannot afford to drive them away because of their sexual orientation.

I think that is the point that was made well in a letter from the former Secretary of State, George Shultz, and Mrs. Shultz, when they wrote to the majority leader urging Jim Hormel's speedy approval, stating that they know him very well, and concluding with this:

> We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible.

I submit to you, Mr. President, that George Shultz, former Secretary of State, should know who would be a wonderful representative and who would not be a wonderful representative of our country.

So, as a matter of simple fairness, a qualified nominee with broad support, approved by the committee of jurisdiction, should at least be allowed a vote. If people have concerns, express them. Let's address them. But let's give the nominee a vote.

In this regard, I want to compliment the distinguished chairman, my chairman, of the Senate Judiciary Committee, Senator HATCH, for his thoughtful remarks on this subject when he appeared on NBC's Meet the Press on November 30, 1997. He said:

> I get tired of that stuff. We ought to vote on him. And I personally believe he would pass, and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual, regardless. And frankly, we have far too much of that.

I believe Senator HATCH is right on every point.

So I call on the majority leader, Mr. President, to schedule a vote on Jim Hormel's nomination. I call upon those who have holds to allow the nomination to reach the floor. If they wish, let's debate the qualifications. Let's debate any allegation about him, or against him. But it is wrong to simply prevent the Senate from speaking on this nomination.

I have seen news reports where some of the Senators who have ''holds'' on this nomination claim it is not because he is gay. They claim it is because of his views on certain issues involving gay rights, or something to that effect. The truth is I am not sure exactly what their objections are because they have been very reluctant to describe them publicly. I would certainly welcome the opportunity to meet privately with those Senators who are holding up the nomination to talk through their concerns.

Perhaps my colleagues who have holds are embarrassed in some way, or perhaps they feel their arguments are not strong enough to stand the light of day. I am hard pressed to come to any other conclusion because, apart from fleeting quotes in news articles and vague statements by spokespersons, the Senators opposed to Jim Hormel have done little to lay out their case against him. They are content to just quietly allow the Senate rules to prevent a vote.

That is not right, Mr. President. Around here, if a Senator takes a strong position on an issue, or a nomination, they have an obligation to their constituents, their colleagues, and the Senate itself, to explain themselves publicly. This is what the tradition of deliberative debate is all about.

So I challenge my colleagues who have ''holds'' on this nomination to come to this very floor, explain why they believe Jim Hormel is unfit to become an American Ambassador because he happens to be gay. Let other Senators and the American people judge on the merits of the argument.

From what I have read in news reports, I can anticipate that some of these Senators, if they choose to speak at all, will try to argue that this is not about Jim Hormel being gay—rather it is about his views on gay rights.

We may hear a lot of stories about books that appear in the San Francisco Public Library to which Jim Hormel generously donated half a million dollars. Are we to understand that donating funds to a library means you are responsible for every book in this library? Many of these same books are in the Library of Congress. Is the Senate responsible, because we fund that library, for the content of every book in that library? Of course not, Mr. President. You know that. I know that. This is a specious argument. This is designed to kill a nomination.

We may also hear stories about Jim Hormel's charitable giving, some of which has gone to organizations which support equal rights for gays and lesbians. Is equal rights a cause we in the

Senate do not support? And even if this issue is subject to some controversy in the Senate, do the Senators blocking this nomination know or care that Jim Hormel has, in writing, committed to limiting his charitable contributions to noncontroversial areas such as the performing arts, museums, educational institutions, humanitarian assistance and health care? He will not use his office to advocate or promote any personal view on any issue and will not engage or associate himself with any outside activities that conflict with his official duties and responsibilities. We have that in writing. This is the only time I know of any ambassadorial nominee who has actually put that in writing. I find it, in a way, very difficult to recognize that he has to do it. Nonetheless he has done it.

So the issue is a very simple one. We have a qualified nominee who was resoundingly approved by the Foreign Relations Committee. He is entitled to a vote, and I, as a U.S. Senator, am entitled to cast my vote for him.

Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the D'Amato amendment No. 1931.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending amendment be set aside for consideration of an amendment I am about to submit.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, may I suggest to the Senator, if he could offer it, it would be appropriate to offer the amendment that I believe the Senator intends to offer as it relates to providing for transportation needs of those who are seeking jobs outside of the inner cities. I think it is a well-crafted amendment and one that the Senator has worked on and has spoken to, and one that Senator SANTORUM has worked on and spoken to, and one that Senator CAROL MOSELEY-BRAUN has worked on and spoken to. We are willing to entertain that and support it. It would be added as an amendment to the existing amendment.

AMENDMENT NO. 1941 TO AMENDMENT NO. 1931

(Purpose: To make reverse commute project grants eligible for assistance under the job access grants program)

Mr. SPECTER. In that event, I send this 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 Pennsylvania [Mr. SPECTER], for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1941 to amendment No. 1931.

Mr. SPECTER. 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 55, strike line 12, and insert the following:

"SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS."

On page 56, line 13, strike "and".

On page 56, line 18, strike the period and insert "; and".

On page 56, between lines 18 and 19, insert the following:

"(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities."

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

"(2) ELIGIBLE PROJECT AND RELATED TERMS.—

"(A) IN GENERAL.—The term 'eligible project' means and access to jobs project or a reverse commute project.

"(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

"(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

"(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

"(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas."

On page 59, line 20, insert "access to jobs grants and reverse commute" before "grants".

On page 60, line 15, insert "in the case of an applicant seeking assistance to finance an access to jobs project," after "(2)".

On page 61, line 7, insert "in the case of an applicant seeking assistance to finance an access to jobs project," before "presents".

On page 61, line 13, strike "and".

On page 61, line 16, strike the period and insert "; and".

On page 61, between lines 16 and 17, insert the following:

"(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs."

On page 62, strike lines 13 through 18, and insert the following:

"(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process."

On page 64, strike lines 1 through 4 and insert the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

"(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

"(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects."

On page 8, line 16, strike "$100,000,000" and insert "$250,000,000".

On page 11, line 16, strike ", except" and all that follows through line 20 and insert a period.

Mr. SPECTER. Mr. President, this amendment works on reverse commute projects, which are designed to enable people to come from the inner city where there are no jobs available and to go to the suburbs where jobs are available. This is, in part, the reverse commute pilot project introduced by my distinguished colleague, Senator SANTORUM, and myself along with Senator LAUTENBERG in the "Mass Transit Amendments Act," S. 764. We think it is appropriate to include it on the ISTEA legislation at this time.

This program essentially responds to the growing need to provide access to suburban employment opportunities for residents of cities and rural areas who wish to continue living in their city or rural town and need mass transit to get to the jobs. This amendment will also increase from $100 million to $150 million the access-to-jobs, welfare-to-work provision already in ISTEA under the Banking Committee bill as introduced by the distinguished Senator from Illinois, Senator MOSELEY-BRAUN. My amendment establishes a new $100 million annual authorization for reverse commute grants, bringing the total access-to-jobs/reverse commute program to $250 million annually.

A week ago yesterday I visited a reverse commute project, the Schuylkill Valley Metro project, envisioned by SEPTA and BARTA. This rail line would run from the inner city of Philadelphia to Reading, through Montgomery County, through Philadelphia County, and into Berks County. It is an excellent illustration of what is necessary in order to take people from the

inner city where people need jobs out to the suburbs where the jobs are available.

This is a very abbreviated statement of a complex bill, but one which I think is designed to meet a very, very pressing need, especially in an era where we are moving away from welfare, to take people who have been on the welfare rolls in the inner cities and provide them with job opportunities in the suburbs.

If I might yield to the distinguished chairman, there is an addendum to the bill which I have added at the chairman's request which he said he would comment on briefly.

Mr. D'AMATO addressed the chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have maintained in this, as it relates to the construction of a ferry, the same worker protection language that heretofore has existed in mass transportation. I would like to call that to the attention of the Chair.

I thank the Senator for his initiative in this most important opportunity to get people off of the welfare rolls and see to it that they do have access to the jobs that are increasingly growing in number in the suburbs.

I ask I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the amendment. I commend Senator SANTORUM and Senator SPECTER for their work on this and, of course, the chairman of the Banking Committee, Senator D'AMATO, and the ranking member, Senator SARBANES, for their work on this issue in that committee.

This amendment will improve the job access grants that are contained in the bill, in the underlying legislation.

Last September, when the Banking Committee—of which I am a member—considered the mass transit component of ISTEA reauthorization, I was successful in adding to the bill a $600 million grant program to help welfare recipients and low-income individuals to get to work. I thank again the Chairman, Senator D'AMATO, as well as Senator SARBANES and the others who helped make that possible.

The amendment that my colleagues from Pennsylvania and I are offering today expands and improves the job access provisions in the Banking Committee's bill. The amendment more than doubles the amount of funding available for the program—from $100 million per year to $250 million per year.

The amendment increases from $100 million to $150 million the amount available every year for access to jobs grants—monies designed to address the fact that, in too many cases, in both urban and rural areas, welfare recipients and low-income individuals are isolated from the jobs they want and need.

The amendment adds an additional $100 million per year for a new reverse commute program, designed to provide seed money to local communities to shuttle employees who live in central cities, or in outlying rural areas, into jobs located in the suburbs.

Two-thirds of all new jobs are being created in the suburbs. Many suburban communities report severe labor shortages because they cannot find enough workers looking for entry-level jobs. Public transportation systems, however, are often not designed to move people from either inner cities or rural areas to job opportunities in the suburbs. This amendment will help communities implement new transit systems designed to transport people of all income levels from their homes in cities and rural areas to jobs in rapidly-growing suburban communities.

Mr. President, I would like to talk for a moment about the access to jobs portion of this amendment. I am very pleased that I have been able to work with my colleagues from Pennsylvania, as well as with the leadership of the committee, to increase the amount of funding available for that program.

Last year, Congress enacted legislation to move people from welfare to work, the welfare-to-work legislation that was so much a point of discussion a year ago. The bill imposed time limits and other restrictions that will result in the termination of benefits for an estimated two million people by the year 2002. One of the greatest obstacles many of these current welfare recipients face in getting jobs is literally getting to the jobs. Welfare recipients and low-income individuals often live, almost by definition, in impoverished communities devoid of job opportunities. I pointed out that in a single census tract near the public housing developments in Chicago, there is less than 1 percent, according to the census, less than 1 percent employment in that entire census tract. Clearly, people have to get to where the jobs are. Mr. President, 94 percent of welfare recipients do not have cars. Low-wage earners often do not have cars. They are dependent on public transportation to get to areas with jobs. If the public transit is inadequate, the jobs become inaccessible. People cannot move from welfare to work if the people on welfare can't get to the work.

In many communities with high concentrations of welfare recipients and low-wage earners, new jobs are practically non-existent. Three-quarters of welfare recipients live in central cities or rural areas, and as I already noted, two-thirds of all new jobs are created in suburbs. So clearly we have to resolve this disconnect to allow people to get from welfare to work, and this program goes a long way in that direction.

In Cleveland, a study found that inner city residents can only reach between eight and 15 percent of job openings in a reasonable time using public transportation. Even if central city residents were willing to commute for two hours and 40 minutes every day, they would still have access to less than half of the entry-level jobs in the Cleveland area. A separate study of 43 large metropolitan areas revealed that communities with the longest job commute times had the highest rates of unemployment. So the ability to have access to employment is directly correlated with the ability of people to hold employment.

In Boston, there are public transit stations within one-half mile of 99 percent of the city's welfare recipients. Only 43 percent of employers, however, are within one-half mile of transit lines.

Studies of Baltimore and Atlanta have demonstrated the same trend. While the jobs are in the suburbs, the people looking for the jobs are not.

In rural areas, the same problems exist. The Community Transportation Association of America has found that 40 percent of all rural counties have no public transportation whatsoever. When transit is present, it often does not operate at night or on weekends—times when many low-wage or entry-level jobs are performed.

By filling the gaps in transit services, we can give people the chance to get to the jobs they seek. In Chicago, an innovative Suburban Job Links program is doing just that. Buses carry workers from the Pilsen neighborhood on the near southwest side of the City to their jobs at Avon Products in north-suburban Morton Grove. Hundreds of city residents are carried on buses and vans to places like a UPS facility in southwest-suburban Hodgkins.

The amendment we are offering today will help to broaden this program and help other communities replicate its success and test new approaches to solving this problem. The amendment also preserves the important funding ratio between urban, small urban, and rural areas. Sixty percent of funds will be awarded to projects in large cities, 20 percent to projects in small cities, and 20 percent to projects in rural areas.

Again, I thank my colleagues from Pennsylvania and the leadership of the Banking Committee for their work on this important initiative.

Mr. President, I would like at this point to take advantage of the time to speak to the minimum allocation amendment. I do not know whether or not there is action to be taken on this amendment?

Mr. D'AMATO. If I might suggest to the Senator, I believe that we are very close to resolving the minimum allocation amendment as initially proposed and that we are very close to coming to a settlement in which additional resources will be provided to the rural States and rural communities without a disfigurement, so to speak, of the basis of mass transit funding, the formulas which provide for most, or the highest number of people being moved on the basis of need. So I recommend at this time, knowing the Senator is a

great, great supporter of mass transit but has sought balance, that we proceed to dispose of this legislation. And I think within a matter of minutes we will be able to go forward with a compromise.

Mr. SPECTER. Mr. President, if the Senator will yield, if we might have final action on the amendment? Senator SANTORUM and I have commitments on a major shipbuilding project on the House side. So if we could conclude the debate on the amendment without the distinguished Senator from Illinois losing her right to the floor, it would be appreciated.

Ms. MOSELEY-BRAUN. I thank my colleague. I am happy to defer going further with any comments on the minimum allocation until we can take action on this amendment.

I commend the Senator from New York for his work on the minimum allocation issue because, of course, maintaining the balance of which he speaks is a very, very important thing to this entire bill. So I will defer, without losing my right to the floor, until the Senate has acted on this amendment. I defer and yield for that purpose.

Mr. SPECTER. Mr. President, I urge adoption of the pending amendment.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to amendment No. 1941.

The amendment (No. 1941) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

I would like at the outset to congratulate the Senator from New York for his work on this minimum allocation issue because it really goes to the heart of this legislation and it is a very, very important issue.

But I will take the time at this point to speak to the proposal that we have seen in the hopes that the Senator from New York is as successful as he has been on these issues overall and can get this matter resolved through the legislative compromise.

