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# Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Anthony Johnson, from Mount Hebron Baptist Church, in Baltimore, MD. He once lived in South Carolina.

## PRAYER

The guest Chaplain, Rev. Anthony Johnson, of Mount Hebron Baptist Church, Baltimore, MD, offered the following prayer:

God of all our comfort and Father of Mercy, we acknowledge that You are the Sovereign God of this great Nation. We thank You for the freedom that You have provided us. We pray that You will direct us as we help the less fortunate and those in need. Give us, O God, a heart of compassion and understanding. Bless this great body of men and women from across this country, as they come together to be the voice of this Nation. May they speak for the child who cannot speak. May they stand for the mother who cannot stand. May they walk for the ones who cannot walk. And in all that they do, may it be done to Your glory and honor. We acknowledge our weakness and realize that we cannot do anything without You. Allow Your light to continue to shine on us and in us each and every day, we pray. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

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

## SCHEDULE

Mr. BROWNBACK. On behalf of the majority leader, I announce that this morning the Senate will be in a period of morning business until 10:30 a.m. At 10:30 a.m, as previously agreed to, the Senate will proceed to a rollcall vote on or in relation to the McCain amendment regarding demonstration projects to S. 1173, the highway bill. Following that vote, the Senate will attempt to complete action on the remaining amendments to the bill, including final passage. Following disposition of S. 1173, the Senate may begin consideration of S. 414, the international shipping bill, under a short-time agreement. In addition, the Senate may also begin consideration of H.R. 2646, the A+ education bill. Therefore, Members should anticipate a busy voting day with votes occurring into the early evening.

I yield the floor.

The PRESIDENT pro tempore. The able Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is there time reserved for the Senator from Vermont?

The PRESIDENT pro tempore. Fifteen minutes is reserved.

## THE PRESIDENT PRO TEMPORE

Mr. LEAHY. I note that it is not the ''Acting'' President pro tempore here today. It is the President pro tempore. I note that the President pro tempore has probably opened the Senate in his capacity as President pro tempore more than any President pro tempore I have served with in almost 24 years. I commend him for his dedication to opening the Senate.

## MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now be in a period of morning business until the hour of 10:30 a.m.

## IN MEMORY OF CECILE POMERLEAU

Mr. LEAHY. February might be seen as a month when our family would end the customary mourning period following the death of Cecile Pomerleau.

However, for our family this has been a time of remembering more than mourning, and that is the way she would have wanted it.

Cecile was a beloved mother to my wife, Marcelle, and her brothers, Rene and Claude, a loving and loved grandmother to Kevin, Mark, and Alicia Leahy, and Mark and Paul Pomerleau, to the spouses of her grandchildren, to nephews and nieces, and adopted daughter Sister Consolata—and without a doubt, the best mother-in-law I could have.

For Cecile, family, above all else, was her world. Even in her final illness, her ailments seemed to melt away when Marcelle was there to care for her or when she knew her sons were arriving to be with her, when Kevin and Christianna visited and brought her home, when Mark and Kristine sat with her as they planned their new life together. A very special visitor was her ''favorite'' and only granddaughter, Alicia. Trips from Chicago by Mark and Paul Pomerleau meant so much to her.

I so greatly benefited from her love and our daily talks and visits—and had in her the most loyal and accepting of any constituent! Even when I thought I did poorly in a Senate debate, she was there to tell me I really won.

At her funeral, our son, Mark, talked of living with his grandmother while going to school. Here was a strong willed, young teenager living with a grandmother who was comfortable in a different language and different customs from his own.

As he told us his story, with humor and love, we saw a grandmother wanting to move across generations to help her grandson—and a grandson meeting

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



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her at the generational chasm to accept her love. When he walked past the casket bidding farewell in French to his grandmother, all of us, through our tears, knew the bond.

Cecile nearly left us a decade earlier. The love, sacrifice and nursing skill of her daughter, brought her back to life and gave her those extra years of fulfillment.

I have often said that Marcelle's vocation as a registered nurse is aided by a God-given gift of healing. And no place was it more evident than when caring for her mother—indeed as she became her mother's mother.

Marcelle brought us the essence of her mother when she said the following in a memorial service for Cecile at the Goodwin House.

I was struck by one part of the history of her mother who had a professorship in music at the age of 17 but was told, of course, because of that generation, and especially being a woman, she would have to wait a year before she was old enough to go out into the world. Even though she had demonstrated the talent, genius, and everything necessary to get the professorship, she would have to wait 1 more year.

Knowing my mother-in-law, knowing her genius for music, I suspect that was a somewhat frustrating year and she probably watched the pages coming off the calendar.

I ask unanimous consent Marcelle Leahy's comments be printed in the RECORD.

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

A TRIBUTE TO OUR MOTHER

When I think of Mom, these words come to mind first: Family, Faith, Music, Friends and French (Canadian). All of these required loyalty and honesty, and then the strength she had to follow her convictions and the promises she had made.

As children my brothers Rene, Claude and I grew up in a home where all of these things became almost as one. Mom set high standards for herself as well as others.

As a very young woman in Coaticook, Canada she earned her professors degree in music when she was only 17. Even though she was qualified to teach they wouldn't let her begin to teach for a year when she would be that much older and more mature.

Music was also to be the thing that brought Mom and Dad together. Dad sang a concert in Sherbrooke, Canada and didn't have an accompanist, so Mom was asked to accompany him on the piano which she agreed to do. When she walked up to him that evening wearing a long red taffeta dress he burst into song and serenaded her (and everyone within hearing distance) with ''Lady Lady in Red I adore you.'' I believe they were married within the year.

Music was always a very large part of our lives. Mom taught us all to play the piano as she did a countless number of students over the next 70 years.

Do you have any idea what it is like to have the piano teacher monitoring your practice sessions? Her voice would come out of the kitchen as she prepared dinner. ''Claude you aren't counting! Rene why can't you remember the key? and Marcelle I told you not to practice that until you did 10 minutes of the exercises!'' I would seek my revenge by playing Chopsticks! which was absolutely forbidden as that was never considered classical music. The memories are endless with all the novenas, Masses, weddings and, yes, funerals she played for. She used to like to count the black dresses at weddings and the red hats at funerals back in the days when these weren't considered proper. Then all the concerts we went to and, at the recitals where we had to participate, always a nightmare for this participant, and Saturday afternoon with the metropolitan opera blaring from the radio throughout the house.

Some of my fondest memories are of the times we had all of these things combined. Christmas was something else with midnight Mass, Mom playing the organ, her two feet on the pedals, one hand on the keys and the other in the air directing the choir with a few head movements thrown in as she sang as well. Dad would sing at least one solo and we three kids would be singing in the choir too. For me this was all great and exciting as it meant when it was all over there would be our Réveillion at home.

Of course it was the family, the choir who were all our friends but then more friends came and the priests too. There would be singing, laughing, gifts, and food. Mom was known for her tourtière, tartelette, fruit cake and nut goodies, to mention only a few things. She would have been preparing for weeks and what a feast it would be, our beds wouldn't see us until daylight!

There it was, Church, family, friends, music and French Canadian heritage all wrapped into one glorious celebration.

I really need to talk more about the French, as it was a large part of our lives from both of our parents. Our names are French as though no one noticed!

Rene, Claude, Marcelle, they chose those for many reasons but also because they don't change in the translation and we were always going to go back and forth from French to English. Mom never stopped thinking, speaking and counting in French. She even preserved her accent all of these years.

She also never stopped trying to change things ''to the way we did it in the Province of Quebec.'' You can just imagine how that caused some fireworks between a mother and a daughter when Patrick and I were planning our wedding.

Then it was the pronunciation of English words—why did they (as in English speakers) have to do it that way? It just didn't make sense. So, we had a phrase we liked to repeat with her pronunciation. We're going to the Potomac eating a banana from Panama.

Then there was the issue of Thanksgiving ''Why can't the Americans celebrate it the same day as Canada?'' Oh well I guess that was never a matter of discussion when our two countries were deep into negotiations.

Mom taught my brothers and me many many things for which we will always be grateful. I want to share with you one of the things that she often said to me as I was growing up and she taught me so well because she also lived her life this way. ''Always treat people the way you would like to be treated and you will never go wrong.'' Sounds easy and it isn't.

She was generosity, gentleness, loyalty, honesty and strength in all that she did, teaching us well with her words and her actions. All of this was intertwined with her love for her family, faith and music her adopted country, not to mention her great pride for son-in-law Patrick, Le Senateur, and her grandchildren.

We have a lot to celebrate when our sadness diminishes and we can dwell on her beautiful life and her strength in dying. Mom's health problems started in 1989. It's been a long long road to arrive to this day. She never lost her patience, always kept smiling, never neglected to express her appreciation, saying goodbye to her last piano student only about a year ago and always with rosary in her hand.

Mom, your whole life was quite a concert. It was harmony with your music, your family and friends and your God. We will continue to sing your praises. Au revoir.

Mr. LEAHY. Cecile's son, Rene, spoke for himself and his children, Mark and Paul Pomerleau, and Mark's wife, Alison Paul. I ask unanimous consent that Rene's comments be printed in the RECORD.

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

REMARKS BY RENE POMERLEAU

Mon's death was blessed relief. The going was long and hard and she wanted to go. And it was hard for Marcelle and Pat, who were there and supported her in her need. And it was hard for those of us who loved her and the care givers, and couldn't be there to help.

And it was the same way with Dad.

But I'm going to miss her very much. I miss them both very much.

Mom was a friend. Both Mom and Dad were friends. More and more I realize what a good fortune that was, one that a surprising number of the people I know, and know of, can't claim.

I think I speak for Claude and Marcelle as well when I say that we've always thought of our parents as friends. Maybe we didn't use that word, always, but when I analyze my feelings and our actions, that's the word that describes it.

In Richmond, the home I remember best—because I left home for school when we lived there, and Vermont was more a place to visit—I don't remember an environment of intrigue and competition and distrust. I remember friends—the Carles; the neighbors on the right, Mr. and Mrs. Smallwood; Mrs. Reynolds on the left; Hay, who cleaned house for us once a week; Father Hodges, Father Perreira.

We were surrounded with their friends. They chose their friends carefully, and they tried to teach us to do the same.

Our parents left us a legacy of friendship. If we've made great friendships in life, if we're surrounded today by good friends, if we think of our relatives as friends first, it's thanks to them—and to people like them.

Mom may be joining Dad in a better place, but the place they've left is the better for their having been here.

And we're going to miss them.

Mr. LEAHY. Mr. President, her rich Roman Catholic faith was enhanced by her son, Claude, a priest with the Holy Cross Order. Claude visited his mother, both as son and as a pastoral friend. Together they talked as only they could, of the day when she would leave us. After her death we were reminded of her faith and love of family when we found a note she had written to herself to ask Claude if she could still pray for all of us after she went on to the next life.