Mr. D'AMATO. Let me, if I might, say I think we are very close to arriving at a compromise. I want to pay particular tribute to a new colleague of ours, although he is not new to the legislative process. I think he has demonstrated the kind of leadership that makes it a great pleasure for me to chair the Banking Committee. I am talking about Senator JOHNSON, who initially came forward and said our rural States are not getting sufficient funding to meet our needs. And, indeed, the compromise we are forging is one in which there can and still will be room for them, in the future, to come forward and ask for more.

We are addressing an imbalance that has existed over a number of years. He has been joined in that effort by Senator THOMAS of Wyoming. And, again, the two have carried this in a manner that makes doing the business of the people something that we can be proud of. We did not, nor did it ever reach the business of trying to see who had more votes, who had more muscle; but, rather, how, with limited resources, could we do the business of the people to the best of our ability.

We need more money for this bill to be able to meet all the transit needs of this country. We do not have it. So I applaud both of my colleagues for bringing us to a point where I believe we can enact legislation that begins to address their concerns. It does not fully address them, but it begins to move the process in the right direction, and yet recognizes the tremendous needs that those in the urban States still have.

Mr. JOHNSON. Will the Senator yield?

Ms. MOSELEY-BRAUN. Yes.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. JOHNSON. Mr. President, I simply want to concur with Chairman D'AMATO and to express my gratitude to him for his willingness to work with Senator THOMAS and with me and with others who are very concerned about transit needs in rural areas, to recognize that there are very great and very real needs there. Yet there is a finite amount of money, and there are great needs as well in our urban areas. I thank him for having been willing to work with us to recognize that Chicago and New York are major urban areas that will indeed benefit by a significant new infusion of transit money but that, by massaging the budget carefully and coming up with a compromise that does not change the underlying formula system, it still provides a significant infusion of resources for our rural areas.

I am very encouraged that we can arrive at a win-win situation. So I commend Chairman D'AMATO. I also thank my colleague from my neighboring State of Wyoming, Senator THOMAS, for his leadership and his very hard work on trying to devise an approach to this that will work.

So I say to my colleague and my very good friend from Illinois that I think we are at a point now where we will be able to move on with a transit amendment that will be of enormous benefit to the State of Illinois, that will not change the formula, but will be able to do some more positive things for those of us in rural areas, including the rural areas in Illinois. I know that my colleague has great concern for those areas, as well, in her own State. So we will all, I think, benefit by this compromise.

Ms. MOSELEY-BRAUN. I thank my colleague for his gracious remarks. He is exactly right.

We have an expression at home that says, ''Just outside of Chicago there's a place called 'Illinois.' '' Much of my State is rural. And, of course, I share the concern that we provide for transit and transportation in rural areas as well as the urban ones.

I am delighted that an agreement has been reached in this regard that will maintain the balance for transit and highway funding in this legislation. That balance, I think, represents the best national interests, the interests in getting people moved from place to place, getting people to where the jobs are and making certain that we do not unduly jeopardize commerce, jeopardize the environment, jeopardize our ability to provide for the movement of large numbers of people by our disrupting of the formula between mass transit and highway funding in this ISTEA legislation.

So, again, I commend my colleague and commend the members of the committee who have worked on this issue. I am very, very pleased that we have worked this out, because in its previous incarnation, the minimum allocation proposal would have been disastrous for mass transportation and I think would have mitigated against the national interest in moving people from place to place and protecting the environment and in aiding commercial activity in the country. If it has been resolved in ways as has been suggested here this afternoon, then I think that is the best of all possible worlds.

Mr. President, Rudolf Julius Emmanuel Clausius was a 19th century German physicist famous for saying, ''The entropy of the universe tends to a maximum.'' What he meant was, that if left to its own designs, the universe will continue to expand and progress away from its origin of a singular, focused point, toward a state of increasing disorder.

If Mr. Clausius were alive and here today, he might well say, ''The entropy of the Senate tends to a maximum.'' We sometimes have an uncanny ability to take a perfectly good Federal program that targets a national need and dilute it to the point where it is barely recognizable as a program designed to address a specific purpose. The amendment before us today—the amendment to establish a so-called ''minimum allocation'' for mass transit funds—would do exactly that. It would increase the entropy of the transit program to the point where the program would no longer serve its intended purpose.

This amendment represents a digression from the path we were on last week. Last week was a good week for those of us who support investing in our Nation's infrastructure. First, an agreement was reached providing an additional $25.8 billion for highway improvements and construction. Second, an agreement was reached to distribute those funds in a more equitable manner than the rest of the highway funds being allocated under the ISTEA reauthorization bill. Third, an agreement was reached providing an additional $5

billion in mass transit funding, increasing from $36 billion to $41 billion the amount of funding transit will receive over the next 6 years.

I am a builder by inclination. I believe one of the most economically productive activities in which the Federal Government can and should engage is infrastructure investment. Those of us who share that view welcomed last week's developments.

This week, the Senate appears to have digressed. The amendment we are considering today would take the heart out of the Federal transit program—a program upon which millions of commuters rely every single day to get to work, a program that relieves congestion in cities and suburbs, a program that provides mobility for millions of elderly Americans who can no longer safely drive, a program that allows millions of disabled Americans, to get to work, to access medical care, grocery stores, and other essential services, a program that improves the quality of the air we breathe, a program that boosts economic activity in our urban centers, a program that is vital to our cities, critical to our suburban and rural communities, and that ought to be a priority as we formulate our national, intermodal surface transportation policy.

We are now considering an amendment which forgets all that, which forgets about the importance of transit to commuters, to the elderly and disabled, to our environment, and to our economy. It is an amendment that forgoes national policy in favor of parochial pork. It is an amendment that turns a program targeted toward specific needs into a diluted formula allocation of funds to states without regard to needs of communities. It is a cynical ploy by States without mass transit to grab money from States that do. The so-called ''minimum allocation'' for transit amendment will indeed marginalize our national interest in providing efficient transportation for millions of Americans.

Mr. President, mass transit is a critical part of our national intermodal transportation system. People depend on transit to get to work. More than half of all transit trips are for work purposes. Transit helps the environment. Without public transit there would be 5 million more cars on the roads and 27,000 more lane miles of roads. The degradation of the air from such a massive infusion of pollution is incalculable. Transit is a great economic investment. The net economic return on public expenditures for public transportation is four or five to one. When mass transit improvements are made, land values go up, commercial development increases, and jobs are created. Without transit, congestion alone would cost the private sector economy $15 billion annually.

Mass transit is particularly important to States like Illinois. Chicago is the fifth-most congested area in the country. Congestion and bottlenecks sap the region's economic productivity by $2.8 billion every year. Without transit, congestion in Chicago would likely be unbearable, and without continued investments in the area's aging transit systems, the cost to the local and regional economy will grow.

Three-fourths of the Chicago Transit Authority's elevated structures—used by 400,000 passengers every single day—are more than 80 years old. METRA, which carries 270,000 riders a day into and out of the city, uses 300 bridges that are at least 80 years old, and 52 of those are listed in ''critical'' condition. The Regional Transportation Authority of Northeastern Illinois—which carries 1.8 million riders every single workday—estimates it needs $3 billion over the next 5 years just to bring Chicago-area transit systems up to ''a state of good repair'' and to control operating costs.

The Chicago Transit Authority, which operates the Nation's second largest public transportation system, needs $336 million in Federal funds to rehabilitate the Douglas branch of the Blue Line, which serves Chicago's near west side. The line was originally opened for service more than 100 years ago. Every weekday, more than 13,000 riders use the line, which feeds right into the heart of downtown Chicago and into west-side manufacturing districts. Shutting down this line because funds are not available to repair it would be a disaster for the area.

The CTA also seeks funds to expand the capacity of the Ravenswood line. In order to run longer trains on the tracks, the station platforms will have to be lengthened and improvements made to various parts of the track system. This project will cost several hundred million dollars.

METRA—which is the country's second largest commuter rail system and which serves an area as large as the State of Connecticut, with a population base of over 7.5 million people—seeks more than $300 million to expand capacity. Recent studies indicate that the Chicago area will experience a 25 percent population growth by 2020, and employment will grow by 37 percent over the same period. Expanded and improved transit service will be essential if the region's transportation system is to absorb that level of growth.

In southern Illinois, outside of St. Louis, Federal funds are needed to continue extending the new MetroLink system all the way to the new Mid-America Airport.

The current program structure is designed to help meet these needs. It targets resources based on need. Through the transit formula programs, Federal funding ensures the continued maintenance, operation, and improvement of our Nation's existing transit systems. Through the discretionary capital programs, Federal funding assists in the development and expansion of new transit systems, whether bus or rail, whether urban or rural.

The current program is a strong Federal-local partnership. Funds are allocated directly to local authorities, or to state authorities based on local needs, using factors such as population, transit ridership, and the size of existing transit systems.

The so-called ''minimum allocation'' amendment would destroy that program structure. It would result in resources not being targeted toward needs, decrease the cost-efficiency of building and operating mass transit systems, and cripple the ability of Federal funds to leverage State and local resources.

The amendment distorts the intent and direction of the Federal transit program by basing transit funding on gasoline consumption. By so doing, the amendment creates an illogical and perverse dynamic: a state that invested in transit and used Federal transit funds to improve service would, in future years, see its share of transit funds decline, because transit riders do not consume gasoline. There is no precedent for such an impossible incentive system—a system that withholds Federal funds from States that spend them most effectively.

I want to make sure that every member of the Senate understands the irrational nature of this amendment. Consider what would happen in the State of North Carolina. I know that the Raleigh-Durham area seeks funding to build a new commuter rail system. The minimum allocation amendment would make their task harder for two reasons. First, it would reduce the amount of Federal funding available to build new transit systems, making it less likely that the Raleigh-Durham area would receive enough federal assistance to build the system on a cost-effective schedule. Second, if the system were to be built, the amount of Federal funding the Raleigh-Durham transit agency would receive to support the system would slowly decline over time. That is because the commuter rail system would take cars off the road. If it worked, as most transit systems do, it would reduce gasoline consumption in the area. Since transit funding would be based on gasoline consumption, North Carolina would receive less and less transit funding, even as the Raleigh-Durham system grew older and required more capital investments to keep it running. Eventually, the system would deteriorate, people would stop riding the trains, and the considerable capital investments made by the taxpayers to set up the system would go to waste.

That is the incentive system this amendment establishes. It makes absolutely no sense. The fact is, States like Illinois receive a proportionally large share of mass transit funding today because we have a proportionally large share of mass transit riders. People take almost 540 million trips every year on Chicago-area transit systems alone.

Mr. President, supporters of the minimum allocation amendment seem to

have lost sight of the national objective and purpose of the transit program. It is not a program designed to spread money around to every State in equal proportion. It is designed to address real needs that affect our entire nation.

I do not doubt claims that rural areas have tremendous transit needs. In fact, it is a disturbing fact that 40 percent of all rural counties in America have absolutely no public transit whatsoever. Where transit does exist in rural areas, it often does not operate on weekends or late into the night—times when many low-income individuals count on transit to get to jobs. Rural areas do have transit needs, and I support increases in the transit program in order to help expand access to public transportation in rural areas. Destroying the transit program in order to funnel more money to rural areas, however, is not the way to achieve those objectives.

Supporters of the minimum allocation amendment complain that drivers in their States pay taxes on the gasoline they consume, that those revenues are deposited into the Mass Transit Account of the Highway Trust Fund, and that their State does not receive its fair share of those revenues.

The reason we have a national government, Mr. President, is ''to form a more perfect Union.'' To that end, we have established a variety of programs designed to address national needs. The transit program is one of those programs. Our Nation's metropolitan areas rely on transit systems. They could not exist without them.

Our cities are among the Nation's most important assets. Visitors to and residents of our urban centers enjoy access to unlimited entertainment, myriad cultural activities, and unrivaled educational and economic opportunities. And 26 million leisure travelers visit Chicago each year in order to sample the city's 7,000 restaurants, 100 theaters, and 250 museums and art galleries; to stroll in its 552 parks; and to view some of the world's most unusual and interesting architecture. Cities like Chicago play a crucial role in the life of the Nation, adding immensely to its wealth and its quality of life.

Our major cities would not be as enjoyable, livable, and attractive as they are in the absence of their mass transit systems. Without transit, congestion in Chicago, Philadelphia, Boston, San Francisco, Baltimore, and Cleveland would bring those cities to a halt. The air quality in Manhattan would deteriorate rapidly. Our cities need viable transit systems, and this is precisely why we have a national transit program. It fulfills a critical need and repays the investment many times over.

There are a lot of Federal programs that are designed to meet national needs and which do not benefit my state of Illinois at all, if you only look at them through the limited prism of only where the dollars are actually spent. Illinois receives almost no funding under the Federal lands highway program, for example, even though Illinois residents pay their fair share of gas taxes into the Highway Trust Fund, from which monies are drawn to pay for the Federal lands highway program. That is because Illinois has almost no Federal lands. Illinois receives almost no funding from the Bureau of Land Management, because Illinois has no lands under its control. Illinois receives almost no funding from the Bureau of Indian Affairs or the Bureau of Reclamation, either—because the needs those programs are designed to address are not found in Illinois.

Mr. President, those are the consequences of having a national government. That is the price we pay for having ''a more perfect Union.'' We all contribute to national goals and objectives, even if those priorities are not found in our own backyards. If the objective of a national government were to return Federal tax revenues to their States of origin, Illinois would probably not do too badly. But that is not the purpose of our national government.

Mr. President, I hope my colleagues will vote against this destructive amendment. The transit program is not a highway program. Highway programs have long been battlegrounds for convoluted formulas that allocate funds to political power-centers. Witness this year's shift of Federal highway funds from the northeast to the south—a reflection of the shift in power in the Senate.

The transit program is different. It is not a Federal-State program. It is a Federal-local partnership. It has never been a mere political battleground for more funds. The program has been carefully designed to target needs, and it works. Nothing would destroy the transit program more quickly than the enactment of this amendment.

I urge every one of my colleagues to consider the national policy implications of their vote, prove the German physicist Mr. Clausius wrong, and vote against this bad idea.

I thank the Chair and yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise to thank the chairman for his cooperation in moving towards a solution to a problem that I think has real meaning. I have been involved in this highway transportation bill for some time, being a member of the subcommittee. So we are down now, I think, to coming to closure. I am so pleased with that.

So I thank the chairman for his cooperation and his willingness to work on it. Certainly, I thank my friend from South Dakota for working on this as well. I think it points out the diversity of this country. We do have different needs in different places, and it is very difficult sometimes to find the formula, the Federal formula, that treats fairly all of the States that are involved.

AMENDMENT NO. 1942 TO AMENDMENT NO. 1931

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

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself and Mr. JOHNSON, proposes an amendment numbered 1942 to amendment No. 1931.

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

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

The amendment is as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike ''$500,000,000'' each time it appears and insert in lieu thereof ''$470,000,000.''

On page 12, lines 3 though 7 strike ''$100,000,000'' each time it appears and insert in lieu thereof ''$80,000,000.''

On page 13, lines 19 though 23 strike ''$50,000,000'' each time it appears and insert in lieu thereof ''$100,000,000.''

Mr. THOMAS. Mr. President, I urge adopting the amendment and ask for the yeas and nays.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. We are prepared to accept this amendment. It strikes a balance. It provides $250 million more for those rural communities that are at populations of under 50,000. It can be accomplished within the framework of the budget. We believe, as a result of the reconfiguration of the distribution of the $5 billion, that it will be done in such a way as to maximize the dollars that have been provided by the Budget Committee, the budget authority and the outlays, and that it will not do violence to the agreement.

It reduces the new starts by $150 million from $2.5 billion to $2.35 billion. It reduces those dollars that would go to the discretionary bus program from $500 million to $400 million and then adds $250 million to the rural formula program, so that my colleagues who represent rural America will be producing, under this bill, $500 million—a half a billion dollars—over and above what the committee had initially reported out.

Mr. President, I believe it is a good compromise, and I can be totally supportive of it. I urge my colleagues to support it.

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

The amendment (No. 1942) was agreed to.

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

Ms. MOSELEY-BRAUN. 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 congratulate again both Senators who

worked and built a broad-based coalition and yet recognized that this really is an equity that we seek throughout this country. It is not always easy and not always easy to obtain. But I thank them for their cooperation.

Mr. President, I know of no other Senator who seeks the floor, but let me say this before I suggest the absence a quorum. We have now, as far as I can see, disposed of all of the outstanding amendments that I have been made aware of up until this point.

If Senators do have amendments that they wish to offer, I hope they will do so. I believe the leader is going to seek a unanimous consent to put out over the hotline to get a time certain to vote. We have made great progress. Again, I urge my colleagues to have their staffs meet with our staffs or come to the floor to take up any question they might have so that we can resolve these issues and continue the progress that we have made on this bill.

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. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. DORGAN. It is not my intent in any way to interrupt the consideration of this bill. I say to the managers if someone comes to the floor with an amendment, if they will give me a signal, I will promptly relinquish the floor.

AGENDA FOR CONGRESS

Mr. DORGAN. Mr. President, I wanted to take just a minute to discuss an item that has shown up in a number of newspapers and columns in the last week or two. I will read a couple of headlines. ''Congress and the Clock.'' ''They Seem at Times to be Running on an Empty Tank.'' ''A Do-Nothing Congress Could Turn Into a Do-Little Congress.'' ''AWOL Congress.''

The point that is made by some editorial writers and some others is that there is not much of an agenda. Well, we have the highway bill on the floor of the Senate now. This is very important. I want very much to get this done and get it done promptly. This is last year's business being done this year. Let's get it done and provide some certainty with respect to our plans and our desires to invest in our country's infrastructure, highways and roads.

When we complete this piece of legislation, it is not the case that there is not an agenda here for the Congress to consider. Many of us have developed an agenda that is very aggressive. We have an agenda to save Social Security first. We would like very much for the Senate to vote on that proposition, a sense-of-the-Senate resolution that says it is our intention to save Social Security first. The question here is, if there is, in fact, a brighter picture ahead with respect to Federal deficits, what is to be done. Some want to spend it, some want to provide tax breaks. The President says let us save Social Security first. I hope very much we can have a vote here in the Senate that says we agree, let us save Social Security first. That is the first and the best priority for this Congress.

Second, we want to consider legislation to protect health care consumers. There are 160 million people now enrolled in managed health care plans in this country. Yes, some managed care plans can and do save money. They can, in fact, improve care. But medical decisions ought to be made by health care practitioners, not insurance company accountants. Many in this country are very concerned about their treatment by their managed care plan.

The President has proposed a patient's bill of rights to provide some basic protections for patients. You have the right to know all of your medical options, not just the cheapest. You have the right to choose the doctor you want for the care you need. And you have the right to emergency room care you need whenever and wherever you need it. You also have the right to keep your medical records confidential.

We believe very strongly that one of the first items of business in this session of Congress should be to address the question of managed care.

Here is an essay written by Dr. Ronald Glasser titled, ''The Doctor Is Not In,'' and subtitled ''On the managed failure of managed health care.''

Let me read a couple of paragraphs of this article by Dr. Glasser, a Minneapolis pediatrician and the author of several books. He writes in this essay:

> We are born, we live, and then we die, but these days we do so with less and less help from a medical profession paid to discount our suffering and ignore our pain. Proofs of the bitter joke implicit in the phrase ''managed care'' show up in every morning's newspaper, in casual conversations with relatives or friends recently returned from a hospital or from what was once thought of as a doctor's office instead of an insurance company's waiting room, and in a country generously supplied with competent and compassionate doctors, 160.3 million of us now find ourselves held captive to corporate health-care systems that earn $952 billion a year but can't afford the luxury of a conscience or a heart.

Dr. Glasser, in his essay, talks about the denial of certain health care. He says,

> Such forced denial of care occurs at a time when new medical and surgical technologies allow physicians to treat and often cure any number of conditions that only a few years ago could barely be diagnosed; organs now can be digitally reconstructed in three dimensions to locate previously inoperable tumors; heart attacks can be stopped with injections of a compound known as tPA; blind people may wake up and see with implanted plastic lenses, one-and-a-half-pound premature babies, once given up for lost, routinely are nursed to health; a new generation of medical research brings us genetically engineered tests and one nearly miraculous drug after the next. At the same moment, presumably well-insured women diagnosed with disseminated breast cancer must hire lawyers to have their health plans pay for life-saving bone-marrow transplants and managed-care companies can deny powered wheelchairs to handicapped children who pass a ''utilization review'' showing them able to stagger twenty-five feet with the help of a walker.

This is a long and fascinating essay about managed care. My colleagues have heard the stories that have persuaded many of us that this Congress at least ought to address the question of what patients' rights are in managed care.

A 27-year-old man from central California received a heart transplant and was discharged from the hospital after 4 days because his HMO would not pay for additional hospitalization. Nor would the HMO pay for the bandages needed to cover the man's infected surgical wounds. The patient died.

An otherwise healthy 2-year-old boy who had suffered a fall was taken to a local hospital with a stick lodged between his upper lip and his gums. Once there, health care providers repeatedly misdiagnosed the boy's condition and refused to authorize an $800 CT scan that would have confirmed the boy was developing a brain abscess. The result? The boy was left blind and brain damaged.

A 54-year-old man who just had prostate surgery was told by his HMO he must leave the hospital within 24 hours of his surgery because the HMO wouldn't pay. He had to go home where there was no one to care for him even though he was still bleeding, had to wear a catheter to drain his bladder, and couldn't walk.

The stories go on and on. Most of us have heard the stories in our hometowns, our States. One managed care organization recently stated it would not pay for more than 5 hours of epidural pain relief for labor pains. Doctors objected, saying that some labor pains go on for more than 20 hours. One wonders whether the insurance company employee who said we will limit the coverage for epidural relief to 5 hours has ever been in a hospital experiencing the pain of childbirth. My guess is no.

We now have a circumstance where, all too often, the operation of the emergency room is a matter of profit or loss. There was an article about a woman in the New York Times recently. She was in an ambulance with her brain swelling from an injury just received, and she told the ambulance driver, ''Do not take me to the closest hospital.'' And she named the hospital farther away where she wanted to be taken that did not have a reputation for making cost its bottom line. She said later that she didn't want to be

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.

To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

REPORT CONCERNING FEDERAL CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

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 Foreign Relations.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse.''

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 10, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Final Report entitled ''Investigation of Illegal Or Improper Activities In Connection With 1996 Federal Election Campaigns'' (Rept. No. 105–167).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON:

S. 1734. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. LOTT, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the protections against the unauthorized change of subscribers from one telecommunications carrier to another, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON:

S. Res. 194. A resolution designating the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week''; to the Committee on the Judiciary.

S. Res. 195. A bill designating the week of March 22 through March 28, 1998, as ''National Corrosion Prevention Week''; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. FEINSTEIN):

S. Con. Res. 82. A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD PREVENTION ACT

Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—in this case, the fraud and waste results from deceased individuals being counted as food stamp recipients. At my request, the General Accounting Office (GAO) has recently completed an inquiry into groups of ineligible persons being counted as food stamp recipients. In the report being released today, GAO reported that 26,000 deceased individuals in four states were on the food stamp rolls. My bill will require the Social Security Administration to share information from its Death Master file with state food stamp agencies to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name.

Last year, GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were being overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving payments. In follow-up to the prisoner study and legislation, I requested that GAO determine if other ineligible individuals were similarly being counted as members of food stamp households. Today

GAO will release the details of their study showing that, over a 2-year period, about 26,000 deceased individuals in the four states examined (California, Texas, New York, and Florida) were counted as members of food stamp households. According to GAO, this resulted in overpayments of food stamp benefits of an estimated $8.6 million in four states alone.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was conducted. This is unacceptable particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information from a wide variety of sources and is considered the most comprehensive list of death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already rely on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

Although the Social Security Administration agrees that a portion of their death information can be shared with the states and the Department of Agriculture for food stamp program purposes, in SSA's comments to GAO it does not believe it has the authority, under current law, to share all of the death information. Therefore, I am introducing legislation that will require the Commissioner of SSA to establish cooperative arrangements with each state agency that administers the food stamp program that will allow the sharing of all death data. My bill then requires the food stamp program to provide the information necessary for the Commissioner to verify that no deceased individual is being counted as part of a food stamp household.

The Food Stamp program provides a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program. Integrity is essential to ensure a program that can serve those in need. It is Congress' responsibility to play a role in ending fraud and abuse in all federally funded programs. This legislation is an important step in ending fraud and abuse in the Food Stamp program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1733

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

SECTION 1. NOTIFICATION OF CERTAIN STATE AGENCIES BY COMMISSIONER OF SOCIAL SECURITY OF DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(8)(A) The Commissioner shall establish a cooperative arrangement with each State agency that administers the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(B) Under the arrangement in subparagraph (A), the State agency shall provide information to the Commissioner, in such form and manner as the Commissioner determines necessary, regarding individuals receiving benefits under the food stamp program.

''(C) The Commissioner shall compare information received under subparagraph (B) with information obtained under paragraph (1) and notify the State agency of the individuals who are deceased.

''(D) An arrangement under subparagraph (A) shall meet the requirements of paragraph (3)(A).''.

(b) REPORT.—Not later than 180 days, 1 year, and 18 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report regarding the progress and effectiveness of the cooperative arrangements established with State agencies under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Clause (ii) of subparagraph (B) of section 6103(d)(4) of the Internal Revenue Code of 1986 (relating to the availability and use of death information) is amended by inserting ''or, in the case of a food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), State agency'' after ''agency''.

SEC. 2. PROVISION OF INFORMATION TO ENSURE NONISSUANCE OF FOOD STAMP COUPONS FOR DECEASED INDIVIDUALS.

Section 11(e)(20) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(20)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) to provide such information to the Commissioner of Social Security as the Commissioner determines is necessary to enable the Commissioner to use the information provided under the arrangement established under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to verify and otherwise ensure that coupons are not issued for deceased individuals;''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

LONGSTREET'S FLANK ATTACK LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will preserve a site of great historical importance. The legacy of Civil War battlefields must be perpetuated, not only to commemorate those who lost their lives in this tragic epoch, but also to consecrate land upon which some of our country's finest strategic maneuvers occurred. On the hallowed land of Wilderness, VA occurred one of the greatest tactical stratagems in military history. Snatching the initiative to turn the tide of battle, Lt. Gen. James A. Longstreet, under the command of Gen. Robert E. Lee, forced back Union forces directed by Gen. Ulysses S. Grant, in an advance known as ''Longstreet's Flank Attack.''

Mr. President, this legislation will allow the Park Service to acquire this stretch of land, which will serve to complete Wilderness Battlefield. The legacy of the Civil War is far-reaching. A war which wrought such destruction has been the source of much fascination for scholars and amateur historians. The Battle of Wilderness is legendary for the tactical skills employed and the caliber of the soldiers who fought. There, among the tangled forests and twisted undergrowth, the Union Army, numerically superior and well supplied, were forced into confrontation with General Lee's hard-scrabble Confederate troops. It would be one of the last battles in which Lee's incomparable martial machine would force Grant's Army of the Potomac to withdraw. It is also the site of the wounding of General Longstreet, who, like Gen. Stonewall Jackson, was wounded by friendly fire. Though Longstreet's injury was not mortal, the genius of the cadre of officers under the command of Lee dwindled. Thus would begin the twilight of the Confederacy.

Legislation passed in the 102d Congress would have allowed the Park Service to acquire this land by donation. Despite numerous efforts, the Park Service has been unable to accomplish this. The legislation at hand would amend Public law 102–541 to allow the Park Service to procure the land by purchase or exchange as well as donation. The heritage and history which dwell amongst the interlaced undergrowth of this land deserve our recognition. I look forward to the swift passage of this bill.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Betty Jane*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. ROBB. Mr. President, I am introducing a bill today to authorize the Coast Guard to issue the appropriate endorsement for the vessel *Betty Jane* Virginia Registration number VA 7271 P to engage in the coastwise trade and fisheries. This legislation is necessary to resolve an issue regarding official documentation of the *Betty Jane*'s chain of title.

The *Betty Jane* was built in the United States in Deltaville, Virginia by an American private boat builder in 1970. It is a 36-foot wood hull, in-board gas propulsion boat, which is planned to be used for the excursion tourboat trade. The builder and the only former boat owner are deceased. The lack of an appropriate affidavit from these persons has left a gap in the chain of title of the vessel. The Coast Guard has informed the owner of the *Betty Jane* that if the gap is left unresolved, a coastwise endorsement cannot be issued for the vessel, even though the present owner is a U.S. citizen, the only former owner was a U.S. citizen, and the vessel was built in the United States.

The Congress passes a number of these technical bills every year. I'm introducing this bill today so that the Senate Commerce Committee may act upon it with the upcoming coastwise bill this session.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

THE TAXPAYER CONFIDENTIALITY ACT OF 1998

Mr. MACK. Mr. President, I rise to introduce the Taxpayer Confidentiality Act of 1998. This bill corrects an inequity in the way that taxpayers are treated by the IRS. Under current law, communications between taxpayers and their lawyers concerning tax advice can often be protected from disclosure to the IRS by the common law attorney-client privilege.