Claude said her funeral Mass, and spoke with love, humor, and compassion. His words were such a comfort that I ask unanimous consent it be printed in the RECORD.

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

[Greeting]

May the God of all mercy and consolation be with you all.

[Sprinkling with water]

In the waters of baptism Cecile died with Christ and rose with Him into new life. May she now share with Him eternal glory.

[Opening prayer]

O God, source of all mercy and forgiveness, hear our prayer for Cecile whom You have called to the fullness of life.

Because she put her hope in you, may she be carried safely home, to enjoy her eternal reward.

We ask this through God, the source of all being, eternal word, and Holy Spirit, one God, forever and ever.

[Final commendation (after mass)]

Trusting in God, we have prayed together for Cecile. And now, we share a final prayer. There is sadness, but there is also joy of knowing that one day we shall all gather with her and sing to her accompaniment.

We may disperse in sorrow, but the mercy of God will gather us together again in the joy of the Kingdom.

We pray for this to God, the source of all being, eternal word, and Holy Spirit. God, forever and ever. Amen.

[Song of farewell]

[Prayer of commendation]

Into Your hands, O God of mercy, we commend our sister Cecile in the sure hope that together, with all who have died in Christ she will rise with Him.

Merciful Creator, turn toward us and listen to our prayers: open the gates of paradise to your servant and help us who remain to comfort one another with assurances of faith, until we all meet in God's Kingdom, with great rejoicing.

Amen.

HOMILY

(To Gary Moreau, musician, with whom Cecile collaborated for many years)

Gary, I begin by telling you that Mom asked me to play my clarinet with you at her funeral. When we talked about her death and the funeral, Cecile considered cremation. But then, she quickly realized that if I played my clarinet in front of the urn with her ashes, I would look like an Indian snake charmer trying to tame a cobra inside a basket. So, in order to leave me that musical option, she decided to be buried in a more conventional manner.

Recalling Cecile's sense of humor, we are gathered here in sorrow. Still, she has also left us a rich legacy, filled with joy and gratitude. These two virtues were an important part of her life.

Our sorrow accompanies the joy. It is precisely that which causes us sorrow that also becomes the fertile ground for our gladness. In her memory, we all become close friends, giving each other strength, and consolation, and expressing our gratitude. Thanks to Cecile's death, we become angels to each other.

''Nothing can make up for the absence of someone whom we love, and it would be wrong to try to find a substitute; we must simply hold out and see it through.

''That sounds very hard at first, but at the same time it is a great consolation, for the gap, as long as it remains unfilled, preserves the bonds between us, it is nonsense to say that God fills the gap; God does not fill it, but on the contrary, keeps it empty and so helps us to keep alive our former communion with each other, even at the cost of pain.''—Dietrich Bonhoeffer.

With Bonhoeffer's words, we also recall our communion with family and friends who give meaning to our present lives, Philippe (Cecile's husband, my dad), Howard and Alba (Patrick's parents), Ellen Pomerleau, Ida and Eli Bushnell, Henri Nouwen, Cecile's sister and brothers, Don and Kay McNeill, and Jean Paul Gaudette.

''Dying can become our greatest gift if we prepare ourselves to die well.''—Rev. Henri J.M. Nouwen.

I recall these recent words of Henri Nouwen. We don't all have such a gift. Cecile had it in abundance. She not only prepared herself, but she helped me, and all those who spent time with her in these last years to appreciate this gift. The preparation for death was consistent and definite, religious and secular; sometimes she was subtle, sometimes she was not. Even today, in this sacrament, she helps us to understand her death, and appreciate her life.

In a personal way, I thank you, Mom, for arranging this particular day. The sun is shining through the cold and bouncing off the snow. And, it may not be appropriate for all, but you called me away from one of the busiest weekends imaginable. And, everyone graciously agreed to replace me. And they all said, of course, take the time off, all the time that you need. So, for calling us all together, thanks Mom!

In this spirit, I'd like to talk about the gift that Cecile left us, the gift of preparing well for death, by turning life and its ending into a gift. This became especially obvious during her sickness, as she learned to cope with her physical limitations. This was not easy, and it challenged her, at times, a lot.

This gift of preparing well for death can be seen in three areas: In her family, in her music, and in her faith in God.

*In her family*

When Cecile became sick, some 6 years ago, she was gradually disabled, becoming increasingly dependent on her daughter and son-in-law, Marcelle and Patrick. She had to adjust, and so did they. It was difficult, it went against her independent nature. But, she did it by keeping in touch with all the family and many of her friends.

She continued to be a communications center for the family, linking cities by letters and phone calls. Washington, DC, Burlington, Montreal, Chicago, Portland, Mexico, Chile, France. Friends that she had made during her visits to Europe, to Mexico and to Chile from 1986 to 1989. Her dear friends in Santiago, especially Walter and Bernardita, Juan-Pablo, Berni and Teresita, and the Navarretes in Mexico City, especially Tomas and all the brothers and sisters; Ellen Marie and all the children of Tony and Rita.

As sickness closed in, Cecile's world should have too. Instead she continued to force open the door. Friends in Chile, politics and family in Canada, and the past became present. Stories about her childhood and grandparents and aunts and uncles were repeated and some stories were told with much laughter and others with tears. Joseph Robert, an uncle of her great grandmother's was hung by the British in the Riel Rebellion in 1837. She translated most of the book on this rebellion by Jules Verne's (*Famille sans nom*). Last year, she also finished translating into English the history of the Bouchards as told by her father, Arthur Bouchard.

As for her new living arrangement in Goodwin House, her circle of friends was large—all the better to publicize the talents and exploits of her children. And, of course, to campaign for her favorite ''Senateur Leahy'', and the Democratic Party. I'm not aware that she made any illegal contributions to the campaign, but other dubious events were noticed. To grumpy Republicans, especially those who treated their wives with less than respect at games of bridge or during physical therapy, she was known to have run over their toes with her walker. Patrick and I took to calling her the Dennis Rodman of the walker set.

*In her music*

Soon after receiving her music diploma at 17, she began teaching, and remained a music teacher to the end. During that long and colorful career, she played the organ, the piano, she sang, she directed choirs at church, at school and for anyone who asked. She was president of the Athena Club, representative in Vt. of the National Association of Piano Teachers, a judge for piano auditions throughout the Northeast, and travelled to workshops at Priinceton and yale. Music was a remarkable area of gifts and generosity for Cecile.

In Chile, she gave lessons to students and friends; at Goodwin House, she continued to teach piano to the children of her nurses and maids who came from Central America, Africa, Vietnam. She sang in the house choir, and went to operas and concerts until last year. For Cecile, music was her first language, her contact with the divine, her discipline for ecstasy. Beethoven was the expression of the divine that she most enjoyed. She transcribed a Beethoven sonata for piano and clarinet, and we played it at every opportunity. While her own appreciation was specific (some might even say narrow—I never heard her play jazz, much less ''grunge,'' nor put ''rap'' to music), she still enjoyed anyone who was sincere and knew music. She once played for a wedding with a young rock guitarist. She improvished while he played. Afterwards, she told us that she was a bit surprised and annoyed by his lack of appreciation, because he had commented to her: ''Lady, you play a mean organ.'' Marcelle explained to her that this was really meant as a compliement.

*In her faith in God*

The center of Cecile's spirituality consisted in making her family and friends present through her rosary. When I said mass in her room, she would insert a litany of intentions that included all persons from the present to the 19th century! But the rosary was her constant companion and her favorite way of making her loved ones present to her, and available to God. God was not a complicated and unknowable source of transcending bliss and light, nor was God a complicated web of metaphysical abstractions. God was someone you spoke to, to whom you gave thanks for family and the gift of friends, two-legged or four-legged ones.

After listening to the news and weather, she located every religious program on the tube, including ''that Mother Angelica'' (when she could remember her name). ''That nun'' she would say ''is racist, sexist and narrowminded. And, those priests who say mass often don't know how to preach. So, I turn down the volume and say my rosary for them.'' The rosary, again. It was her instrument of theological reform and renewal!

And she talked a lot about life after death, with longing (especially last year), but also with curiosity. She often asked me what heaven might be like after death. ''What new things are they saying about death,'' she would ask. She would laugh (at my sputtering), and then we'd have a cup of tea.

*Conclusion*

There's much to include in these three categories, but it is clear that for her, they were sacramental categories, that she came in contact with God in family, in music, and in prayer, especially with the prayer of her rosary.

So, today, we too stay in communion with her, and with God, through the sacrament we

are celebrating. Even though it is the middle of winter, cold with snow (not weather that Cecile appreciated), we bless, and offer up this bread and wine in memory of God's love and compassion for us, and in memory of Cecile's presence, that of death as well as life eternal.

We celebrate the death and resurrection of Jesus, knowing that this gives special meaning to all our family reunions and human relationships. God's presence is everywhere, giving meaning to the presence of Cecile's absence. ''The presence of that absence is everywhere,'' in the words of Edna St. Vincent Millay.

We don't just use these humble gifts of bread and wine. Rather we let them speak to us of joy and sorrow, of presence and absence, of faithfulness and sacrifice. The Eucharist reminds us that it is God's gift to us to be fruitful. It is a human activity to be productive, a divine gift to be fruitful. In this Eucharist/sacrament, we receive that gift from God. For that gift, and for peace, we now give thanks.

In the words of the Kaddish, ''May God who establishes peace in the heavens, grant peace unto us and unto all Israel, And say yes, Amen.''

Mr. LEAHY. Mr. President, Marcelle and I loved our parents and we were loved by them. During the past decade and a half, we have seen them all leave—Howard, Phil, Alba, and Cecile. Such good friends and such good parents are in our memories today.

It is strange, but I still find myself stopping momentarily now and then as if to call each of them, perhaps to say thank you for all each gave, to tell them their love will live on in their children and their grandchildren, but I think they knew that. They knew how much their children loved them. They knew how much their grandchildren loved them. And at a time when it becomes almost a cliche to talk about family values, our parents gave such great family values to us. The love of all the children for them has been so strong, and the grandchildren, especially, were fortunate to have grandparents that they could know and love.

We lost Cecile last February, but this February, a year later, her first great grandchild, Roan Seamus Nichols Leahy, joined the family. Knowing Cecile, she would consider this timing quite fitting, and her wonderful heart, if she were still alive, would expand to include him in her love with all the rest of us.

I say au revoir, Maman.

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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that I be allocated the time that has been assigned to Senator DORGAN as if in morning business.

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

Mr. DURBIN. Thank you.