Many taxpayers choose to obtain their tax advice from practitioners who are not attorneys. Under federal law, there are other categories of tax practitioners to whom these taxpayers can turn for tax advice—certified public accountants, enrolled agents, enrolled actuaries, and attorneys providing advice in the role of a tax practitioner. These tax practitioners are subject to federal regulation, and are authorized to provide tax advice and to represent taxpayers before the IRS.

But under current law, communications with these other tax practitioners cannot be protected from disclosure to the IRS by a client privilege. The very same words on the very same piece of paper that would be beyond the reach of the IRS if they were the advice of an attorney at law would have to be turned over to the IRS if they came from a certified public accountant or an enrolled agent. This is an unfair penalty to impose on a taxpayer based on their choice of tax advisor, particularly since many taxpayers do not have the financial resources to hire legal counsel.

The Taxpayer Confidentiality Act of 1998 fixes this unjust situation, and provides taxpayers with the confidence of knowing that their tax advice communications with any federally-authorized tax practitioners are afforded equal confidentiality protections in dealings with the IRS.

This bill does not unduly restrict the ability of the IRS to gather information. The IRS will still be able to discover the facts. The taxpayer can protect from disclosure only tax advice communications that would be protected by the attorney-client privilege if the advisor were acting as an attorney. The client privilege extends only to communications and does not cover the taxpayer's business records. Also, courts have widely held that information used to prepare a tax return is not subject to a privilege and thus, under the Act, would remain subject to disclosure.

The bill will not hinder criminal investigations and prosecutions, as taxpayers can assert the privilege only in noncriminal matters before the IRS and noncriminal judicial proceedings arising from these matters. And existing exceptions to the attorney-client confidentiality privilege would also apply to the protections under the bill. Thus, communications in the furtherance of a crime or a fraud would not be protected.

And the bill does not affect the ability of anyone other than the IRS—including other federal or state agencies, and private individuals involved in civil litigation—to obtain access to information that they have the right under current law to obtain. It is just a narrowly-tailored, common-sense solution to the problem of treating taxpayers differently based on the tax advisor they employ. Taxpayers should have a right to privacy in the tax advice they receive from qualified tax practitioners.

The Taxpayer Confidentiality Act of 1998 does not modify the attorney-client privilege in any way, and does not expand the authority of federally-regulated tax practitioners in any way. It merely provides equal treatment for all taxpayers who receive tax advice from federally-authorized sources. The Act curbs unwarranted IRS intrusiveness, and must be included in our IRS reform efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taxpayer Confidentiality Act of 1998''.

SEC. 2. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7525. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

''(a) GENERAL RULE.—With respect to tax advice, the same common law protections of confidentiality which apply to a communication between a taxpayer and an attorney shall also apply to a communication between a taxpayer and any federally authorized tax practitioner if the communication would be considered a privileged communication if it were between a taxpayer and an attorney.

''(b) LIMITATIONS.—Subsection (a) may only be asserted in—

''(1) noncriminal tax matters before the Internal Revenue Service, and

''(2) noncriminal proceedings in Federal courts with respect to such matters.

''(c) FEDERALLY AUTHORIZED TAX PRACTITIONER.—For purposes of this section, the term 'federally authorized tax practitioner' means any individual who is authorized under Federal law to practice before the Internal Revenue Service if such practice is subject to Federal regulation under section 330 of title 31, United States Code.''

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7525. Uniform application of confidentiality privilege to taxpayer communications with federally authorized practitioners.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reverse the recent designation of Lake Champlain as a ''Great Lake.''

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act, an important piece of legislation which supplies crucial funding for programs targeted at zebra mussel research and control. This Act is extremely important to the Great Lake states, which suffer considerably from zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow

Vermont Universities to apply for grants related to zebra mussel programs. This amendment, which designated Vermont's Lake Champlain a Great Lake, was never offered in Committee for consideration. Nor was it shared with the Great Lakes Task Force, whose Members would have been very interested in reviewing it.

This was unfortunate, Mr. President, because that Lake Champlain suffers greatly from zebra mussel infestations and needs help. Let me make clear, I am not opposed to allowing Vermont Universities to apply to the Sea Grant program. Lake Champlain has a very real zebra mussel problem and it should be addressed. Michiganians can understand and empathize with Vermont's efforts to battle this invader.

However, I am troubled by the approach taken to achieve funding for zebra mussel programs in Vermont. Rather than asking for language which would specifically allow Vermont Universities to apply for Sea Grant dollars, the definition of a Great Lake was changed to include Lake Champlain when, clearly, it is not. Lake Ontario, covering over 7,300 square miles, is the smallest of the Great Lakes. It is almost 17 times the size of Lake Champlain and twice as deep. Lake Superior, the largest of the Great Lakes, is over 70 times the size of Lake Champlain. Clearly Vermont's lake is not a member of this elite class.

For that reason, Mr. President, I have introduced this legislation to reverse the designation of Lake Champlain as a Great Lake. I would support language that specifically allows Vermont to apply for Sea Grant assistance, but I cannot agree to language changing the definition of a Great Lake, even for such a limited purpose. Notwithstanding assurances to the contrary, I believe such an action could lead to a host of unintended consequences and even serve as the basis for states outside the region to push for participation in a number of substantial Great Lakes issues. In addition, I oppose defining Lake Champlain as a Great Lake in the interest of clarity and truth. To call Lake Champlain a Great Lake is sheer nonsense.

The legislation I have introduced will amend the definition to state that only the Great Lakes, Superior, Michigan, Huron, Erie and Ontario are to be defined as Great Lakes. I hope that we can resolve this soon and put this entire matter to rest.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1738

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

SECTION 1. DEFINITION OF GREAT LAKES FOR NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended in paragraph (5), as added by section 4(a)(3) of the National Sea Grant College Program Reauthorization Act of 1998, by striking ''includes Lake Champlain'' and inserting ''applies to Lake Superior, Lake Michigan, Lake Huron, Lake Erie and Lake Ontario''.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION FOR SCIENCE AND MATHEMATICS LEADERSHIP ACT

Mr. FRIST. Mr. President, I rise today to announce the establishment of the National Commission for Science and Mathematics Leadership. This effort is a direct result of the United States' devastating performance of 12th grade students on the recently released Third International Mathematics and Science Study (TIMSS), the most comprehensive and rigorous comparison of quantitative skills across nations. If we, as a nation, are going to continue to be global leaders in the new knowledge-based economy, we must first re-evaluate our current failures in our classrooms. I concur with Secretary Daley when he stated, ''These results are entirely unacceptable.''

TIMSS was designed to constructively assess the students' knowledge of mathematics and science needed to function effectively in society as adults. American 12th graders were outperformed in mathematics and science literacy by their counterparts in 12 of 20 countries, and only faired better than 2, Cypress and South Africa. In advanced mathematics and physics, no country performed more poorly. We simply cannot accept the conclusion of this study without considering its consequences on our entire educational system.

The 4th grade TIMSS measurement indicated that the American students are well above the international average in mathematics and very near the top in achievement in science. However, the United States Is the only country in TIMSS whose students dropped in ranking from above average in mathematics at the fourth grade level to slightly below average performance at the eighth grade. And it only gets worse. Why does this drop-off occur? American students start out equal with or ahead in basic skills and steadily decline the longer they stay in school, compared with the students of our country's main trading partners.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing American society demands skills requiring mathematics, science, and technology. Information Technology, perhaps the fastest growing sector of our economy with 90% of new jobs, relies on more than basic high school literacy in mathematics and science.

The National Commission on Science and Mathematics Leadership is a first step toward improving our current educational system. It is a solid commitment from Congress to establish a core of national experts to review and propose recommendations for assuring leadership in science and mathematics training in the United States. Furthermore, using TIMSS as a comprehensive and valuable tool, the Commission, in coordination with the National Academy of Sciences, will analyze the results of this international study to better our schools, and more importantly, the future of our children.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the National Science Foundation to form a commission to review and propose recommendations for assuring the United States leadership in science and mathematics. This bill would require the formation of a 12 member commission of experts in the field of science and mathematics education. The commission is charged with reviewing the recently released Third International Mathematics and Science (TIMSS) study results, along with whatever other relevant information they need to assess the state of science and mathematics education in the United States, and reporting back to Congress with a set of recommendations for implementation by public and private agencies; these recommendations would serve to allow United States students to become preeminent among the nations of the world.

As everyone in the Senate knows, I have been a long and ardent supporter of education. That is why I read with such dismay the recent TIMSS study results which show United States students behind every major industrialized nation in the study. This is an unacceptable situation. The United States' economy is becoming increasingly dependent on high-technology, information management, and intellectual ability rather than raw materials, natural resources and muscle power. It is imperative that our high-school graduates—whether they go on to college, post-secondary technical training, or move straight into the workforce—have a solid foundation of science and mathematics education. A recent study suggests that 60 percent of positions require some sort of computer skills, while only 22 percent of today's workers have applicable skills. We can not let this inequality continue to future generations.

Unfortunately the TIMSS study results show that we are setting up our students to fail. We need to identify, and work diligently to implement, means to correct this situation. The commission formed by this bill is a needed first step. I encourage my colleagues to support this bill.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the

protections against the unauthorized change of subscribers from one telecommunications carrier to another, and other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELEPHONE SLAMMING PREVENTION ACT OF 1998

Ms. COLLINS. Mr. President, today I am introducing a bill to curtail a fraudulent practice known as slamming—the unauthorized change of a customer's telephone service provider. Telephone slamming is a widespread and growing problem. In Maine, for example, slamming complaints to the local telephone company increased by 100% from 1996 to 1997. Nationwide, slamming is also the number one telephone-related complaint to the FCC. While the FCC received a total of more than 20,000 slamming complaints in 1997, a significant increase over the previous year, estimates from phone companies indicated that as many as one million people were slammed last year.

Last fall, the Permanent Subcommittee on Investigations, which I chair, undertook an extensive investigation of the slamming problem. On February 18th, I chaired a field hearing on slamming in Portland, Maine. My distinguished colleague, Senator RICHARD DURBIN, joined me at the hearing, and we heard first-hand from several consumers about the problems they experienced with telephone slamming.

At the Subcommittee hearing, Maine slamming victims explained how some long-distance companies used fraudulent or deceptive practices to change their telephone service. Witnesses used words such as ''stealing,'' and ''criminal,'' and ''break-in'' to describe practices employed by unscrupulous telephone companies to switch unsuspecting customers and boost profits.

One witness, Pamela Corrigan from West Farmington, Maine, testified that she was sent an unsolicited ''welcome package'' in the mail, which looked like the stacks of junk mail that we receive every day. However, this ''junk mail'' was not what it appeared to be. This ''welcome package'' automatically signed her up for a new long distance service unless she returned a card rejecting the change. She was amazed and appalled that it was possible for a company to change her long distance service simply because she did not respond that she did not want their service.

Another witness, Susan Deblois from Winthrop, Maine, testified that when she was slammed, her children were unable to use the 800 number she had for them to call home in case of an emergency.

Slamming not only affects families but also small businesses and communities. For example, Steve Klein, the owner of Mermaid Transportation Company in Portland, Maine, testified that his business phone lines, which are critical to his livelihood, were tied up for four days which he was slammed by a long-distance telephone reseller which falsely represented itself as AT&T.

Similarly, Ms. Corrigan, who is the town manager of Farmington, Maine, reported that the town's phone lines were also slammed. Simply put, Mr. President, no one is immune from this illegal activity.

Victims of slamming are frustrated. They are angry. They should not have to spend their time and energy resolving problems that are not of their own making. People rely on their home and business telephone service, and they should be able to choose their own long-distance company without fear that their decision will be changed without their consent.

Deliberate slamming is like stealing and should not be tolerated. The FCC must step up enforcement efforts to make sure that existing laws and regulations are followed by telephone companies, and Congress must act to strengthen penalties to halt this pernicious practice.

The comprehensive legislation that I am introducing today, along with my colleague Senator DURBIN, will attack the problem of slamming from all sides.

First, the bill gets tough with those who engage in deliberate slamming. It would increase civil penalties and establish new criminal penalties for intentional slamming. Specifically, civil penalties would be increased to a minimum of $50,000 for the first slamming offense and $100,000 for a subsequent offense.

Criminal penalties would be established for intentional slamming, the same as those for any other federal crime: a maximum of $100,000 and one year imprisonment for a misdemeanor and $250,000 and five years imprisonment for a felony. In addition, anyone convicted of intentional slamming will be disqualified from being a telecommunications service provider. The bill would also allow the states to bring action in federal court against slammers on behalf of its residents, a provision suggested by Senator DURBIN.

Second, our legislation increases consumer protection. It would give control back to consumers by taking the financial incentive away from companies that engage in slamming. Rather than paying the slamming company, consumers could pay their original carrier at their previous rate. It would further protect consumers by eliminating the so-called ''welcome package'' method of verification, a favorite tool of slammers, which is misused and deceptive.

Third, the bill strongly encourages the FCC to step up its enforcement efforts against slamming. It would require local telephone companies to report a summary of slamming complaints to the FCC for further investigation, and it would require the FCC to report to Congress on its enforcement actions against slammers.

Finally, the legislation would require the FCC to report to Congress on whether or not its current procedures contain sufficient safeguards to prevent unscrupulous telecommunications providers from receiving an FCC license in the first place.

Mr. President, consumers have lost control over their telecommunications service to unscrupulous providers. The Collins-Durbin legislation would go a long way toward halting slamming. I urge my colleagues to join me in the fight against slamming by co-sponsoring the ''Telephone Slamming Prevention Act of 1998.''

For the information of all my colleagues, I ask unanimous consent to include in the RECORD a detailed summary of the provisions contained in this comprehensive anti-slamming bill.

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

SUMMARY OF TELEPHONE SLAMMING PREVENTION ACT OF 1998

(1) *Clarification of Verification Procedures:* The bill amends current law, which allows the FCC to determine the verification procedures that telecommunications carriers can use when executing a change in subscriber service, to place some restrictions on the approved verification methods. Specifically, this provision will eliminate the ''welcome package'' method of verification. It will still allow the FCC to determine the appropriate forms of verification and the time and manner in which such verification must be retained by carriers.

(2) *Liability for Charges:* The bill also allows subscribers who have been slammed, and who have not yet paid their telephone bill to the unauthorized carrier, to pay their original carrier for their phone usage, at the rate they would have been charged by their original carrier. The provision will not change existing law and FCC regulations that make the slamming carrier liable to the original carrier for any charges it collects from a slammed subscriber. This provision is designed to take away the financial incentive for slamming.