## TOBACCO LEGISLATION

Mr. DURBIN. Mr. President, at the outset I would like to say to my colleagues in the Senate and those who are witnessing this Chamber this morning that we have a unique opportunity this year to do something of value not only for the children of this country but for many others. It relates to an issue that I have been involved in for over 10 years. It started a little over 10 years ago when as a Congressman from Illinois I was about to catch an airplane in Phoenix, AZ, to Chicago, but, as usual, I was late. I came rushing into the airport in Phoenix, AZ, put my ticket on the counter of United Airlines, and said to the flight attendant, ''Can I make this plane?'' She punched it into the computer and said, ''You can if you hurry.'' I said, ''Can you get me a seat in the nonsmoking section?'' She punched it into the computer, and said, ''No. I am sorry. It is too late. The only seat we have is a middle seat in the smoking section.'' I looked at her, and I said, ''I know I am in a hurry, but isn't there something you can do?'' She looked at my ticket, and she looked at my title, and she looked me in the eye, and said, ''No; but, Congressman, there is something you can do.''

So I got on that airplane and flew from Phoenix to Chicago seated between two sumo wrestlers chain smoking the whole way. I turned my air vents on, one and then the other, and realized when I got off that plane that my clothes were stinking, my sinuses were clogged, and I was grumpy. But I still would be alive. I looked a couple of rows away and saw a woman with a tiny baby and, on the other side of the plane, an elderly person. I thought to myself, this doesn't make any sense at all. Why do we let people smoke away in the cabin of an airplane and endanger the health and lives of other people?

So I came to Washington and in 1987 introduced legislation to ban smoking on airplanes. I never dreamed that it would be successful. In fact, it was the first time in its history that the tobacco lobby had lost a major vote on the regulation of their product on the floor of the House of Representatives. It was a bipartisan effort. I never would have succeeded without the intervention of Senator Claude Pepper, who was chairman of the House Rules Committee, my friend; and Mike Synar, the late Congressman from Oklahoma; HENRY WAXMAN of California, and some others.

It really started in my political career an effort to take a close look at tobacco. Now, almost 11 years later, that wave that was just starting to rise in 1987 is about to crest in 1998. We have a chance now to not just deal with the annoyance and danger of secondhand smoke but something much, much bigger. We have a chance to enact legislation in 1998 that will dramatically change, in America, our view of tobacco as a product for sale. If we are successful, if we do our job, we will finally say that the law in every State in the Nation which bans the sale of tobacco products to children will be enforced. What a breakthrough that would be for us to finally come to grips with the fact that these tobacco companies with their insidious strategy and their advertising have been going after our kids. That is it.

They lose 2 million of their best smokers each year; 400,000 die from tobacco-related diseases, and 1.5 million or so quit. Well, if you are in the corporate board room of RJR or Philip Morris, you say, ''I have a problem. Two million customers gone. We have to replace these customers. Where are we going to go?''

Well, we found out as we have surveyed that when a person reaches the age of 18 and beyond, they are less likely to decide for the first time to smoke. They are a little more mature. They know the danger, and they stay away from it. But these corporate leaders in the tobacco companies know that if they can get kids to start smoking, they might have customers for life, albeit an abbreviated life for many smokers.

So we see Joe Camel, we see Marlboro's cancer cowboy, and we see all these efforts to glamorize tobacco. For what purpose? Ultimately so the children will try to smoke. Oh, these tobacco companies do a great job. You know what happens? Every single day in America 3,000 kids start smoking for the first time. A third of them, 1,000 of them, will find their lives shortened because of that experience. Kids who become addicted to nicotine become smokers for life. The tobacco companies win. The kids lose. Their parents lose. America loses.

We have a chance this year to change it. But we may blow that opportunity because, unfortunately, this Senate, and the House for that matter, have become tangled up in the politics of this issue and can't see the forest for the trees. If we miss this chance this year to do something about this effort to addict our children, we may never have it again.

The President and Vice President have been leaders on this issue. We would not be here today discussing it were it not for President Clinton's leadership. And we have seen many others, 42 States' attorneys general, who brought lawsuits against the tobacco companies and said, now it is time for you to pay for the damage you have caused to America by tobacco products; now it is time for you to be held accountable for your lies, your fraud, your deception, your advertising directly at children.

So we are here today and the ball is in our court. Will we do something about it? Take a look at this. This is the situation. Here is the 1998 teen smoking report. How many kids will be hooked today? Three thousand. How many kids have been hooked so far this year? Mr. President, 213,000. How many

kids will die too young because Congress has failed to act this year? Mr. President, 71,000. How many days are left for Congress to act? Sixty-seven days. And the count goes up every single day—more kids addicted to nicotine, addicted to tobacco; more kids who will die.

We are told repeatedly this is a short session; we do not have a lot of time here. We have just 67 days and then we have to get back to other things. What is more important? What could be more important than the lives of our children? What could be more important than this opportunity in history for the first time—the very first time—that we can do something? Think about it. If we said, as part of our legislation, legislation I support, that the tobacco companies have to show reductions in kids smoking or they are going to pay more, guess what will happen. They will reduce the number of sales to kids. They will watch it more carefully. If we say to these tobacco companies that we are sick and tired of your insidious advertising at sporting events and all sorts of billboards near schools—we know what is going on here—it is coming to an end, we can do it; we can do it this year.

There is more. We also have to take the money that will come from this effort—from additional fees, for example, on tobacco products—and make sure that it is well spent on antitobacco advertising, on medical research, and on so many other things the President has suggested.

The President wants to take these funds and put them into the basics, make sure there is money for education, make sure there is money for child care, make sure there is money at the NIH for medical research. This is money that is well spent and well invested. But we can miss this opportunity. We can find ourselves twisted in knots. Unfortunately, we may find, if that occurs, we may never have this chance again.

Today is March 12; there are 67 days left on Capitol Hill to take action on an antitobacco bill. If we are going to do this, the Senate needs to finish up its work on this bill by Memorial Day and no later. There are 3,000 reasons each day to pass this legislation—the 3,000 kids who start smoking for the first time. There are no good reasons not to. When you count the days and you count the kids and you count the cost, I think you understand the gravity of this situation. We have offered comprehensive legislation. I hope we can count on our friends on the other side of the aisle to join us.

Yesterday the committee hearings focused on details of tobacco legislation—immunity, liability, committee jurisdiction—but it is time to bring the focus back where it belongs. This is not about the details of the legislative process, it is about our children. Let's send a bill to President Clinton that he can sign. We certainly owe it to America's kids to stop stalling and start saving lives.

## JUDICIAL NOMINEES FOR THE FEDERAL DISTRICT COURTS OF ILLINOIS

Mr. DURBIN. Mr. President, while on the subject of the calendar, let me tell you I have waited patiently now—as has the Senator from Illinois, Senator CAROL MOSELEY-BRAUN—I have waited since November 1997 for the Senate to take up consideration of two Federal District Court Judges of Illinois. Patrick Murphy of Marion, IL, is a nominee for the southern district; Michael McCuskey, now an appellate court judge at the State level, is our nominee for the central district. We have waited patiently for over 100 days while these names languished on the Senate Executive Calendar. During that period of time, other judges' names have come and gone, been approved by the Senate, but the two nominees from Illinois sit and languish.

It is bad enough that these two gentlemen, for whom there has been no negative comment, no suggestion that they are not qualified—it is bad enough that their lives have been interrupted because of the Senate's failure to act. What is even worse is that for the people they would serve in southern and central Illinois, there are vacancies on the Federal bench. The southern district of Illinois has the third oldest judicial vacancy in the Nation. We have seen over 1,900 days have passed since there was a judge in this seat, more than 1,000 days in the central district. These high vacancy rates for the Southern and Central Districts of Illinois are causing a great hardship, not only on the judges who are sitting and trying to meet their responsibilities but on those who come to the courthouse and expect, as every American citizen, every American family, and every American business should, that they will be handled fairly and in an expedited fashion.

I think it is time for us to act as a Senate on these two nominees. I will stand on this floor and gladly defend each of these nominees because I know the stellar qualities that they bring to this appointment. But the Senate has to meet its responsibility. It has to call these names for consideration.

We have seen, unfortunately, over the last year or so, a pattern in the Senate which is distressing. Last year, President Clinton had only 45 percent of the nominees for the Federal bench that he sent to the Senate who were actually confirmed. You may say that probably is what the average is, is it not? In fact, it is not. Under Presidents Reagan and Bush, the confirmation rate of their nominees, by a Democratic Senate, was substantially higher—70 and 80 percent.

Some of the Republicans say, ''I wish the President would send us more qualified people.'' Yet when you take a look at the ratings of the President's nominees by the American Bar Association compared to the nominees sent by President Reagan and President Bush, these are actually better nominees. They rate higher by the American Bar Association, one of the few standards that we use to grade men and women who are being appointed to the bench. So, clearly, we are being sent qualified people in a timely fashion to fill needs in Federal judicial courts across America. Yet the Senate acts too slowly or refuses to act.

I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens.

I hope my colleagues in the Senate will join me and this week we can finally see the logjam broken, not only on these judicial appointments, but also on this critical legislation. With only 67 days left for us to go to work, let's make sure we do not miss the most important issues and challenges facing us.

I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to address the amendment to be voted on in 4 minutes.

Mr. KERREY. Will the Senator yield?

Mr. WARNER. How much time does my colleague need?

Mr. KERREY. Three minutes?

Mr. WARNER. Then we will accommodate the Senator. Take 4.

## THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I would like to commend my Democrat and Republican colleagues for their hard work in creating a transportation bill that will reduce traffic congestion, make our roads safer, and protect the U.S. environment. ISTEA, the Intermodal Surface Transportation Efficiency Act, is one of the most important items on the legislative agenda of the 105th Congress.

The American people deserve nothing less than a world-class transportation system that will facilitate economic growth and improve transportation safety. This bill achieves that goal in a fair manner and guarantees that America's transportation infrastructure will be vital well into the next century.

ISTEA is an investment in people and in communities. The Nation's transportation systems move $6 trillion worth of goods every year. Behind every one of the products that makes up that $6 trillion stands a hard-working person pursuing the American dream. ISTEA will create jobs and add to the productive capacity of our workers and the economy by enabling businesses to market their products quickly and efficiently. The American people have challenged us to provide infrastructure that can meet the transportation needs of one of the strongest economies of the world. With this bill, we are meeting their challenge by providing them the sources necessary to create and maintain the transportation infrastructure that will keep America strong.

One of my top transportation priorities has been improving safety on America's roads and highways. Mr. President, 41,000 Americans are killed every year in traffic accidents. We can reduce this horrifying number by concentrating our resources on high-risk roads and dangerous intersections. We know, for example, that rural two-lane roads account for more than half of all traffic and nearly three-quarters of traffic fatalities. Better engineering and planning can reduce the accidents that repeatedly occur on these dangerous roads.

I introduced several amendments to address this very serious problem. The first amendment systematically makes safety a priority consideration in highway construction and maintenance programs. This language sends a strong message to Federal, State, and local transportation planners that they need to focus on enhancing safety. The second amendment establishes a two-lane highway safety program to begin systematic reconstruction of rural two-lane arterial highways that are not a part of the National Highway System.