(3) *Additional Penalties:* The bill also increases the civil penalties for slamming and creates criminal penalties.

The civil penalties provision will require the FCC to assess a minimum of $50,000 for the first slamming offense, and $100,000 for any subsequent offense, unless the Commission determines that there are mitigating circumstances. Currently, the penalty typically assessed by the FCC is only $40,000 for each offense.

In addition, this provision will allow the Commission, at its discretion, to assess civil penalties against carriers that make unauthorized carrier changes on behalf of their agents or resellers. It will require the Commission to promulgate regulations on the oversight responsibilities of the underlying facilities-based carriers for their agents or resellers. This will make it clear to carriers, who sell access to their telephone lines, that they have some responsibility for the actions of their agents or resellers.

Currently, slamming is not a crime. The criminal penalties provision will make intentional slamming a misdemeanor for the first offense (not more than one year imprisonment), and a felony for subsequent intentional slamming offenses (not more than five years imprisonment). Criminal fines for intentional slamming are the same as those for any other federal crime: a maximum of

$100,000 for a misdemeanor and $250,000 for a felony. In addition, anyone convicted of the crime of intentional slamming will not be allowed to be a telecommunications service provider, and any company substantially controlled by a person convicted of intentional slamming will also be disqualified from providing such services. After five years, however, the FCC shall have the option to reinstate such individuals or companies disqualified under this provision, if it is in the public interest to do so.

(4) *State Actions:* The bill gives the states the right to take action against slammers on behalf of its residents, and makes it clear that nothing in this section preempts the states from taking action against intra-state slammers. This provision is necessary because some state supreme courts have ruled that FCC regulatory authority preempts the states from acting in this area.

(5) *Reports on Slamming Complaints:* The bill requires all telecommunications carriers, including local exchange carriers, to report on the number of subscriber slamming complaints against each carrier. The provision allows the FCC to determine how often these reports would have to be submitted. This provision would *not* require carriers to refer complaints on an individual basis, only a summary report that could be used by the FCC to determine which companies are engaging in patterns and practices of slamming.

(6) *FCC Report on Slamming and Enforcement Actions:* The bill establishes a requirement that FCC submit a report to Congress on its slamming enforcement actions. The FCC already provides this information in its Common Carrier Scorecard, so this provision does not establish a new report. It is designed to make it clear to the FCC that Congress considers slamming enforcement important.

(7) *FCC Report on Adequacy of FCC License Process:* This bill requires the FCC report to Congress on whether current licensing requirements and procedures are sufficient to prevent fraudulent telecommunications providers from receiving an FCC license. Currently, the FCC does not review telecommunications provider applications prior to issuing FCC licenses, allowing fraudulent companies into the telecommunications marketplace.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1312

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1312, a bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 187

At the request of Mr. MACK, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

AMENDMENT NO. 1709

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1709 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1710

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1710 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI the names of the Senator from Virginia [Mr. ROBB] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 82—RELATIVE TO A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

Mr. WELLSTONE (for himself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, sexual slavery, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude;

(2) trafficking also involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor or slavery-like practices which violate fundamental human rights;

(3) to address this problem, the Department of Justice Office of Violence Against Women, with the cooperation of Immigration and Naturalization Service, should submit a report to Congress on—

(A) efforts to identify instances of trafficking into the United States within the last 5 years;

(B) the successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations;

(C) the treatment and services provided, and the disposition of trafficking cases in the criminal justice system; and

(D) legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

(4) in order to ensure effective prosecution of traffickers and the abuses related to trafficking, victims should be provided with support services and incentives to testify, such as—

(A) stays of deportation with an opportunity to apply for permanent residency, witness protection, relocation assistance, and asset forfeiture from trafficking networks with funds set aside to provide compensation due to victims of trafficking; and

(B) services such as legal assistance in criminal, administrative, and civil proceedings and confidential health care;

(5) the Secretary of State, in consultation with the Department of Justice Office of Violence Against Women, and nongovernmental organizations should—

(A) develop curricula and conduct training for consular officers on the prevalence and risks of trafficking and the rights of victims; and

(B) develop and disperse to visa seekers written materials describing the potential risks of trafficking, including—

(i) information as to the rights of victims in the United States, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(ii) the names of support and advocacy organizations in the United States;

(6) the Department of State and the European Union—

(A) are commended as to their joint initiative to promote awareness of the problem of trafficking throughout countries of origin in Eastern Europe and the independent states of the former Soviet Union; and

(B) should continue efforts to engage in similar programs in other regions and to ensure that the dignity and the human rights of trafficking victims are protected in destination countries;

(7) the State Department's Bureau for International Narcotics and Law Enforcement Affairs, together with the Department of Justice and the Department of the Treasury, should continue to provide and expand funding to support criminal justice training programs, which include trafficking; and

(8) the President's Interagency Council on Women should submit a report to Congress, not later than 6 months after the date of the adoption of this resolution, with regard to the implementation by the Secretary of State and the Attorney General of the duties described in this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President, the Secretary of State, and the Attorney General.

Mr. WELLSTONE. Mr. President, in honor of International Women's Day, I am submitting, along with my colleague Senator FEINSTEIN, legislation to curb a horrific practice: the forced or coerced trafficking of women and girls for the purposes of sexual exploitation. This resolution will effectively put Congress on record as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes, or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by civil wars, or fundamental changes in political geography, such as the disintegration of the Soviet Union, have fallen prey to traffickers. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by the traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer foreign women—women who are far from help and home, and who do not speak the language—precisely because of the ease of controlling them.

Most of these women never imagined that they would enter such a hellish world, having traveled abroad to find better jobs or to see the world. Many in their naiveté, believed that nothing bad could happen to them in the rich and comfortable countries such as Switzerland, Germany, or the United States. Others, who are less naive but desperate for money and opportunity, are no less hurt by the trafficker's brutal grip.

One of the most disturbing trends in trafficking is the growing number of young women and children. For various reasons, including the AIDS epidemic, virgins are increasingly in demand and can fetch some of the highest prices in the international sex market. In the most extreme cases, criminals buy and sell children as if these children were mere objects or animals.

Trafficking rings are run by criminals often operating through nominally reputable agencies. Through entertainment companies, employment or marriage agencies, these criminals mislead and manipulate women. Lack of awareness of complacency among government officials, such as border and consular officers, contribute to the problem. Further, traffickers are rarely punished as official policies inhibit women from testifying against their traffickers, making forced prostitution highly profitable, low risk business ventures.

Last year, according to a report in the Washington Post, the FBI raided a massage parlor in downtown Bethesda, right next to Congress, right next to Washington, DC. The massage parlor was involved in the trafficking of Russian women into the United States. The eight Russian women who worked there, lived at the massage parlor, sleeping on the massage tables at night. They were charged $150 a week for ''housing'' and were not paid any salary, only receiving a portion of their tips.

Gillian Caldwell and her organization, Global Survival Network (GSN), conducted an extraordinary two-year investigation of the growing international transport of Russian women for prostitution. GSN found that trafficking networks in Russia charge women anywhere from $1,500 to $30,000 for their ''services'' in facilitating documentation, jobs, and transportation. A relationship of debt-bondage is created that the woman can never defeat.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs

following the UN World Conference on Women in Beijing. The United Nations General Assembly has called upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims. The President's Interagency Council on Women is working hard to mobilize a response to this problem. But, much, much more must be done.

Recognizing this worldwide problem, my resolution calls upon the State Department and the Department of Justice to increase their efforts to investigate and take action against international sex trafficking, and to report to Congress about their finding and steps taken to curb this problem. Further, it seeks to reduce incidences of trafficking and forced prostitution by making information available to warn at risk women and girls of the potential dangers they may face. Finally, it provides for training of consular officials, incentives for victims to testify against traffickers, and services for victims of trafficking.

This resolution strengthens the work of the President's Interagency Council on Women, and has the support of a broad array of organizations: Human Rights Watch, Global Survival Network, Ayuda, National Network on Behalf of Battered Immigrant Women, International Human Rights Law Group, Program for Appropriate Technology in Health, and the National Council on International Health.

I would like to thank the above organizations and agencies who helped craft this legislation. We must commit ourselves to ending the trafficking of women and girls and to building a world in which such exploitation is relegated to the dark past. I urge my colleagues to cosponsor this resolution, and I urge its timely passage. The President tomorrow will sign an Executive order which will also deal with this problem. We will work on passing the resolution, and also to make sure that this translates into legislative action.

Mr. President, it is absolutely unconscionable that this goes on in the world, including our country.

I will come to the floor later on with a blown-up map. But this is a sample of routes used to traffic women for prostitution from the Newly Independent States in the former Soviet Union, and all over the world. But also you see an arrow coming to the United States and to a lot of the European countries. It is just unconscionable that this is happening to women and to girls and essentially the international community has turned its gaze away from it.

It is important that we have cosponsors for this resolution and that we pass this concurrent resolution with an overwhelming vote. I look forward to the Senate and the House of Representatives working with the President on this matter.

I hope that we will get a strong vote for this resolution by the end of the week, an up-or-down vote, which, if we have a commitment to do so, I hope the administration will take the action on.

Finally, Mr. President, let me just thank Senator FEINSTEIN for working with me on this resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from this book entitled ''Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States, A report by the Global Survival Network, In Collaboration with the International League for Human Rights.''

Mr. President, I want these excerpts printed in the RECORD because I want history to show that for the first time the U.S. Senate is going to take a position on this issue. I want this included in the RECORD because I want history to show that for the first time the U.S. Senate is going to make it clear that we are not going to be silent when it comes to the most brutal treatment of women and girls throughout the world. These are all God's children, and we intend to take a strong position, and we intend to put the resolution into legislation and do everything we can to try to provide the protection for these women and these children.

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

CRIME AND SERVITUDE, AN EXPOSÉ OF THE TRAFFIC IN WOMEN FOR PROSTITUTION FROM THE NEWLY INDEPENDENT STATES

(A report by the Global Survival Network in collaboration with the International League for Human Rights)

PREFACE

The United Nations estimates that four million people are trafficked throughout the world each year, resulting in illicit profits to criminal syndicates of up to seven billion dollars annually. One of the fastest growing trafficking businesses is the sex trade.

This ground-breaking report details the findings of a two-year investigation by the Global Survival Network into the trafficking of women from Russia and the Newly Independent States for prostitution. Each day, thousands of women and girls are lured into the international sex trade with promises of a better life and a lucrative job abroad. These false promises are especially appealing to the scores of unemployed and underemployed women struggling to survive in impoverished regions and in societies facing post-Communist transition.

They are transported by bus, plane, and train to Europe, Asia, the Middle East, and North America, where they unexpectedly find themselves forced into cruel sexual exploitation. They may be forced to work for months or years without earnings, and many endure deep physical and psychological trauma as a result of their experience. In the worst of cases, they may lose not only their freedom but also their lives.

Trafficking has been recognized by the United Nations as a form of slavery and violence against women. It has also been condemned by numerous international human rights documents, including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, the Declaration on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child.

Despite the many prohibitions against trafficking, international networks that market women and children for prostitution continue to thrive. Their success can be attributed to several factors, including the global economic trends, the declining socioeconomic status of women, the enormous profitability of the business, government inaction, and, in the most egregious circumstances, government complicity.

It will not be possible to address the growing problem of trafficking without the collaboration of state institutions and nongovernmental organizations, and both have their own challenges to meet. Governments must identify and remove corrupt public officials acting as accomplices of sex traders, and resist the pressure to attempt to address trafficking by restricting migration, which exacerbates the problem and leads to a violation of another fundamental human right, the freedom of movement.

For the human rights movement, trafficking extends beyond the familiar set of civil and political concerns. It is a multidimensional problem which demands comprehensive evaluation. Recommended responses must be informed by active cooperation between the traditional human rights community and the newer women's rights groups.

Moreover, because trafficking is a problem that transcends national borders, it demands a transnational response. Collaborative relationships must be formed between the ''sending countries'' of the former Eastern Bloc, Asia, Africa and Latin America, and ''receiving countries'' in the wealthier nations of North America and Western Europe.

This report was prepared for distribution at an international conference in Moscow on ''The Trafficking of NIS Women Abroad,'' coordinated jointly by Sysotri (Moscow), the Global Survival Network (Washington, D.C.), the International League for Human Rights (New York), and hosted at the Andrei Sakharov Foundation. This remarkable collaborative effort represents a critical first step toward developing cooperative and transnational relationships to address this massive violation of human rights.

Let us work together to eradicate this form of modern-day slavery, because no society is truly democratic until all human beings are guaranteed their rights to freedom, dignity, and equality.

Sincerely,

ANASTASIA POSADSKAYA-VANDERBECK, Ph.D.

I. A TESTIMONY FROM HELL

[Slavery is] the status or condition of a person over whom any or all of the powers attaching to right of ownership are exercised.—Slavery Convention, 1926.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.—Universal Declaration of Human Rights, 1948.

You cannot give them any [money]. It means that they will live in the States without any cash, without any money.—Russian Trafficker, 1996.

Every year, the trafficking of human beings for the sex trade puts hundreds of thousands of women at risk of losing their personal freedom, suffering physical and emotional harm, working in degrading and sometimes life-threatening situations, and being cheated of their earnings. Since the break-up of the Soviet Union, an increasing percentage of these women are from Russia and the Newly Independent States. Most of them never imagined that they would enter such a hellish world of crime and servitude, having traveled abroad to find better jobs or to see the world. Many, in their naivete, believed that nothing bad could happen to them in rich and comfortable countries such

as Switzerland, Germany, Japan, or the United States. Others, who were less naive but still desperate for money and opportunity, are equally affected by the cruel and unforgiving grip of traffickers.

Unfortunately, during the chaos of massive political, social, and economic change in Russia and the Newly Independent States, criminal elements have been able to establish themselves in the international business of trafficking women. Operating through nominally reputable employment agencies, entertainment companies, or marriage agencies, these criminals mislead and manipulate women, who become pawns in a vicious, illegal worldwide trade. In the most extreme cases, the criminals buy and sell women and children as if they were mere objects or animals.

Lena's story

To understand what it means to be a slave today, consider the case of ''Lena.''

Several years ago in the Russian Far East, 19-year-old Lena, seeking to travel and earn money, joined several other Russian women who had responded to a newspaper ad for a work and study program in China. ''They brought us the contracts that described all the conditions: medical insurance, housing, food, travel there and back,'' reported Lena.