Mr. President, I intend to speak at greater length on this when the opportunity comes to offer this amendment. It has not yet been accepted. I understand that it can be controversial because of the need to shift money from one area to another. Given the numbers of traffic fatalities on these roads, there are literally lives hanging in the balance. We have created a strong Interstate and National Highway System. It is now time to take the next step in completing this by improving the dangerous two-lane arterial roads that carry traffic to the National Highways and Interstate Highway Systems.

In addition, I authored two amendments to address the very serious problem of accidents at railway crossings. I am pleased to report the Senate accepted both of these amendments. These provisions focus attention on reducing accidents by making highway rail-crossing improvement projects eligible for funds through the Intelligent Transportation Systems Program and the Innovative Bridge Research Program.

In 1996 alone, there were 4,257 highway-rail crossing collisions that resulted in 488 deaths and over 1,600 injuries. These incidents are mostly preventable if adequate safety precautions are taken. As the volume of rail traffic continues to increase, dedicating funds to these dangerous crossings will help ensure the number of accidents is reduced. The Senate took a strong step towards reducing these collisions by accepting these amendments, and I strongly encourage the House to place a similar emphasis on highway-rail crossing safety when they consider ISTEA in the coming weeks.

Mr. President, I also appreciate very much the strong vote given on this floor to extending the ethanol credit. But mostly I applaud the leadership of Republicans and Democrats who understand the importance of ISTEA to the American economy and the American environment and to those hard-working Americans who are pursuing the American dream.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Omaha World-Herald dated February 26, 1998.

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

[From the Omaha World-Herald, Feb. 26, 1998]

CONGRESS MUST UNLOCK ROADS FUNDS

[By Rose White]

Have you ever been in a financial situation in which ''robbing Peter to pay Paul'' was the only way to get through the crisis? One of Nebraska's largest agencies is currently in this situation, and it's an agency from which we all benefit—the State Department of Roads.

As a result of Congress' failure to reauthorize a multi-year federal highway bill known as the Intermodal Surface Transportation Efficiency Act, repairs on dilapidated bridges, safety improvements on high-risk roads and major construction projects are being forced to wait in limbo. The Nebraska Department of Roads has had to borrow from the state reserve fund to provide temporary relief.

What's truly unfortunate about this situation is that the money we need for this year's construction season is sitting in an account waiting for congressional leaders to approve reauthorization of the ISTEA. Without its passage, the Nebraska Department of Roads will be powerless in executing many of its long-range plans for roadway improvements.

The temporary extension of the highway funding bill is due to expire on March 31, leaving little time for legislators to agree on a spending formula which will ensure its passage.

How will failure to pass this legislation affect motorists in Nebraska? It already has disrupted Nebraska's ability to plan, solicit project bids and approve contracts. Uncertainties about funding may cost hundreds of Nebraska workers their jobs.

With Nebraska's short road construction season, it's imperative that funding be designated now or projects will have to wait until next year where they will overlap with 1999's plans. Such overlapping will likely increase traffic congestion, put motorists at a greater safety risk and create shortages in manpower for construction crews.

Failure to pass this bill has also placed many safety programs in jeopardy. Programs benefiting infants through senior adults will be lost because Nebraska will lose $600,000 in grant funds tied to this bill. Law enforcement agencies will not receive 150 in-car video cameras and will lose funding for 4,200 man-hours of traffic enforcement in hazardous locations. Child safety seat loaner programs will have 400 fewer units to lend.

* * * * *

AAA Nebraska is urging Congress to act quickly on the reauthorization of the Intermodal Surface Transportation Efficiency Act, including the passage of the Byrd-Gramm Amendment which will increase roadway investments about 2 percent if budget surpluses are realized this year.

A Senate speech by Nebraska Sen. Bob Kerrey is quoted in the Feb. 5 Congressional Record: ''For me, ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my state, but much more importantly, it adds to the productive capacity out in the future.''

AAA encourages Senator Kerrey to continue to fight for passage of this important legislation and urges our other congressional leaders representing us in Washington to do the same. Nebraska is counting on it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry as to the next order of business. My understanding is we go to the bill at 10:30, at which time the McCain amendment is the pending business without debate?

The PRESIDING OFFICER. The Senator is correct.

## EXTENSION OF MORNING BUSINESS

Mr. WARNER. I have been informed by the majority leader's office that there is a necessity to delay the vote by, say, 15 minutes. Therefore, I ask now that the hour of 10:45 be established as the time at which the bill will be brought up, and then the pending UC will take effect at that point.

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

AMENDMENT NO. 1726

Mr. WARNER. Mr. President, we will, therefore, continue in morning business. I would like at this time to address the McCain amendment, which will be brought up shortly after the hour of 10:45, when the Senate goes to the bill. It is my intention to be a supporter. I ask unanimous consent I may be made a cosponsor.

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

Mr. WARNER. Mr. President, the senior Senator from Arizona has established himself many times in terms of his desire to have fiscal responsibility on a series of legislative proposals as they come before this body.

I wish to commend him. This one I feel very strongly should receive the support of all 100 Members of the Senate. I say that because the highway bill has been given careful consideration by the Senate for almost 2 weeks. Hopefully, we can vote final passage in a matter of hours. Of course, we understand it will then go to conference.

I did a little research about demonstration projects. That is the subject of the McCain amendment. The first paragraph of the McCain amendment says:

Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to the Federal-aid highways and highway safety construction programs.

In essence, if a State wants a demonstration project and a Member of either body gets that on to the bill, then it counts toward their quota. I think it is very sensible because, historically, here is what has happened.

The surface transportation bill in 1987 was, Mr. President, the first time demonstration projects were authorized on that bill, approximately $1 billion to $2 billion. During ISTEA 1991, I was a member not only of the committee but a conferee. I was in about the second or third row, and I watched what took place. The demonstration projects flowed in the course of the bill being developed in the House and then in the conference. The result: The grand total was $6 billion of demonstration projects.

When the Environment and Public Works Committee started work on this legislation, it was in my subcommittee which I chair, and with the distinguished ranking member, Mr. BAUCUS, the committee decided that we would not put in demonstration projects. That philosophical decision has carried through to this moment. In this bill, as amended, to the best of my knowledge, there are no demonstration projects, and we have achieved our goal so that we will go to conference with zero, with an allocation of the money to the several States, hopefully in the range of 91 percent return on that dollar paid by citizens of that State or visitors at the gas pump. That was a goal I charted in the subcommittee work. It had solid support in the subcommittee, we had solid support in the full committee, and I am proud to say we have achieved that equity in this bill.

If we begin to put in, in conference, the magnitude of demonstration projects approximating what was done in 1991, watch out; that 91 percent is going to disappear. Therefore, I think it is important that we will carry this bill through today without demonstration projects.

There is another reason. I went back and looked at the 1991 bill. About half of those projects under that legislation have never been completed to this date, 6 years later, and the reason is that a Member of the U.S. Congress, if he or she is successful in getting a demonstration project, gets $2 million or $3 million authorized, goes out with a press release, gains all the notoriety for bringing home something, and then what happens? The State, which has overall authority over what is really going to be built in that State, decides, one, it is not a priority item for the State and, two, they are not going to put up the matching funds to develop the project. As a consequence, we now have, of the 1991 bill, half the funds languishing when they could have been spent elsewhere, perhaps within that State, or for other really high-priority projects. The result has been a large percentage of these funds have not been spent because they are not priority projects in that State.

Further, setting aside funds for these projects grossly distorts our objective to achieve equity and fairness in the distribution formulas. Historically, project funds are not calculated in each State's return in their contributions to the highway trust fund.

The amendment by Senator MCCAIN is an important statement for the Senate to take to the conference. I thank the Chair. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since the vote is now set at 10:45, I ask unanimous consent to proceed in morning business for 10 minutes.

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

## EXPANSION OF THE KEN STARR INVESTIGATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the calls for Mr. Ken Starr to end his investigation and to urge the public and the media to give Mr. Starr an opportunity to finish his work, to put the issue on the back burner, to accord the President the presumption of innocence, to accord the same presumption to Mr. Starr—put the matter on the back burner so that we can focus on the pressing problems of Iraq, the budget, the highway bill and the other important matters to come before the Government.

There has been much questioning of why Ken Starr has taken so long on the investigation of the Whitewater matter and how he has jurisdiction over the incident involving Ms. Monica Lewinsky. There has not been an explanation, to the best of my knowledge, as to the activities of Mr. Starr which have been expanded so substantially and the kind of delays which have necessarily been involved in the work of independent counsel, something that I understand, having been district attorney of Philadelphia and having run a number of grand jury investigations.

People wonder why Mr. Starr has moved from Whitewater to Ms. Lewinsky. The fact of the matter is that he has done so at the specific request of Attorney General Reno. We know how circumspect Attorney General Reno has been with the appointment of independent counsel. But he was asked to do so because matters came to light which suggested a connection with the way that Mr. Webster Hubble was offered employment outside of the District of Columbia, arranged by a certain individual with a certain firm outside of Washington, DC, and then the same offer was made to Ms. Lewinsky. When these matters were called to the attention of Attorney General Reno, she asked Mr. Starr to expand his jurisdiction.

But that was not the first call for the expansion of Ken Starr's jurisdiction. He was appointed as independent counsel on August 5, 1994, to take over the investigation which had been conducted by independent counsel Robert Fiske which involved the Madison Guaranty Savings & Loan matter which resulted in the conviction of three individuals, including the former Governor of Arkansas, Governor Tucker, and all aspects, including the alleged multimillion dollar fraudulent bankruptcy engaged in, again, by former Governor Tucker and two other individuals.

Mr. Starr's jurisdiction was then expanded on May 22 of 1996 to investigate possible violations of Federal criminal law concerning the firing of White House Travel Office employees, a major investigation.

Then another expansion of Mr. Starr's jurisdiction occurred on June 21, 1996, when he was asked to take over the investigation relating to matters of the Federal Bureau of Investigation reports for background investigations being turned over to the White House between December 1993 and February 1994, another highly controversial and complex matter.

A third occasion was brought about where, again, Mr. Starr was asked to expand his jurisdiction on October 25, 1996, to determine whether White House counsel Bernard Nussbaum had violated Federal law before the U.S. House of Representatives Committee on Government Reform and Oversight.

A fourth expansion of Mr. Starr's jurisdiction occurred on January 29 when he was asked to take a look at the issue as to whether Ms. Monica Lewinsky had suborned perjury, obstructed justice, intimidated witnesses or otherwise violated Federal law.

If you take a look at just one item on the agenda of what Mr. Starr has had, and that is the investigation of former Governor Jim Guy Tucker, that matter occurred on his jurisdiction on September 2, 1994, when the Department of Justice confirmed Mr. Starr's jurisdiction.