The women were flown to Jukhai, China, where they studied cooking for a month. ''Everything seemed fine. Until they took our passports, in spite of the fact that the contract had a point that said that everybody should have their passports with them,'' she continued. ''Then they didn't return our passports. When we demanded them, they immediately and categorically told us '$15,000 for each passport.''' It soon became clear that the ''restaurant'' Lena had been hired to work in didn't exist, and none of the girls were being paid.

One of the girls in Lena's group, a 17-year-old, was purchased by a competing group, which paid $15,000 for her passport and transported her to Macau to work as a prostitute. From that point on, Lena and her friends endured beatings, imprisonment, and hunger. ''They began to withhold our monthly salaries. They locked us up without food and without money. There was a balcony...You could jump if you wanted to die.'' The Chinese bosses said they would give the girls their passports if they started to ''cooperate,'' which meant working in hotels, restaurants, and karaoke clubs as ''entertainers'' and prostitutes for Chinese men.

Lena and her friends eventually escaped. With little money and enraged by what had happened to them, they traveled to several Chinese cities and appealed without success to Russian consulates and Chinese city mayors for assistance to return home. ''At times we had to work like this: you're walking down the street, a car drives up, you agree that tonight you'll sit with them in a restaurant, karaoke, and they will pay you some money for it. Just like prostitution.'' The women met some Russian men who offered to help them return home in exchange for sexual favors. ''So that's how we worked for three months, to make some money to leave. We had to work in different places, some of them awful, when there was not even a penny in the wallet.''

Lena and the others finally managed to get back to Russia. At home now, Lena says she has a hard time trusting anyone and keeps a gun for protection. ''I sometimes have to turn to a psychiatrist to put myself back in place, because I became very jumpy. My health is ruined. I simply curse the day when my romantic notions made me decide, having trusted these people, to go see China,'' she concluded.

The investigation

Thousands of women from Russia and the Newly Independent States have endured such exploitation and slavery during recent years, yet their stories have been largely ignored by most law-enforcement agencies and governments. Unfortunately, as this report reveals, police agencies in receiving countries often minimize the extent of trafficking. And governments usually respond to trafficking as a problem of illegal migration, an approach that transforms women victimized by particular circumstances into criminals.

To learn why and how this form of modern slavery persists, and to propose solutions, the Global Survival Network (GSN) conducted a study from August 1995 through the Autumn of 1997 to uncover the rapidly growing trade in Russian women for purposes of prostitution.

Because of the underground nature of the trade, the study combined conventional and unconventional methodologies. GSN conducted open interviews with numerous nongovernmental organizations, more than fifty women who had been trafficked overseas, and police and government officials in Russia, Western Europe, Asia, and the United States.

In order to delve into and learn more about the world of organized crime and its role in Russian sex trafficking, GSN also conducted some unconventional research. GSN established a dummy company that purportedly specialized in importing foreign women as escorts and entertainers. The company was ''based'' in the United States and claimed to specialize in ''Foreign Models, Escorts, and Entertainers.'' Company ''employees'' represented the business. Brochures, business cards, and a telephone and fax line give the operation a look of authenticity. Under the guise of this company, GSN successfully gained entree to the shadowy operations of international trafficking networks based in Russia and beyond. Many of the interviews were recorded with hidden cameras and provide unique insight into the trafficking underworld in action.

While conducting investigations with this front, GSN met Russian pimps and traffickers who revealed their modus operandi, as well as the identities of their financial investors and overseas partners. GSN combined these findings with other information collected through interviews with non-governmental organizations, law enforcement agencies, trafficked women, and relevant news reports. Taken together, this information provided GSN with enough detail to target several countries where Russian women and girls work as prostitutes in substantial numbers, including Germany, Switzerland, Japan, Macau, and the United States. Wherever legal, interviews were recorded by hidden camera directly inside the establishments where prostitution was occurring. Whenever possible, the investigators revealed the nature of their work.

In some cases, security conditions for both the investigator and the persons interviewed prevented disclosure. In order to preserve the safety and privacy of all parties involved, pseudonyms have been given to the persons interviewed during GSN's covert investigations, and whenever requested otherwise. The videotaped material has been transcribed and is used to tell much of the story you are about to read.

Trafficking networks flourish in large part because governments, officials, and citizens fail to speak out and to act. Criminals operate with impunity when they have corrupted the law-enforcement personnel who ostensibly combat them. GSN's investigation has not only sought to expose the degrading nature and viciousness of human trafficking, but also to provide insight into how to stop it.

This report offers concrete recommendations for action and policies that can rein in traffickers and provide assistance to their victims. To understand the recommendations, it is first necessary to understand trafficking: who does it, and why; how it can exist outside the law; how it violates basic human rights; and why its victims so rarely seek help.

SENATE CONCURRENT RESOLUTION 83—RELATIVE TO GEORGE WASHINGTON

Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

Mr. WARNER. Mr. President I rise today to offer legislation to commemorate the 200th anniversary of the death of our Founding Father, George Washington.

The legacy of Washington cannot be overestimated. Noble in spirit, honorable in deed, George Washington was a just leader, whose firm moral character provided an enduring example for the young nation he had fought so courageously to win. Over the past two centuries, the traditions Washington set forth for his country—patriotism, generosity, honesty, and diplomacy—became the paragons for countries attempting to inaugurate democracy throughout the world. Perhaps President Lincoln, an ardent admirer of Washington, said it best in his remarks,

> Washington is the mightiest name of earth . . . To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor, leave it shining on.

Despite his role in the founding of our Nation, and the high esteem in which all Americans hold our first President, less and less in known about this great leader. Educators lament that history textbooks are woefully inadequate in documenting the strong and engaging constitution of Washington, and the many lesser known aspects of his life. Washington was an innovative farmer, a skillful surveyor, a gifted debater and orator, as well as a courageous and indeed visionary soldier and President. In an era when role models in the United States and the world at large, possessing good judgment and character, are in decline, let us further examine the life of one so fervent in his convictions.

As the bicentennial of Washington's death approaches, I ask the Senate to join me in celebrating the life of our distinguished first President, and dedicate this year long commemoration to learning more about his fascinating life and career. On December 14th, 1999, let flags throughout our great Nation be lowered to commemorate this life of this heroic man. Let bells everywhere extoll his steadfastness. Let the entire year of 1999 be the year in which we rediscover the legacy of the man who is still ''First in War, First in Peace, and First in the Heart of his Countrymen.''

SENATE RESOLUTION 194—DESIGNATING ''NATIONAL KICK DRUGS OUT OF AMERICA WEEK''

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas the overwhelming problems in our country resulting from drug abuse are staggering;

Whereas youth violence and gangs are serious problems in America today;

Whereas in inner-city and suburban schools drug and gang related peer pressures are at an all time high;

Whereas tragically, many young people today receive little or no guidance or direction from family, role models, or schools; and

Whereas one method of helping fight the war on drugs and youth violence is to support educational and motivational programs aimed primarily at the youth of America that help guide young people and support their decisions to reject drugs and violence: Now, therefore, be it

Resolved, That the Senate designates the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week''.

SENATE RESOLUTION 195—DESIGNATING ''NATIONAL CORROSION PREVENTION WEEK''

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES 195

Whereas corrosion undermines the physical integrity of structures and endangers the public and environment;

Whereas corrosion leads to catastrophic failures and wastes scarce resources;

Whereas corrosion is the deterioration of a material resulting from a reaction with its environment and costs the United States over $300,000,000,000 every year, which amounts to more than 4 percent of the gross national product;

Whereas it is estimated that over ⅓ of the costs from corrosion (approximately $100,000,000,000) are preventable through the application of existing corrosion control technology;

Whereas corrosion engineers in the United States and around the world save taxpayers money through the application of state-of-the-art, time-proven corrosion control technology; and

Whereas corrosion engineers are committed to protecting public safety, preserving the environment, and preventing the premature deterioration of infrastructure facilities: Now, therefore, be it

Resolved, That the Senate designates the week of March 22 through March 28, 1998, as ''National Corrosion Prevention Week'' in order to raise public awareness of the problems associated with it and the measures available to prevent it.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

SESSIONS AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 88, line 13, after ''greater'' insert ''and for States in which administrative jurisdiction over federally owned land has been or is at any time transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems (including long leaf pine ecosystems)''.

ALLARD (AND GRAMS) AMENDMENT NO. 1940

Mr. ALLARD (for himself and Mr. GRAMS) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 68, line 21, strike ''The next'' and all that follows through ''(7)'' on page 70, line 1.

SPECTER (AND OTHERS) AMENDMENT NO. 1941

Mr. SPECTER (for himself, Mr. SANTORUM, Ms. MOSELEY-BRAUN, and Mr. D'AMATO) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 55, strike line 12, and insert the following:

''SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS.''

On page 56, line 13, strike ''and''.

On page 56, line 18, strike the period and insert ''; and''.

On page 56, between lines 18 and 19, insert the following:

''(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.''

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

''(2) ELIGIBLE PROJECT AND RELATED TERMS.—

''(A) IN GENERAL.—The term 'eligible project' means and access to jobs project or a reverse commute project.

''(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(ii) promoting the use of transit by workers with nontraditional work schedules;

''(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

''(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

''(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

''(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

''(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas.''

On page 59, line 20, insert ''access to jobs grants and reverse commute'' before ''grants''.

On page 60, line 15, insert ''in the case of an applicant seeking assistance to finance an access to jobs project,'' after ''(2)''.

On page 61, line 7, insert ''in the case of an applicant seeking assistance to finance an access to jobs project,'' before ''presents''.

On page 61, line 13, strike ''and''.

On page 61, line 16, strike the period and insert ''; and ''.

On page 61, between lines 16 and 17, insert the following:

''(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.''

On page 62, strike lines 13 through 18, and insert the following:

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.''

On page 64, strike lines 1 through 4 and insert the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

''(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

''(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects.''

On page 8, line 16, strike ''$100,000,000'' and insert $250,000,000''.

On page 11, line 16, strike '', except'' and all that follows through line 20 and insert a period.

THOMAS (AND JOHNSON) AMENDMENT NO. 1942

Mr. THOMAS (for himself and Mr. JOHNSON) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike ''$500,000,000'' each time it appears and insert in lieu thereof ''$470,000,000.''

On page 12, lines 3 through 7, strike ''$100,000,000'' each time it appears and insert in lieu thereof ''$80,000,000.''

On page 13, lines 19 through 23, strike ''$50,000,000'' each time it appears and insert in lieu thereof ''$100,000,000.''

NICKLES AMENDMENT NO. 1943

Mr. D'AMATO (for Mr. NICKLES) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; 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.''.

BOXER (AND HARKIN) AMENDMENT NO. 1944

Mr. REED (for Mrs. BOXER, for herself and Mr. HARKIN) proposed an amendment to the bill, S. 1173, supra; as follows:

On page , line , insert ''and provides nonfixed 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''.

GRAHAM (AND MURRAY) AMENDMENT NO. 1945

Mr. GRAHAM (for himself and Mrs. MURRAY) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . NEW START RATING AND EVALUATION.

(a) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

''(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

''(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

''(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

''(A) consider the direct and indirect costs of relevant alternatives;

''(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

''(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

''(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

''(E) consider population density, and current transit ridership in the corridor;

''(F) consider the technical capability of the grant recipient to construct the project;

''(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(H) consider other factors the Secretary considers appropriate to carry out this chapter.

''(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

''(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

''(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

''(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

''(i) existing grant commitments;

''(ii) the degree to which financing sources are dedicated to the purposes proposed;

''(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

''(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

''(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

''(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

''(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

''(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

''(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

''(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

''(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

''(i) located in a nonattainment area;

''(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(iii) required to carry out the State Implementation Plan.

''(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

''(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.''.

(b) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking ''FINANCING'' and inserting ''FUNDING'';

(2) by striking ''full financing'' each place it appears and inserting ''full funding''; and

(3) in paragraph (1)(B)—

(A) by striking ''30 days'' and inserting ''60 days'';

(B) by inserting ''or entering into a full funding grant agreement'' after ''this paragraph''; and

(C) by striking ''issuance of the letter'' and inserting ''letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project''.

(c) REPORTS.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

''(p) REPORTS.—

''(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

''(B) RECOMMENDATIONS ON FUNDING.—Each report submitted under this paragraph shall include—

''(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

''(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

''(2) SUPPLEMENTAL REPORT ON NEW STARTS.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

''(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating and rating projects and recommending projects; and

''(ii) The Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review not later than April 30 of each year.''.

ROBB AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to amendment No. 1748 submitted by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE CORPORATION.—

Any exercise of the powers granted under Section ___006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

SESSIONS AMENDMENTS NOS. 1947–1948

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to amendment No. 1931 proposed by Mr. D'AMATO to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1947

On page 54, strike line 19 and all that follows through page 55, line 11, and redesignate sections 14 through 20 as sections 13 through 19, respectively.

AMENDMENT NO. 1948

On page 49, strike lines 10 through 20 and insert the following:

''(2) HYBRID ELECTRIC AND BATTERY-POWERED BUS PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary shall establish and conduct a program to deploy and operationally test hybrid electric- and battery-powered buses, and to assist in the manufacture of such buses and the facilities and equipment required to service such buses.

''(B) DUTIES OF THE SECRETARY.—To carry out the program established under subparagraph (A), the Secretary—

''(i) shall develop performance and safety standards for the hybrid electric- and battery-powered buses that are acquired or used in the deployment and testing program;

''(ii) shall, not later than 6 months after the date of enactment of the Federal Transit Act of 1998, issue a request for proposals to undertake battery-powered or electric hybrid bus deployment and testing projects;

''(iii) shall request proposals that shall include—

''(I) the amount of cost-sharing to be provided by the party making the proposal, including non-Federal funding or in-kind services equal to or greater than 40 percent of the total eligible costs of the project, if Federal funding for the acquisition of electric or hybrid electric buses for the project is equal to not more than 80 percent of such capital costs;

''(II) a description of—

''(aa) the parties involved in the project, including involvement of appropriate public transit authorities with jurisdiction to service the territory in which the buses are to be deployed and State and local agencies;

''(bb) the buses to be used; and

''(cc) the infrastructure, including necessary battery charging or battery changing facilities, that will be installed or utilized in support of the project; and

''(III) a description of the information expected to be obtained from the project, the manner in which the buses will be used after project completion, and the manner in which such information will be disseminated to other organizations and parties determined by the Secretary to have an interest in electric or hybrid electric buses; and

''(iv) may, with respect to projects to include the manufacture of buses, prescribe such cost-sharing and other requirements as the Secretary deems necessary.

''(C) GRANT AWARDS.—Not later than 9 months after the date of enactment of the Federal Transit Act of 1998, the Secretary shall award grants to not fewer than 10 qualifying projects.