On June 7, 1995, the Little Rock grand jury returned a three-count indictment against Governor Tucker.

On September 5, 1995, the district court dismissed the indictment.

Then it was not until December 12, 1995, that Mr. Starr argued the matter before the eighth circuit asking that the indictment be reinstated and that the judge be removed.

On March 5, 1996, the Eighth Circuit reinstated the indictment and dismissed the judge.

Between March and October of 1996, Governor Tucker and two other defendants took appeals to the Supreme Court of the United States, which were not denied until October 7, 1996.

On October 22, the case was assigned to another judge. The trial date was set on October 21 and an application for continuance was filed by Governor Tucker on October 31, and it was granted until March 17.

Because of the limitation of time, I ask unanimous consent that the full chronology be printed in the RECORD.

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

TUCKER I CHRONOLOGY

August 31, 1994—Judge Starr writes letter of referral to Attorney General Reno seeking confirmation of jurisdiction over the Tucker I investigation.

September 2, 1994—Acting Assistant Attorney General John C. Keeney writes Judge Starr confirming jurisdiction.

June 7, 1995—Little Rock grand jury returns a 3-count indictment against Governor Tucker.

September 5, 1995—District Judge Henry Woods dismisses the 30-count indictment on grounds of lack of jurisdiction.

December 12, 1995—Judge Starr argues before Eighth Circuit Court of Appeals seeking reversal of the dismissal and recusal of Judge Woods for bias.

March 15, 1996—Eighth Circuit panel unanimously reverses Judge Woods' dismissal, orders reinstatement of indictment, and removes Judge Woods from the case.

March–October 1996—Governor Tucker and the two co-defendants file petitions for rehearing (unsuccessfully) and then petitions for *certiorari* in the United States Supreme Court.

October 7, 1996—Supreme Court denies *certiorari*, and remands the case to the District Court in Little Rock for trial.

October 22, 1996—Case reassigned to Chief U.S. District Judge Stephen M. Reasoner.

October 24, 1996—Trial is set for December 2, 1996.

October 31, 1996—Governor Tucker files a Motion for Continuance of December 2, 1996 Trial on health grounds.

November 14, 1996—District Court enters order postponing Governor Tucker's trial and setting new trial date of March 17, 1997.

December 25, 1996—Governor Tucker gets liver transplant.

January 31, 1997—Governor Tucker files a second Motion for Continuance of trial.

February 11, 1997—District Court enters Order continuing trial date to September 22, 1997.

June 4, 1997—Governor Tucker files third Motion for Continuance of trial date.

July 22, 1997—District Court enters order granting Governor Tucker's further continuance, continuing trial date yet again.

August 15, 1997—Court denies Haley severance motion to grant Marks' continuance. Trial for all three defendants is set for March 9, 1998.

August 26, 1997—William Marks pleads guilty, signs cooperating agreement, begins cooperation with the United States.

November 6, 1997—Anticipating a *fourth* Motion for Continuance by Governor Tucker, OIC files a Motion to Retain or Advance Trial Date.

December 6, 1997—District Court enters Order setting firm trial date of February 23, 1998, and suggesting no further continuances will be granted.

February 20, 1998—Governor Tucker and co-defendant Haley plead guilty, sign cooperative agreements.

Mr. SPECTER. The long and short of this, Mr. President, is that from September 2, 1994, until February 20, 1998, the case involving former Gov. Jim Guy Tucker was pending with a whole series of complex legal maneuvers, until on February 20 of this year, former Governor Tucker entered a guilty plea and signed cooperative agreements.

Without taking a look at the specifics, it is hard to see why Mr. Starr has taken so long. But this is just one item on the agenda, and the chronology shows why so much of the delay has occurred.

I ask unanimous consent, Mr. President, that the chronology as to Ms. Susan McDougal be printed in the RECORD showing exhaustive applications from August 17, 1995, until March 9, 1998, involving the immunity grant and the refusal of that witness to testify.

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

SUSAN MCDOUGAL CHRONOLOGY

August 17, 1995—A federal grand jury in Little Rock returns a 21-count indictment charging Susan McDougal, James McDougal and Governor Jim Guy Tucker with fraud-related charges.

March 4, 1996—The trial of Susan McDougal, James McDougal and Governor Tucker begins before U.S. District Judge George Howard, Jr.

May 28, 1996—The trial jury finds Susan McDougal guilty of three counts: (1) Mail Fraud; Aiding & Abetting Misapplication of SBIC Funds; (2) Aiding & Abetting False Entry in SBIC Records; (3) Aiding & Abetting False Statement on an SBIC Loan Application.

August 20, 1996—Judge Howard sentences Ms. McDougal to: 24 months BOP; $5,000 fine, $300,000 restitution, community service, and $200 special assessment.

September 3, 1996—United States District Judge Susan Webber Wright, who handles Grand Jury matters in the district, enters an order granting Ms. McDougal immunity and ordering her to testify before the Grand Jury.

September 4, 1996—Ms. Dougal appears before a Federal Grand Jury in Little Rock, Arkansas, and refuses to testify.

September 6, 1996—Judge Wright orders Ms. McDougal held in contempt for her refusal to testify before a Grand Jury. Judge Wright orders Ms. McDougal to be detained until she agrees to testify or until eighteen months has passed.

September 9, 1996—By arrangement with Judge Wright, Ms. McDougal surrenders to the U.S. Marshal to begin her civil incarceration.

September 19, 1996—Judge Wright denies Ms. McDougal's Motion to Vacate Civil Contempt.

September 23, 1996—President Clinton interviewed on PBS–TV's ''News Hour'' by Jim Lehrer about possible pardon for Susan McDougal. (See page 8 of ''News Hour'' transcript)

October 3, 1996—Susan McDougal waives her right to oral argument in the matter of Judge Wright's contempt Order.

October 9, 1996—The United States Court of Appeals for the Eighth Circuit (Bowman, Loken, and Hansen) affirms Judge Wright's contempt Order.

November 14, 1996—Judge Wright denies Ms. McDougal's second Motion to Vacate Civil Contempt.

February 14, 1997—OIC writes Counsel to the President Charles Ruff, requesting that the President publicly urge Susan McDougal to testify before the grand jury in Little Rock. (See Chronology of Correspondence with White House on Susan McDougal's Refusal to Testify Before the Grand Jury)

June 30, 1997—Judge Wright denies Ms. McDougal's third Motion to Vacate Civil Contempt.

July 18, 1997—Judge Wright denies Ms. McDougal's motion for reconsideration of the Court's June 30, 1997 Order.

February 23, 1998—The United States Court of Appeals for the Eighth Circuit (McMillian, Gibson, and Beam) affirms Ms. McDougal's May 28, 1996 conviction.

March 9, 1998—Ms. McDougal's confinement for civil contempt expires, and she begins serving the 24-month fraud sentence previously imposed by Judge Howard on August 20, 1996.

Mr. SPECTER. Mr. President, there have been frequent misunderstandings, as matters have been reported, one as recently as Senator LOTT's—our distinguished majority leader—comments over the weekend talk shows with his statement about Mr. Starr ending his investigation being taken entirely out of context, something that Senator LOTT has explained.

Several weeks ago, I made a comment that I thought Attorney General Reno erred in appointing Mr. Starr to the Lewinsky matter because the American public would not understand why he was on the President's personal affairs after having started on Whitewater. No criticism at all of Mr. Starr, but it was my view that Mr. Starr would become a lightning rod for the investigation, taking focus away from the real subjects of the investigations. My comments were interpreted to be critical of Mr. Starr, which they, in fact, were not.

I think it is true that Mr. Starr has not run a perfect investigation, and I commented publicly that it is not easy in the course of one of these complex matters, again relating to my own experience in operating grand juries as district attorney, when he brought before the grand jury certain witnesses on obstruction-of-justice charges, which seemed to me to be a misreading of the statute.

But one thing that must be remembered is that the Attorney General of the United States, Janet Reno, has full authority to remove Mr. Starr or to limit his activities if she chooses to do so. In fact, her superior, the President of the United States, has the authority to order the removal of Mr. Starr, not saying he would do so in the light of our experience with the ''Saturday Night Massacre.'' But the Attorney General of the United States does supervise what is going on here and so does the three-judge court.

Taken in its entirety, there is ample justification for the length of time which has been taken, and that if anybody other than Mr. Starr had been asked to take over the investigation relating to Ms. Monica Lewinsky on January 29, 1998, it would be hard to understand how anybody less than 2 months after that fact would be calling for him to terminate his investigation.

So it is my hope that we will all take a deep breath, let Mr. Starr continue his investigation, put it on the back burner, take the pressure off the President, give him the presumption of innocence until the investigation is completed, and give Mr. Starr the similar presumption of propriety as to what he is doing so we can move forward to the very important business at hand in this country, including the ISTEA legislation.

I note the hour of 10:45 has come. And ISTEA is the pending business which will occupy the country, much to the benefit of the country, contrasted with the matters relating to Mr. Starr and the President on that pending investigation.

I thank the Chair and yield the floor.

## THE BULLETPROOF VEST PARTNERSHIP ACT

Mr. REID. Mr. President, during a much earlier stage in my life, I was a police officer. It was a different time. Police officers were treated much differently then than now. One of the things I did not have to worry about was wearing any type of bulletproof vest or body armor. That is not the case today. Things are much different than when I was a police officer.

Now all law enforcement officers in the United States, sadly, must be concerned about being shot or in some way harmed as a result of their being a police officer. Because of that, Mr. President, I am very happy to commend this body for the passage of the Bulletproof Vest Partnership Act, which was passed last night by unanimous consent in this body. I commend Senators LEAHY, CAMPBELL and HATCH for working on this legislation with this Senator and others. We ask that this matter be acted on very quickly by the House and sent to the President as soon as possible.

This bipartisan legislation creates a $25 million fund and a 50 percent matching grant program within the Department of Justice to help State and local law enforcement agencies purchase body armor and bulletproof vests. The State of Nevada will receive at least $200,000 each year for this.

According to the Federal Bureau of Investigation, more than 30 percent of the approximately 1,200 police officers who have been killed by firearms since 1980—30 percent, I repeat—would have had their lives saved if they had been wearing bulletproof vests or body armor of some kind.

The FBI estimates that the risk of fatality to officers while not wearing these body protectors is almost 14 times higher than those wearing such body protection. We hear all the time about police officers who do not have the same protection that criminals have. And that is the truth. It is a sad state of affairs when criminals many times are better protected on our streets than our law enforcement officials are.

We cannot allow the criminal element to have the upper hand. One thing we can do is what we are doing in this legislation to protect law enforcement officers all over the country, including the State of Nevada, who put their lives on the line every day to protect us—our property and our person.

Boulder City Police Officer David Mullin, who acts as the chief of police of Boulder City said:

> These vests are real life savers. They not only help protect officers from attacks involving guns and knives, they have [even] saved many officers from major injuries or death in traffic accidents. Unfortunately, [he goes on to say] there is a real difficulty in meeting purchasing and replacement [costs of these instruments].

These body-protection elements will go a long way in helping law enforcement in Nevada. Bulletproof vests can cost $1,000. They cost that much money. Nevada Highway Patrol Col. Michael E. Hood recently recounted a story about Maj. Dan Hammack, of the Nevada Highway Patrol. He stopped someone. The person immediately got out of the car—this is a routine traffic stop —and shot Major Hammack in the stomach. Had he been wearing this armor, he would not have been injured at all.

Unfortunately, the accounts of Chief David Mullin and Highway Patrol Col. Michael Hood are stories that are heard all over the country on a daily basis. The Bulletproof Vest Partnership Act will ensure that all our law enforcement officials will have the ability to be equipped and protected for their jobs. I think this legislation should move as quickly as possible in the House so we can save the lives of police officers on a daily basis in this country.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say to the Senator, I would very much like to be a cosponsor with the Senator. I find, Mr. President, in my work in the Senate that when Senator REID speaks, I listen. He has made a very valuable contribution to the highway bill as a member of our committee. I have followed this same subject for some time. I know that law enforcement across the land would be heartened by this initiative. It is long overdue, Senator.

Mr. REID. I say to my friend from Virginia, the law enforcement officials in Virginia have the same difficulty as the law enforcement officials in Nevada and the rest of the country. As we come home late at night, I see, along the parkway going to my home in Virginia, police officers have pulled somebody over. It is dark at night and they are out there alone. That is a frightening thing. Think of how that man or woman who has to do that feels in the dead of night, pulling over somebody, and they don't know for sure who is in the car. They know something is wrong or they wouldn't pull the car over.

What this legislation does is give them an even break. They have some protection if this person, in their cowardly manner, gets out and shoots them. These body protectors will stop a bullet from killing them. It will still hurt, but it will stop the bullet from killing them.

I express my appreciation to the senior Senator from Virginia for his kind comments and his usually fine advocacy on behalf of the people of Virginia and this country.

Mr. WARNER. I thank the Senator, and I ask unanimous consent I be made a cosponsor of the bill.

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

## TRIBUTE TO MR. GEORGE T. SINGLEY, III

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision, and public service of Mr. George T. Singley, III. He is retiring after 33 years of military and civilian service in the Department of Defense, most recently, as Acting Director of Defense Research and Engineering [DDR&E]. A native of Delaware, and a long time Virginia resident, Mr. Singley is a nationally and internationally renowned technology leader. As both Deputy and Acting Director of Defense Research and Engineering, he has guided our nation's Science and Technology (S&T) defense effort for several years.

His extraordinary vision and strong leadership have dramatically enhanced the defense S&T program. This contribution significantly improved our efforts to field a force whose technological superiority remains unchallenged, now, and well into the next century. He has focused the defense S&T program on developing capabilities necessary to achieve the goals of future joint warfighting, as expressed in the Chairman's Joint Vision 2010.

Before coming to DDR&E, Mr. Singley served as the Deputy Assistant Secretary of the Army for Research and Technology. He was responsible for the Army's entire S&T program. This program, spanning 21 laboratories and centers with approximately 10,000 scientists/engineers had an annual budget of $1.4 billion. Mr. Singley also was the chief scientist to both the Secretary of the Army and the Assistant Secretary of the Army for Research, Development and Acquisition. As a Program Execution Officer in the Army, he led five helicopter program offices. He pioneered the Light Helicopter Experimental (LHX) program, better known as Comanche, which became the Army's first stealth helicopter program. A truly remarkable career.

Mr. Singley is Chairman of the Executive Board of the American Helicopter Society. He served as their President from May 1996 through April 1997. He is a past Vice President of the Army Aviation Association of America, and a member of the Association of the United States Army. His numerous awards include:

Meritorious Executive Presidential Rank Award (twice);

Secretary of Defense Meritorious Civilian Service Awards;

Secretary of Defense Award for Excellence;

Distinguished Executive Presidential Rank Award;

American Defense Preparedness Association Firepower Award;

University of Delaware College Distinguished Engineering Alumnus;

Exceptional Civilian Service Award;

Meritorious Civilian Service (twice);

Department of Army Staff Badge; and

American Helicopter Society Grover S. Bell Award for Rotorcraft Research;

He has more than 20 technical publications and numerous technical articles to credit.

I know that Mr. Singley's wife Maxine, and his children, George, Kristine, and Dean, and the Department of Defense are proud of his accomplishments. My colleagues join me in wishing George 'fair winds and following seas' as he pursues many new and exciting challenges in the private sector. The Nation and our military are indebted to you for your many years of distinguished service.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 11, 1998, the federal debt stood at $5,528,971,446,018.69 (Five trillion, five hundred twenty-eight billion, nine hundred seventy-one million, four hundred forty-six thousand, eighteen dollars and sixty-nine cents).

One year ago, March 11, 1997, the federal debt stood at $5,357,359,000,000 (Five trillion, three hundred fifty-seven billion, three hundred fifty-nine million).

Five years ago, March 11, 1993, the federal debt stood at $4,211,257,000,000 (Four trillion, two hundred eleven billion, two hundred fifty-seven million).

Ten years ago, March 11, 1988, the federal debt stood at $2,482,356,000,000 (Two trillion, four hundred eighty-two billion, three hundred fifty-six million).

Fifteen years ago, March 11, 1983, the federal debt stood at $1,225,057,000,000 (One trillion, two hundred twenty-five billion, fifty-seven million) which reflects a debt increase of more than $4 trillion—$4,303,914,446,018.69 (Four trillion, three hundred three billion, nine hundred fourteen million, four hundred forty-six thousand, eighteen dollars and sixty-nine cents) during the past 15 years.

## THE CASE FOR INCREASED ACCESS TO SKILLED PERSONNEL

MR. ABRAHAM. Mr. President, I rise today to share with my colleagues an important article on the severe problems U.S. companies, particularly in the high technology sector, are facing with regards to skilled workers. In the March 9, 1998 edition of the Wall Street Journal, Dr. T.J. Rodgers the President and Chief Executive Officer of Cypress Semiconductor Corporation, clearly articulated why this country needs increased access to skilled professionals. The author is widely considered to be a leading authority on high-tech issues and recently offered his expertise on the H1–B visa issue in a Senate Judiciary Committee hearing on the shortage of high-tech workers in America. I urge my colleagues to read Dr. Rodger's educated summary of this serious problem and consider a bill I introduced last week with Senators HATCH, MCCAIN, DEWINE, SPECTER and GRAMS, S. 1723, the ''American Competitiveness Act,'' which seeks to address the serious issues raised in Dr. Rodger's article.

Mr. President, I ask unanimous consent that Dr. Rodger's article be inserted into the RECORD.

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

### GIVE US YOUR TIRED, YOUR POOR—AND YOUR ENGINEERS

Last year, the U.S. Labor Department interrupted four key projects at my company, Cypress Semiconductor: a memory chip for Internet applications, a microcontroller chip for personal computers, our chip-manufacturing control system and our most advanced CMOS process technology, which permits the design of very low-power integrated circuits.

The reason? U.S. high-tech companies had hit the annual cap of 65,000 H1–B visas, which allow highly skilled foreigners to work in the U.S. As a result, we had to lay off highly skilled technology workers who were waiting for their visas, delaying the sale of millions of new chips and the creation of hundreds of manufacturing jobs.

We have 16 other projects backlogged due to engineering shortages—and that's not surprising when the unemployment rate in electrical engineering is a rock-bottom 0.4%. Although we recruit on 27 college campuses and hire all the immigrants we're allowed, Cypress cannot find enough engineers to grow at its full potential. So it goes across Silicon Valley: The information Technology Association of America says there are $346,000 unfilled skilled positions nationwide. In a survey, the association's members say this engineering crunch is the No. 1 factor inhibiting the growth of their companies.

And yet Washington is sending immigrants home, including many new graduates of American colleges. Half of technology doctorates awarded by U.S. universities go to foreign nationals. The president of Taiwan's Winbond Semiconductor, just penalized by the International Trade Commission for dumping in the U.S., has a doctorate from Princeton.

The labor shortage is getting worse. Last year Washington cut off H1–B immigration for one month. This year it will be four months, unless Congress increases the H1–B quota. The administration has opted for the immigration shutdown because it wants to ''protect'' American workers from ''cheap'' immigrant labor, a doubly incorrect position. In fact, skilled immigrants create new jobs for native-born Americans, and a Cato Institute study shows that long-term unemployment is lower and wages higher in cities and states with higher immigrant concentrations.

Yet the Clinton-Gore administration, an off-and-on friend of Silicon Valley, has turned its back on high-tech again, as I recently told the Senate Judiciary Committee, where I was joined by representatives of Intel, Microsoft, Sun Microsystems and Texas Instruments. Commerce Secretary William Daley has said that an increase in H1–B immigration is ''not feasible''—Washington-speak for ''drop dead.'' But Sen. Spencer Abraham (R., Mich.), for one, is listening. He introduced legislation last week that would raise the H1–B cap by a modest 25,000.

The claim that skilled HI–B immigrants take jobs from Americana is preposterous. Did Hungarian immigrant and Intel CEO Andy Grove take some ''real'' American's job, or did he help to create 50,000 high-quality jobs?

Engineers create jobs. Cypress employs 470 engineers our of 2,771 employees. Each engineer thus creates five additional jobs to make, administer and sell the products he develops. A disproportionate number of our research-and-development engineers-37%-are immigrants, typical for Silicon Valley. Had we been prevented from hiring those 172 immigrant engineers, we couldn't have created about 860 other jobs, 70% of which are in the U.S.

Cypress now employs 2,011 U.S. citizens, an accomplishment unachievable without immigrants. Four of our 10 vice presidents are immigrants. Lothar Maler, our vice president of manufacturing, emigrated from Germany as a child. He joined us with an engineering degree and a stint at Intel under his belt, and now manages 1,067 workers in six plants. John Torode, our chief technology officer, came to the U.S. after World War II with his father, a British sailor. After obtaining his doctorate and a computer science professorship at the University of California, Berkeley, John started our computer products division, which makes the clock chips used to synchronize 20 million personal computers a year.

Emmanuel Hernandez, our chief financial officer, was an all-star employee at National Semiconductor, Silicon Valley's second-largest chip company, which transferred him to the U.S. from the Philippines. Tony Alvarez, our vice president of R&D, fled Castro-controlled Cuba, in 1961 and now directs the 113 engineers who develop our most advanced technologies. Tony's chief scientist, Jose Arreola, emigrated from Mexico to get his doctorate and now manages an elite group of 30 engineers, 24 of whom have postgraduate degrees and 20 of whom are legal immigrants. Pat Buchanan derided immigrants during his 1996 presidential campaign, calling them ''Jose.'' Our Jose his made Cypress's 2,011 American employees better off.