''(D) NUMBER OF TESTS.—Each project selected for an award under this paragraph shall seek to deploy and test not fewer than 4 electric or hybrid electric buses. Projects selected shall test buses in a diversity of applications and demonstrate a variety of technologies, including battery-powered, fuel cell, and hybrid electric applications.

''(E) LIMIT ON FUNDING.—No project selected may receive more than 1/10 of the funds made available for grants under this paragraph. In no case shall any State receive more than 15 percent of the total funds made available under this subsection.

BOXER AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1173, supra; as follows:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting '', other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)'' after ''section 30(c))''.

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles) is amended by adding at the end the following new paragraph:

''(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 10, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the current Federal Crop Insurance Program and consider improvements to the system.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, to conduct a hearing on S. 1405, the ''Financial Regulatory Relief and Economic Efficiency Act (FRREE).''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to meet on Tuesday, March 10, 1998, at 9:30 a.m. on the nominations of Orson Swindle and Mozelle Thompson—FTC, Robert J. Shapiro—Under Secretary of Commerce, John C. Horsey—Associate Deputy Secretary of DOT, Christy Carpenter—Corporation for Public Broadcasting.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 10, 1998, at 10:00 a.m. for a business meeting and markup. Agenda items will include: markup of S. 981, the Regulatory Improvement Act of 1998; and markup of S. 1364, the Federal Reports Elimination Act.

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

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''The United States Marshals Service: A Selection Process for the 21st Century.''

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

SUBCOMMITTEE ON SEAPOWER

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 10:00 a.m. on Tuesday, March 10, 1998, in open session, to receive testimony on littoral warfare missions in the 21st century in review of the Defense authorization request for fiscal year 1999 and the future years defense program.

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

ADDITIONAL STATEMENTS

TRIBUTE TO HUGH THOMPSON, LAWRENCE COLBURN, AND GLENN ANDREOTTA

• Mr. CLELAND. Mr. President, I rise today to honor Hugh Thompson, Lawrence Colburn, and Glenn Andreotta, who helped save the lives of 11 Vietnamese civilians during the My Lai massacre in Vietnam thirty years ago. Hugh Thompson and Lawrence Colburn received the Soldier's Medal for bravery on March 6, 1998 for their gallant efforts during the My Lai massacre. Their comrade Glenn Andreotta, who passed away three weeks after the My Lai massacre, was honored as well, and his family will receive his medal at a later date. The Soldier's Medal is presented by the Army to those who show ''the highest standards of personal courage and ethical conduct.''

After their helicopter landed amongst firing U.S. troops and fleeing Vietnamese civilians, Thompson, protected by Colburn and Andreotta, went to confront U.S. forces. The efforts of these three men led to the eventual cease-fire at My Lai and an end to the killing.

Hugh Thompson and Lawrence Colburn are both natives of Georgia. Hugh Thompson, a veterans counselor, hails from Stone Mountain, Georgia, and currently resides in Lafayette, Louisiana. Lawrence Colburn, now a salesman, lives in Woodstock, Georgia.

Mr. President, I would like to honor Hugh Thompson, Lawrence Colburn and Glenn Andreotta for their heroic efforts during the My Lai massacre, and for their outstanding commitment to American values. These three men are true examples of American patriotism at its finest.•

TRIBUTE TO MR. FRED HITZ

• Mr. SPECTER. Mr. President, on the occasion of the retirement of Fred Hitz as the Central Intelligence Agency's first Presidentially-appointed Inspector General, I want to offer my comments and congratulations. Since the position of an independent Inspector General for the CIA was created at my initiative in the FY 90 Intelligence Authorization Act and since I have come to know Fred Hitz during my tenure as Chairman of the Senate Select Committee on Intelligence, it is fitting that I recognize his contributions.

By way of background, it became clear during the Iran-Contra investigations that the Central Intelligence Agency lacked an effective Office of Inspector General which not only could conduct thorough and objective internal investigations of CIA activities, but even more so, could exercise authority and independence to ensure that its investigative recommendations regarding individual accountability and systemic shortcomings would be followed through and implemented. The proposal to create a Presidentially-appointed and Senate-confirmed independent Inspector General was met with fierce resistance by the Administration and the Director of Central Intelligence. Nonetheless, in light of the revelations from the Iran-Contra affair, the Congress recognized the need for such an office. In my mind, the establishment of an independent Inspector General for the CIA was the most effective piece of legislation to derive from the Iran-Contra affair.

It was in this atmosphere that Fred Hitz was nominated by President Bush in 1990, confirmed by the Senate in October 1990 and sworn in November 1990. The Congress wanted a strong-willed and independent individual who was knowledgeable of CIA's mission, history and activities and who had the fortitude and skills to identify, investigate and report wrongdoing when he saw it and how he saw it. Over the past seven years Fred Hitz has accomplished this mandate with honor and diligence in a sea of controversial investigations.

One of the most important, if not the most important, of the investigations undertaken by Fred Hitz was that of the Aldrich Ames case which provided the Intelligence oversight committees and the public details of Ames' treachery and insight into CIA. In addition, Fred Hitz has been fearless in taking on difficult and controversial issues such as the role of intelligence in the BCCI and BNL scandals, human rights abuses in Guatemala and Honduras, allegations of drug trafficking by the Contras, the compromise of CIA operations in Paris, and CIA involvement in providing assistance to a Presidential campaign contributor. The Senate Intelligence Committee has not always agreed with Fred's judgements in these matters; it never has questioned his integrity.

Upon the completion of Fred's fifth year as CIA's Inspector General, Senator Bob KERREY and I led a bi-partisan resolution in the Senate to commend Fred for his leadership and achievements.

In his lifetime, Fred Hitz has made an important contribution through his public service. As an attorney who graduated from Harvard Law School, he could have remained in the private

sector and reaped handsome financial rewards. He chose instead to invest over 20 years in public service, and the United States government and his country have been the chief beneficiaries.

Fred entered public service by teaching law in Nigeria and in 1967 he entered the CIA. From 1974 to 1978 he served in the Office of the Secretary of Defense, as a Senior Staff Member for Energy Policy in the Office of the President and as Director of Congressional Affairs at the Department of Energy. In 1978 he returned to the CIA where he served as Legislative Counsel to the Director of Central Intelligence and later as Deputy Director of the Europe Division in the Directorate of Operations.

In my view, Mr. Hitz completes one of the most demanding assignments in the federal government—Inspector General of the Central Intelligence Agency. He has journeyed through the shoals of hawks and doves, public reporting and security demands and admirers and detractors by sailing a straight and visible course with honesty, dignity and truthfulness. His efforts have made the Central Intelligence Agency more accountable and thus more in consonance with a Congressional view of the rightful role of intelligence and secrecy in a democracy. For these qualities, Fred Hitz will be missed and I wish him smooth sailing in his new teaching career.●

CONFIRMATION OF GEORGE McGOVERN AS THE UNITED STATES REPRESENTATIVE TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

● Mr. JOHNSON. Mr. President, I want to express my strong support for the recent confirmation of George McGovern as the United States Representative to the Food and Agriculture Organization of the United Nations.

Having spent many years as a devoted public servant, Senator McGovern embodies the highest standards of dedication and integrity. I firmly believe he is the right person to represent this country as part of the United Nations Food and Agriculture Organization and am pleased that my Senate colleagues supported his nomination to this post in an overwhelming bipartisan fashion. There is no person that I can think of alive today that is better prepared for the responsibility of improving nutrition, food production and distribution worldwide.

Senator McGovern was not new to the arena of agricultural policy at the time of his election to the U.S. Senate. Having served under the Kennedy Administration as Director of the Food for Peace Program, George McGovern proved early that he had the ability to lead with vision and skill. As a United States delegate to the United Nations FAO Conference in 1961, Senator McGovern made the U.S. offer which led to the first World Food Program making freedom from hunger an international objective. Under the Ford and Carter Administrations, he was also a delegate to the U.N. where he gained esteem as a discerning statesman and cultivated international ties.

In Congress, George McGovern was an advocate for the welfare and health of the people. While serving on the Senate Agriculture, Nutrition and Forestry Committee, he was an avid supporter of the food stamp program. As a member of that committee, he was active and effective in matters of child nutrition and hunger. As Chairperson of the Senate Select Committee on Nutrition and Human Needs, he led the committee to assure an adequate diet for the poor and the elderly and for the improved health and well being of all Americans. Because I have always been a strong supporter of nutrition programs in the United States, especially food stamps, WIC, and school lunch programs, I understand the high importance and true value of his work to advance these policies. After Senator McGovern worked to make certain that all Americans have access to adequate nutrition, he in many ways came to symbolize Americans' ''social conscience.''

Mr. President, I would like to congratulate Senator McGovern on his new position and express my complete confidence that he will work with unbridled energy to serve the people by improving nutrition, food production, and distribution throughout the world. He is a true humanitarian and I'm proud he is representing South Dakota and our country to the United Nations.●

TRIBUTE TO THE SALVATION ARMY

● Mr. GRAMS. Mr. President, I rise today on the 118th Anniversary of the founding of the Salvation Army in the United States to pay tribute to its valiant tradition of public service.

In March of 1880, George Scott Railton left his native England and set sail for New York on a mission to further the work of the Salvation Army. On March 10 of that year, Railton arrived in New York where he began spreading the Salvation Army's mission in the United States, working in the spirit of service that has been inherent in the Salvation Army since its founding.

Although the passage of time has brought with it new challenges, I am happy to say that today, the Salvation Army's presence in the United States is as strong as ever. Whenever there is a human need to be met, the Salvation Army responds to the call, providing comfort in the face of tragedy and hope in situations where there is seemingly no hope to be found.

In its earliest days, the focus of the Salvation Army's work was attending to the material, emotional, and spiritual needs of the poor by providing shelter for the homeless, food for the hungry, and alcohol rehabilitation for the chemically dependant. Today the Salvation Army's mission is the same, yet the number of services offered has greatly increased. The Salvation Army has indeed adapted to changing times, as seen by the fact that it now offers services such as shelters for battered women, assistance to victims of HIV/AIDS, career counseling, vocational training, day care centers, correctional services, and drug rehabilitation.

Mr. President, I would like to make special mention of one service the Salvation Army provides which has particularly touched my home state of Minnesota: disaster relief. Minnesotans witnessed that service first hand when the Salvation Army responded to the tragedy which struck in the form of the spring floods of 1997.

In Operation ''We Care'', the Salvation Army provided a great deal of comfort and support to Minnesotans who had the misfortune of experiencing the devastation caused by the floods. Thousands were displaced by the floods, their homes destroyed, and necessities such as food, shelter and fresh water were made inaccessible by the flood's fury. In this trying time, the Salvation Army was on hand to give victims hot meals and a roof over their heads, as well as clothing, personal hygiene items, and a variety of other basic commodities that are often taken for granted yet are sorely missed when unavailable.

Once the flood waters retreated, victims were faced with a new set of problems brought by the flood's aftermath. Victims returned to their homes and businesses to discover the extensive damage left in the flood's wake. Although the task of sandbagging and containing the river was over, the Salvation Army remained in the flooded areas to aid in the clean-up and rebuilding process. The Salvation Army contributed to this effort by providing clean-up kits, water pumps, wet vacs, emergency generators, and the tireless labor of dedicated volunteers.

Operation ''We Care'' proved an effective and heartfelt response to this crisis. Through the generosity of the Salvation Army's employees and its many volunteers, Minnesotans were aided by everything from direct assistance to help pay rent, utilities, and other living expenses, to a prayer chain which called on people of all faiths to pray for those devastated by the floods.

Mr. President, on behalf of the citizens of Minnesota, I would like to express my deep gratitude for the work the Salvation Army has undertaken in my state and send my sincerest congratulations on its 188th anniversary in this country. With its dedication to service and spiritual growth, the Salvation Army truly embodies the good in humanity.●

SALUTE TO WOMEN IN BUSINESS AND THE BUSINESS WOMEN'S NETWORK

• Mrs. FEINSTEIN. Mr. President, for Women's History Month, I want the world to know how proud I am of the women's business leadership in California and the entire United States. It is with great pride that we recognize California is No. 1 in the number of women entrepreneurs as well as the fastest growing state for women minority entrepreneurs.

The entire nation should celebrate with us as we recognize that there are almost 9 million women entrepreneurs today of which 1.1 million are minorities.

The female labor force is making great strides as we project, along with the Bureau of Labor Statistics, that 72 million women will be working by the year 2005 representing 63% of women 16 and older.

As the decade draws to an end and a new millennium approaches, we celebrate women entrepreneurs as the fastest growing segment in our economy. And may I remind you again, dear colleagues, California is No. 1.

Despite all the good news, women entrepreneurs still are under-served in access to capital. I am proud of several of the California banks such as Bank of America and Wells Fargo. They need to do more, as do all of our California banks (and all banks across the United States) to help finance the growth of women-owned business, the growth of minority-owned business, and the financing of U.S. Exports.

How can one represent the great State of California and not talk about technology. It is fantastic to note that women now represent 52% of all Internet users. The analyst said just a few years ago we were technologically illiterate. We proved them wrong.

I want to recognize the Business Women's Network (BWN) for its outstanding capacity and record to unite business women. BWN is a giant network now of 1200 women's associations whose membership total more than 9 million. In addition, BWN has located 750 women's web sites nationwide and will publish profiles of the 1200 organizations and 750 web sites in its 1998 Directory due out in October 1998.

Women are the economy, as University of California/Berkeley professor and former Chairman for the Council of Economic Advisors, Laura D'Andrea Tyson, reminds us of this fact. Women represent more than $3.5 trillion in spending economy. And, women owned businesses generate over $3 trillion in revenue.

Again, thanks to the Business Women's Network for helping us recognize that it is essential to salute business women. As my Congressional sisters today have selected Women in Business as the issue of the day, how appropriate that I, too, with the support of my Senate colleagues recognize the important progress women in business are achieving.

I also want to salute Aida Alvarez, Administrator of the Small Business Administration (SBA). She single-handedly has moved women entrepreneurs and minority entrepreneurs up as priorities for this Nation. With the role of the Office of Women Business Ownership and its Women Centers, and with SCORE's commitment to counsel more women and add to its rolls more women counselors, we all say, felicitates Administrator Alvarez.

I praise the National Women's Business Council for emphasizing critical issues such as access to capital for women entrepreneurs.