Pierre Lamond, our chairman, received an advanced degree in France, and was then recruited to work at Fairchild Semiconductor, which he left to become a founder of National Semiconductor. Today Pierre's venture-capital fund, Sequoia Partners, has provided capital to 200 Silicon Valley companies (including Apple and Genentech) with a total market value of $175 billion and more than 150,000 employees. Eric Benhamou, another Cypress director, fled with his parents to France during the 1960 Algerian civil war. After his Stanford education, he became CEO of 3Com Corp., the leading Internet infrastructure supplier with 100 million customers and 13,200 employees.

The conclusion is clear: Our immigrant executives, directors and engineers have created thousands of new American jobs. The competition for workers is so intense in Silicon Valley that cypress's average San Jose employee—excluding the executive staff and me—now earns $81,860 annually, including benefits. The immigrant executives I have cited all earn six-figure incomes. Whose pay

are they holding down? With 0.4% unemployment in this field, and record-low unemployment in the broader U.S. economy, where are the out-of-work Americans displaced by foreign talent?

America's loss is our foreign competition's gain. Our need for engineers has driven us to start R&D centers anywhere we can find engineers—currently, in England, Ireland and India. We're forced offshore to fill the jobs that we cannot fill here—a fine way to ''protect'' American jobs.

Legal immigrants currently constitute 8.5% of the U.S. population, well below the 13%-plus levels maintained from 1860 to 1939. Immigrants add less than 0.4% to the population yearly. If this administration ignores Silicon Valley's need for 25,000 to 35,000 more immigrant engineers—a mere 3% or so of the million-plus yearly legal immigrants—the only result will be to drive high-tech hiring offshore. And it will have added the H1–B visa issue—along with litigation reform, encryption export and Internet regulation—to its list of Silicon Valley snubs.

Raising quotas by only 3%, specifically to bring in critical engineers and scientists, would be an obvious benefit to all Americans. Why are we sending the first-round draft choices of the high-tech world to play on other country's teams?

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now return to the 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:

McCain Amendment No. 1726 (to Amendment No. 1676), to provide that demonstration projects shall be subject to any limitation on obligations established by law that applies in Federal-aid highways and highway safety construction programs.

AMENDMENT 1726

Mr. MACK. Mr. President, it is time we end the practice of earmarking highway projects. This practice continues to disadvantage my state, and most others. Commonly referred to as demonstration projects, these earmarked dollars literally come off the top of the transportation funding available under this legislation.

The rationale behind apportionment formulas and funding allocations is that these transportation funds are distributed according to state's needs. Notwithstanding disagreements over whether these distributions accurately reflect a state's transportation needs, the practice of authorizing demonstration projects undermines the rationale supporting the use of these formulas. Moreover, this practice literally deprives states of the funding which would otherwise be available for states' highway priorities as established by state and local transportation planners.

While I believe this is a wasteful practice, history has shown there is little chance of its outright elimination. Beginning in 1982 when $362 million was set-aside for 10 such earmarks, the inclusion of such earmarks has continued to grow as illustrated in the 1991 transportation bill, ISTEA, where over $6 billion was provided for 538 location specific projects.

While the Senate's Environment and Public Works Committee has shown great restraint in this area, it is well understood that the House of Representatives has been unable to curtail this practice. In fact, the House is fully expected to come forward this year with billions of dollars in transportation earmarks.

Accordingly, the amendment offered by Senator MCCAIN does the next best thing. It requires that any highway demonstration projects come from within a state's total funding and not at the expense of funding otherwise available to all other states.

For all my colleagues who have argued in favor of the formulas contained in the bill and the rationale behind them, support of this provision remains consistent with that position. And, for those of my colleagues who are not as enthusiastic over the distribution of highway dollars in the underlying legislation, this provision will ensure that your states prospective return on their transportation dollar will not be eroded any further.

I look forward to the overwhelming support of my colleagues on this common sense amendment, and I thank Senator MCCAIN for his excellent work in crafting this provision.

Mr. BROWNBACK. Mr. President, I rise today in strong support of the McCain amendment to require that demonstration projects be funded from each state's allocation and be subject to annual limitation.

The current system for designating large construction projects advantages a few states over the majority. It prioritizes construction needs based more on political seniority that it does an impartial evaluation of transportation needs. It creates pressure for Members of Congress to engage in porkbarrel spending rather than to concentrate on prudent national policy. I believe the McCain amendment would help move us away from this system because it would not give states or members an incentive to seek out demonstration or critical needs projects, as securing these projects would not increase the amount of federal funds flowing to a state.

I further support the McCain amendment because it gives states greater say in determining what projects have the highest priority for their locality. It should be up to cities, counties, and the state Departments of Transportation to prioritize what projects need immediate attention in their state—not the federal government. Too often under the current system, a state has to put aside its own priorities because it must use its own limited funds to provide matching funds for the large federally designated construction projects, or risk losing federal funding. This ''Washington knows best'' approach to transportation planning needs to end.

Finally, I support this amendment because it would end a system that disadvantages the infrastructure needs of a majority of states to the benefit of a few. In order to maintain a strong, truly national infrastructure system, we must give every state the tools and funding its needs to maintain its share of the system. Ending a system that gives a few states an inordinate amount of construction dollars is one step in the right direction toward that goal.

I applaud the Senator from Arizona for proposing this approach to increase fiscal responsibility in transportation spending and to empower the communities in which the infrastructure lies. I urge my colleagues to support its passage.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 1726 offered by Senator MCCAIN. The yeas and nays have been offered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—78

| | | |
|---|---|---|
| Abraham | Dorgan | Lieberman |
| Akaka | Enzi | Lott |
| Allard | Faircloth | Lugar |
| Ashcroft | Feingold | Mack |
| Baucus | Frist | McCain |
| Bennett | Glenn | McConnell |
| Biden | Gorton | Moseley-Braun |
| Bingaman | Graham | Moynihan |
| Bond | Gramm | Murkowski |
| Breaux | Grams | Murray |
| Brownback | Grassley | Nickles |
| Bumpers | Gregg | Reed |
| Burns | Hagel | Robb |
| Chafee | Hatch | Roberts |
| Cleland | Helms | Rockefeller |
| Coats | Hutchinson | Roth |
| Cochran | Hutchison | Sessions |
| Collins | Inhofe | Smith (NH) |
| Conrad | Inouye | Smith (OR) |
| Coverdell | Johnson | Snowe |
| Craig | Kempthorne | Stevens |
| D'Amato | Kerrey | Thomas |
| Daschle | Kohl | Thompson |
| DeWine | Kyl | Thurmond |
| Dodd | Landrieu | Warner |
| Domenici | Levin | Wyden |

NAYS—22

| | | |
|---|---|---|
| Boxer | Hollings | Santorum |
| Bryan | Jeffords | Sarbanes |
| Byrd | Kennedy | Shelby |
| Campbell | Kerry | Specter |
| Durbin | Lautenberg | Torricelli |
| Feinstein | Leahy | Wellstone |
| Ford | Mikulski | |
| Harkin | Reid | |

The amendment (No. 1726) was agreed to.

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

Mr. FORD. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

AMENDMENT NO. 1998 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, on behalf of Senator D'AMATO and Senator SARBANES, I send to the desk an amendment to the transit title.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. D'AMATO and Mr. SARBANES, proposes an amendment numbered 1998 to No. 1676.

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

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

The amendment is as follows:

On page 55, all after line 11, insert the following

(A) ESTABLISHMENT OF CENTER—(1) Section 5317(b) of title 49, United States Code, is amended by adding the following new paragraph:

''(6) The Secretary shall make grants to the University of Alabama Transportation Research Center to establish a university Transportation Center.

Mr. CHAFEE. Mr. President, inadvertently the managers of the bill omitted important language from the transit title. I am grateful to the chairman and ranking member of the Banking Committee for bringing that to our attention. This amendment has approval of this side.

Mr. BAUCUS. This amendment has been cleared, and I urge its approval.

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

The amendment (No. 1998) was agreed to.

AMENDMENT NO. 1999 TO AMENDMENT NO. 1676

(Purpose: To require the Comptroller General to conduct a study to assess the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects)

Mr. CHAFEE. Mr. President, on behalf of Senator TORRICELLI, 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. CHAFEE], for Mr. TORRICELLI, proposes an amendment numbered 1999 to amendment No. 1676.

The amendment is as follows:

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

Mr. CHAFEE. Mr. President, this amendment provides for a GAO study on facilitating the relocation of utilities that occur as part of highway construction projects.

Mr. BAUCUS. Mr. President, it is fine.

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

The amendment (No. 1999) was agreed to.

Mr. GRAMM. 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. DOMENICI. 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. 2000 TO AMENDMENT NO. 1676

(Purpose: To provide for high risk hazardous material and hazardous waste transportation safety)

Mr. BAUCUS. 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 Montana [Mr. BAUCUS], for Mr. TORRICELLI, proposes an amendment numbered 2000 to amendment No. 1676.

Mr. BAUCUS. 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:

In title III, strike section 3215 and insert the following:

**SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.**

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

**''§ 5128. High risk hazardous material and hazardous waste; motor carrier safety study**

''(a) STUDY.—The Secretary of Transportation shall conduct a study—

''(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

''(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

''(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

''(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

''(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

''(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

''(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.''.

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking ''not later than November 16, 1991.'' and inserting ''based upon the findings of the study required by section 5128(a).''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

''5128. High risk hazardous material and hazardous waste; motor carrier safety study.

''5129. Authorization of appropriations.''.

Mr. BAUCUS. Mr. President, this amendment is in the jurisdiction of the Commerce Committee. It is cleared by the committee. It will authorize a study to investigate the best methods of improving safety procedures that govern the transportation of hazardous materials, including linking the renewal of a hauler's Federal permit to an annual safety review.

As I said, the Commerce Committee has cleared this. I urge its adoption.

Mr. CHAFEE. Mr. President, this amendment is agreeable to this side.

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

The amendment (No. 2000) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2001 TO AMENDMENT NO. 1676

(Purpose: To make minor and technical corrections in subtitle F of title III (relating to sport fishing and boating safety))

Mr. CHAFEE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an amendment numbered 2001 to amendment No. 1676.

The amendment is follows:

On page 154, line 6, strike ''1998;'' and insert ''1999;''.

On page 154, line 7, strike ''1999;'' and insert ''2000;''.

On page 154, line 8, strike ''2000;'' and insert ''2001;''.

On page 154, line 9, strike ''2001;'' and insert ''2002; and''.

On page 154, line 10, strike ''2002;'' and insert ''2003;''.

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

''(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike ''(1)(c)'' and insert ''(2)(B)''.

On page 162, line 11, strike ''(1)(c)'' and insert ''(2)(B)''.