In summary, as Women's History Month makes us stop and reflect where we come from, I personally want to salute all women in business and look forward to much greater gains for the next millennium, now not many months away. Congratulations to the Business Women's Network (BWN), and the 1200 business organizations representing entrepreneurs and professionals, diversity, and high and low income business women.•

MARTIN LUTHER KING MEMORIAL

• Mr. ABRAHAM. Mr. President I rise today to express my strong support for legislation authorizing the placement of a Martin Luther King, Jr. Memorial on the Capitol Mall.

Mr. President, the Capitol Mall has an important place in our nation, and in the hearts of its people. It is on the Mall that we honor the heroes who made our country great. Under the Commemorative Works Act, which governs placement of memorials on the Mall, the honor of placement there is reserved for memorials of ''preeminent historical and lasting significance to the Nation.''

These words clearly apply to the Reverend Doctor Martin Luther King, Jr. Dr. King changed America by awakening her conscience. His campaign of nonviolent protest brought to light the injustices of a racially segregated society and played a major role in fostering the legislation necessary to do away with many forms of official discrimination. In the words of the national Capital Memorial Commission, Dr. King ''has had a profound effect on all Americans which will continue through history.''

America is more just and honest because of the efforts of this man of God. We remain far from perfect as a nation, but, in confronting our problems in regard to race relations and violence, we can look to the legacy of Doctor King for guidance.

Dr. King sought a nation in which each of us would be judged according to the content of our character, in which opportunity would replace want, and acceptance would replace discrimination. He addressed these problems through his speeches and grass roots activism. He addressed them as a scholar and a statesman, as a father and as a husband, as a man, and as a man of God.

Doctor King called on the better angels of our character, only to die from an assassin's bullet. But his spirit lives on so long as we strive to make his dream a reality. He called on us as a nation to treat one another as brothers and sisters, to care for one another and to strive together for a better world. It is up to us to answer his call, to honor him for making it, and to spread his word by making it a part of a national memorial in the heart of our nation's capital.•

SARA DECOSTA: 1998 U.S. WOMEN'S OLYMPIC ICE HOCKEY TEAM GOLD MEDALIST

• Mr. REED. Mr. President, I rise today to honor the accomplishments of Sara DeCosta of Warwick, RI. As a member of the U.S. Women's Olympic Ice Hockey Team, Sara and her teammates made history this year by winning the first-ever gold medal awarded in women's ice hockey at the 1998 Olympic Winter Games in Nagano, Japan.

Sara's efforts were a great part of the drive to bring home the gold. Her world class talent and solid determination helped team USA rise above the best in Women's Ice Hockey. Sara and her teammates proved that years of discipline, hard work, and tough sacrifices can pay off. Their magnificent display of sportsmanship and pride lifted our hearts and hopes. Truly, Sara and the U.S. Women's Olympic Ice Hockey team exemplify the best America has to offer and their success serves as a gleaming reminder of what can be achieved through bold determination and persistence.

Mr. President, Sara's victory is not just about hard work and discipline. It proves that if you believe in your own abilities you can succeed, no matter what outdated gender stereotypes would dictate. Sara has served as an example to the state of Rhode Island and the country. Her dedication and enthusiasm will inspire others to look beyond the traditional path and to reach for the stars to bring home their own personal gold medals. I congratulate Sara, the other eight players who are alumnae or students in Rhode Island's schools and the rest of the Women's Hockey Team. We can be proud of this group of young women for their commitment to follow their dreams. Sara DeCosta and her teammates are an inspiration to us all.•

MESSAGE OF THE DALAI LAMA ON THE 39TH ANNIVERSARY OF THE TIBETAN UPRISING

• Mr. MOYNIHAN. Mr. President, today marks the 39th anniversary of the Tibetan uprising, a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnapped by the Chinese army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations.

Every year on this day, Tibetan around the world mark the event by conducting peaceful protests against the continued Chinese occupation of Tibet. A vital part of those gatherings is the annual message from the Dalai Lama. The statements show his Nobel prize to be well deserved, as they demonstrate his commitment to a peaceful resolution of this conflict. I ask that the statement by the Dalai Lama for this anniversary be printed in the RECORD.

ADDRESS BY THE DALAI LAMA, MARCH 10, 1998

Great changes are talking place all over the world at the dawn of a new millennium. While there are instances of new conflicts breaking out, it is encouraging that we are also able to witness the emergency of a spirit of dialogue and reconciliation in many troubled parts of the world. In some ways, this twentieth century could be called a century of war and bloodshed. It is my belief that humanity in general has drawn lessons from the experiences gained during this century. As a result, I believe the human community has become more mature. There is, therefore, hope that with determination and dedication we can make the next century a century of dialogue and non-violent conflict resolution.

Today, as we commemorate the thirty-ninth anniversary of our freedom struggle, I wish to express my sincere appreciation and great respect for the resilience and patience shown by the Tibetan people in the face of tremendous odds. The current situation in Tibet and the lack of any substantive progress in resolving the Tibetan problem is no doubt causing an increasing sense of frustration among many Tibetans. I am concerned that some might feel compelled to look for avenues other than peaceful resolutions. While I understand their predicament, I wish to firmly reiterate once again the importance of abiding by the non-violent course of our freedom struggle. The path of non-violence must remain a matter of principle in our long and difficult quest for freedom. It is my firm belief that this approach is the most beneficial and practical course in the long run. Our peaceful struggle until now has gained us the sympathy and admiration of the international community. Through our non-violent freedom struggle we are also setting an example and thus contributing to the promotion of a global political culture of non-violence and dialogue.

The sweeping changes across the globe have also embraced China. The reforms, initiated by Deng Xiaoping, have altered not only the Chinese economy, but also the political system, making it less ideological, less reliant on mass mobilization, less coercive, and less stifling for the average citizen. The government is also notably far less centralized. Moreover, the post-Deng Xiaoping leadership in China seems to have become more flexible in its international policy. One indication of this is China's greater participation in international fora and cooperation with international organizations and agencies. A remarkable development and achievement has been the smooth transfer of Hong Kong to Chinese sovereignty last year and Beijing's subsequent pragmatic and flexible handling of issues concerning Hong Kong. Also recent statements from Beijing on restarting cross-strait negotiations with Taiwan reflect apparent flexibility and softening of its stance. In short, there is no doubt that China today is a better place to live in than 15 or 20 years ago. These are historic changes that are commendable. However, China continue to face grave human rights problems and other formidable challenges. It is my hope that the new leadership in China, with this renewed confidence, will have the foresight and courage to provide greater freedom to the Chinese people. History teaches us that material progress and comfort alone are not the full answer to the needs and yearnings of any human society.

In stark contrast to these positive aspects of the development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous ''strike hard'' campaign against Tibetan religion and nationalism has intensified with each passing year. This campaign of repression (initially confined to monasteries and nunneries) has now been extended to cover all parts of the Tibetan society. In some spheres of life in Tibet, we are witnessing the return of an atmosphere of intimidation, coercion and fear, reminiscent of the days of the Cultural Revolution.

In Tibet human rights violations continue to be wide-spread. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture and their wish to preserve it. This Buddhist culture inspires the Tibetan people with values and concepts of love and compassion that are of practical benefit and relevance in daily life and hence the wish to preserve it. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. Therefore, despite some economic progress in Tibet, the human rights situation has not improved. It is only by addressing the fundamental issue of Tibet that the human rights problems can be overcome.

It is an obvious fact that the sad state of affairs in Tibet is of no benefit at all either to Tibet or to China. To continue along the present path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China, which are of overriding importance to the leadership in Beijing. Also, one of the main concerns of the Chinese leadership has been to improve its international image and standing. However, its inability to resolve the Tibetan problem peacefully has been tarnishing the international image and reputation of China. I believe a solution to the Tibetan issue would have far-reaching positive implications for China's image in the world, including in its dealings with Hong Kong and Taiwan.

With regard to a mutually-acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic and cultural development. I do not believe that the Chinese leadership would have any fundamental objections to this. Successive Chinese leaderships have always assured that the Chinese presence in Tibet is to work for the welfare of the Tibetans and to ''help develop'' Tibet. Therefore, given a political will, there is no reason why the Chinese leadership cannot start addressing the issue of Tibet by entering into a dialogue with us. This is the only proper way to ensure stability and unity, which the Chinese leadership asserts are their primary concern.

I take this opportunity to once again urge the Chinese leadership to give serious and substantive considerations to my suggestions. It is my firm belief that dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead us to a viable solution. It is time for all of us to ''seek truth from facts'' and to learn lessons derived from a calm and objective study of the past and to act with courage, vision and wisdom.

The negotiations must aim to establish a relationship between the Tibetan and Chinese peoples based on friendship and mutual benefit; to ensure stability and unity; and to empower the Tibetan people to exercise genuine self-rule with freedom and democracy, thus allowing them to preserve and cultivate their unique culture as well as to protect the delicate environment of the Tibetan plateau. These are the principle issues. However, the Chinese government is making consistent efforts to confuse the real issues at stake. They allege that our efforts are aimed at the restoration of Tibet's old social system and the status and privileges of the Dalai Lama. As far as the institution of the Dalai Lamas is concerned, I stated publicly as early as 1969 that it is for the people of Tibet to decide whether this institution is to continue or not. In my own case, I made it clear in a formal public statement in 1992 that when we return to Tibet, I will hold no positions in any future Tibetan government. Moreover, no Tibetan, whether in exile or within Tibet, has a desire of restoring Tibet's old social order. It is, therefore, disappointing that the Chinese government continues to indulge in such baseless and distorted propaganda. This is not helpful in creating a conducive atmosphere for dialogue, and I hope that Beijing will refrain from making such allegations.

I also would like to express my sincere appreciation and gratitude to the many governments, parliaments, non-governmental organizations, Tibet support groups and individuals, who continue to be deeply concerned with the repression in Tibet and urge to resolve the question of Tibet through peaceful negotiations. The United States has set a precedence of appointing a Special Coordinator for Tibetan Affairs in order to facilitate dialogue between us Tibetans and the Chinese government. The European and Australian parliaments have recommended similar initiatives. Last December, the International Commission of Jurists issued its third report on Tibet, entitled Tibet: Human Rights and the Rule of Law. These are timely initiatives and most encouraging developments. Moreover, the growing empathy, support and solidarity from our Chinese brothers and sisters in China as well as those overseas for the fundamental rights of the Tibetan people and for my ''Middle-Way Approach'' are of particular inspiration and a source of great encouragement for us Tibetans.

Furthermore, on this occasion of the fiftieth anniversary of India's independence I wish to express on behalf of the Tibetan people our heart-felt congratulations and reiterate our immense appreciation and gratitude to the people and government of India, which has become a second home to the majority of the Tibetans in exile. India represents not only a safe haven for us Tibetan refugees, but is also for us a country whose ancient philosophy of Ahimsa and deep-rooted democratic tradition have inspired and shaped our values and aspirations. Moreover, I believe India can and should play a constructive and influential role in resolving the Tibetan problem peacefully. My ''Middle-Way Approach'' is in line with the basic Indian policy vis-a-vis Tibet and China. There is no reason why India should not be actively engaged in encouraging and promoting dialogues between Tibetans and the Chinese

government. It is clear that without peace and stability on the Tibetan plateau, it is unrealistic to believe that genuine trust and confidence can be restored in the Sino-Indian relationship.

Last year we conducted an opinion poll of the Tibetans in exile and collected suggestions from Tibet wherever possible on the proposed referendum, by which the Tibetan people were to determine the future course of our freedom struggle to their full satisfaction. Based on the outcome of this poll and suggestions from Tibet, the Assembly of Tibetan People's Deputies, our parliament in exile, passed a resolution empowering me to continue to use my discretion on the matter without seeking recourse to a referendum. I wish to thank the people of Tibet for the tremendous trust, confidence and hope they place in me. I continue to believe that my ''Middle Way Approach'' is the most realistic and pragmatic course to resolve the issue of Tibet peacefully. This approach meets the vital needs of the Tibetan people while ensuring the unity and stability of the People's Republic of China. I will, therefore, continue to pursue this course of approach with full commitment and make earnest efforts to reach out to the Chinese leadership.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people and for peace and welfare of all sentient beings.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider Calendar No. 534 on the Executive Calendar. I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Just for the information of all Senators, this is the confirmation of Brian Scott Roy, to be U.S. Marshal for Kentucky.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Brian Scott Roy, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

ORDERS FOR WEDNESDAY, MARCH 11, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, March 11, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DEWINE for 10 minutes, Senator FAIRCLOTH for 10 minutes, Senator CONRAD for 30 minutes, Senator LEAHY for 20 minutes, and Senator THOMAS for 30 minutes from 10:30 a.m. to 11 a.m.

I also ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 1173, the surface transportation bill.

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

PROGRAM

Mr. LOTT. Mr. President, tomorrow morning the Senate, as I said, will be in morning business for 2 hours because of requests we have had from Senators to speak, and also so some drafting can be done with regard to an amendment that will be offered later on in the day. At 11, the Senate will go back to the highway bill. It is hoped that the donor amendment will be offered at 11 a.m., to be followed by the finance title. Following the adoption of the Finance Committee title, it will be the majority leader's intention—and I have consulted with the minority leader and he agrees—that we should move to the cloture vote that had been postponed by consent from Monday afternoon. So we could have the three issues dealt with then in the morning: the donor amendment, the Finance Committee title, and then a cloture vote.

In order to ever get to a conclusion on this legislation, we do need the cloture so we can identify what amendments are serious and are pending out there. We are still hopeful we can complete this legislation either Wednesday at some point or Thursday—certainly this week. But we will not have a true feel of what the prospects are on that until we get a cloture vote and we identify the amendments that are then pending that are serious. So Members should anticipate a busy day voting tomorrow, with votes all during the day, in the afternoon and into the early evening with the probability of at least three votes, and it could be four or five before the day is out.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from Maine, Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in adjournment after the comments of the Senator from Maine.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1740 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. If there is no objection, the quorum call is rescinded.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Wednesday, March 11, 1998, at 9 a.m.

Thereupon, the Senate, at 7:07 p.m., adjourned until Wednesday, March 11, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1998:

DEPARTMENT OF STATE

SHIRLEY ELIZABETH BARNES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES RICHARD STITH, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. (LH) THOMAS H. COLLINS, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. JAMES C. CARD, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. TIMOTHY W. JOSIAH, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EDMUND P. GIAMBASTIANI, JR., 0000.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 10, 1998:

DEPARTMENT OF JUSTICE

BRIAN SCOTT ROY, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 10, 1998, withdrawing from further Senate consideration the following nomination:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TRACY D. CONWELL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, WHICH WAS SENT TO THE SENATE ON FEBRUARY 11, 1997.