On page 163, strike lines 24 and 25.

On page 164, line 24, strike ''4(b)'' and insert ''4(b)(2)''.

Mr. CHAFEE. Mr. President, this amendment makes a series of technical date changes in the Wallop-Breaux provisions of the Commerce Committee title. These are entirely technical modifications. They have the approval of this side.

Mr. BAUCUS. Mr. President, these are technical corrections that are necessary because of an earlier action that we took. It is clearly minor and technical and should be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 2001) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2002 TO AMENDMENT NO. 1676

(Purpose: To provide for a school transportation safety study)

Mr. CHAFEE. Mr. President, on behalf of Senator DEWINE, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for Mr. DEWINE, proposes an amendment numbered 2002 to amendment No. 1676.

Mr. CHAFEE. 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 in subtitle D of title III, insert the following:

**SEC. 34___. SCHOOL TRANSPORTATION SAFETY.**

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

Mr. DEWINE. Mr. President, approximately 25 million students are transported to and from school and school-related activities on buses. The National Highway Traffic Safety Administration (NHTSA) has established a series of federal motor vehicle safety standards to assist those responsible for transporting our school children on school buses.

These features include: clearly distinguishable vehicles with built-in passenger restraint systems; flashing red lights that are activated as students enter and leave the school bus; specially trained drivers; and specially designed routes and schedules to minimize the distance that students need to walk to the bus stop.

Unfortunately, despite all of these safety features on school buses, more student fatalities and serious injuries occur during the loading and unloading process than occur while students are being transported.

As my colleagues know, there are mandates relating to school facilities, teacher salaries, computers, and books. However, in most states, there is no mandate that school districts must provide pupils with transportation to and from school. Because of this, many school systems are being forced to seek alternative, cost-effective means of providing transportation services for students, and a growing number of schools are turning to public transit. In 1994 alone, transit buses provided more than 800 million student-related passenger trips and approximately 2 million students rode transit buses to school.

Mr. President, I do not believe that sending children to school on transit buses is necessarily a bad thing. The fact is that I don't know what this trend means in terms of a child's safety. I do know, however, that students are injured or killed most often when entering or exiting school buses—buses with special safety features designed to prevent such tragedies. Moreover, I know that the US Department of Transportation has conflicting requirements with respect to school transportation. On the one hand, NHTSA requires school buses to meet stringent safety standards and has issued guidelines for covering the operational aspects of pupil transportation safety. On the other hand, the Federal Transit Administration provides funding for transit companies that provide transportation to and from school for students each day on vehicles that do not meet NHTSA's school bus safety standards.

As more and more schools are forced to decide on cost-saving ways to transport children, schools are forced to make these decisions in a vacuum. We do not know how safe our children are when they board and ride the transit bus to school. After all, we need to know that information when we decide ways for children to get to and from school safely. I've been greatly involved in efforts to improve the safety of school buses—and that effort began with seeking information. I'm proposing that we seek similar information on public transit buses.

This amendment, would authorize $400,000 for the Secretary of Transportation to study safety issues related to the transportation of school children by various different modes of transportation. I have worked on this amendment with the chairman of the Commerce Committee, and it meets with

his approval. I appreciate the assistance of the Senator from Arizona and his staff in this effort.

Mr. President, it is my understanding that this amendment has been cleared on both sides and I move for its adoption.

Mr. CHAFEE. Mr. President, this amendment provides for a study of transportation of school children on transit buses. The Secretary of Transportation will study safety issues relating to the transportation of school children by various and different modes of transportation.

Mr. BAUCUS. Mr. President, this is an amendment not in our committee jurisdiction. It is a Commerce Committee amendment. It has been cleared by that committee. We, therefore, feel it should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2002) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1986 TO AMENDMENT NO. 1676

(Purpose: To designate a commercial zone within which the transportation of certain property in commerce is exempt from certain provisions of Chapter 135 of title 49, United States Code)

Mr. CHAFEE. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for Mr. DOMENICI, proposes an amendment numbered 1986 to amendment No. 1676.

Mr. CHAFEE. 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. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.**

(a) COMMERCIAL ZONE DEFINED.—Notwithstanding the provisions of 49 U.S.C. Section 13902(c)(4)(A), in this section, for the transportation of property only, the term ''commercial zone'' means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the ''New Mexico Commercial Zone.''

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

Mr. DOMENICI. Mr. President, I want to thank the distinguished manager of the bill for accepting my amendment to establish a much-needed commercial zone in my home state to facilitate trade and transportation of raw materials and goods across our border with Mexico. I agree with him that we need to take a comprehensive approach to opening the entire border with Mexico.

In the past, commercial zones were established by the Interstate Commerce Commission in numerous states to improve local border trade activities, as well as to control movement and uphold American safety requirements for foreign vehicles operating within the United States.

Within these zones, commercial vehicles of Canadian and Mexican registry are authorized to deliver products from their country of origin to United States' distribution points or warehouses without extended delays at the border or the need for unloading the cargo for reloading and shipment by American vehicles. These same vehicles also are authorized to pick up products in the United States for export to their respective countries.

Since the passage of NAFTA, New Mexico has witnessed its exports to Mexico increase by over 1,000 percent. Unfortunately, New Mexico still lags behind 35 other states in the amount of exports it sends to Mexico, and it has become increasingly clear that establishing a commercial zone is a necessary step in improving New Mexico's economic relationship with our neighbor to the south.

The need for a commercial zone in New Mexico is most critical to the continued viability of several food processing plants which employ thousands of New Mexicans in the southern part of the state. Later this year, Mexican farmers will harvest their chili crops and sell them to the plants in New Mexico for processing. Right now, without a designated commercial zone, Mexican farmers must transport the chili crop to the border, unload the cargo at an off-loading site, and reload it onto an American carrier to travel the remaining 30 miles to the processing plant. Clearly, without a commercial zone, there is large economic disincentive for Mexican farmers to do business with New Mexico food processors.

This amendment should be non-controversial. It allows New Mexico to compete for NAFTA-related business on the same level playing field as our neighboring border states—California, Arizona and Texas—all of which already have established commercial zones.

This amendment is supported by New Mexico's Governor Gary Johnson, the State Economic Development Department, the New Mexico Border Authority, the U.S.-Mexico Chamber of Commerce, the New Mexico food processing industry and the New Mexico Motor Carriers Association and the cities Las Cruces and Deming. Again, I thank the manager of the bill and the Ranking Minority Member for accepting this amendment and I yield the floor.

Mr. MCCAIN. Mr. President, the Senate will soon adopt an amendment offered by Senator DOMENICI to establish a new commercial zone in New Mexico. As a representative from a neighboring border state, I understand the importance of this commercial zone to New Mexico. However, I also know that this new zone is only a temporary solution to a much bigger issue, that is, the implementation of the NAFTA cross-border trucking provisions.

I want my colleagues to recognize the critical importance of fulfilling our obligations under NAFTA. The NAFTA agreement authorized access for U.S. trucking companies to Mexico's northern provinces, with reciprocal rights for Mexican trucks to enter the four Southwest border states. Under the NAFTA agreement, the U.S.-Mexico border was to open December 18, 1995. Two years later, we have heard little from the Administration on its efforts to meet our nation's obligations.

Mr. DOMENICI. I agree implementation of the cross-trucking border provisions of NAFTA has been delayed far too long. Our states were prepared to go forward in 1995. Had that occurred, my amendment today would not be necessary.

The state of New Mexico has been seeking to establish a new commercial zone since 1992, prior to passage of NAFTA. In 1995, the Interstate Commerce Commission, which had jurisdiction over commercial zones, essentially announced the State's effort was moot since the border was to open shortly. Yet here we are, more than two years later, and nothing has changed. New Mexico's economy has been held stagnant because not only did the border not open, but we are precluded from any trade benefits associated with a commercial zone—benefits enjoyed by the other border states.

Mr. MCCAIN. The Department of Transportation did not oppose the establishment of the new commercial zone. I know the Senator from New Mexico shares my concerns that we do nothing to impede the on-going NAFTA harmonization negotiations. And, when the NAFTA provisions are implemented, the zones in our border states will essentially be irrelevant. In the meantime, I will continue to do all I can to encourage the President to move forward on implementation of this important agreement. The continued delay robs the entire region of the full economic benefits that NAFTA promises.

Mr. CHAFEE. Mr. President, this amendment relates to the Commerce Committee's amendment. It is under the jurisdiction of the Commerce Committee, and has been approved by the chairman and ranking member of that committee. It establishes a commercial zone designation for two counties in New Mexico.

Mr. BAUCUS. Mr. President, it is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1986) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENTS NOS. 2003 AND 2004, EN BLOC TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send an amendment to the desk, and then a further amendment.

The PRESIDING OFFICER. Without objection, both amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments Nos. 2003 and 2004 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2003

(Purpose: To provide for the continuation of the Disadvantaged Business Enterprise program in the mass transportation programs of the Federal government)

On page 77, line 20, strike ''and II'' and insert '', II, and V''.

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AMENDMENT NO. 2004 TO AMENDMENT NO. 1969

(Purpose: To allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a review of the disadvantaged business enterprises program and discrimination in general)

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, II, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, II, and V of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, II, and V of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, II, and V of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

Mr. CHAFEE. Mr. President, if I can briefly explain. These amendments deal with the application of the DBE Program to the transit title. Inadvertently, these provisions were left out when the original transit title was adopted. These amendments provide for the DBE portion of the transit title, and the second provision deals with the McConnell modifications to that. The McConnell modifications were the ones we adopted to the DBE in the highway program yesterday.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the amendment here will extend current law so there will be no change in current law. The DBE Program now does apply to the mass transit title of the bill; that is, the mass transit portion of the law. The point of this amendment is to continue that program so it also applies to the mass transit title in the bill once the bill is finally passed.

Mr. CHAFEE. With one addition, the application of the MCCONNELL amendment to that title.

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

(The amendments Nos. 2003 and 2004 to amendment No. 1676, en bloc, were agreed to.)

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

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

The motion to lay on the table was agreed to.

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

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

Mr. GRAMM. Mr. President, I want to make some comments about the bill. I then want to talk about a remaining problem that I hope we can work out.

Mr. President, today we are going to pass the highway bill. This is really the result, for some of us, of a 2-year effort. It is the culmination of 2 years of hard work in trying to achieve two things. No. 1 is trying to force the Federal Government to live up to the commitments that it makes to Americans when they go to the filling station and fill up their car with gas, and pay a third of the cost of a gallon of gasoline in gasoline taxes. They are told right on the tank that every penny they pay in gasoline taxes goes to build roads, and yet last year almost 30 cents out of every $1 of gasoline taxes went to fund everything except roads.

We have had a 2-year effort to change that, and the passage of this bill today

will guarantee that every penny we collect in gasoline taxes will be spent for the purpose for which that tax is collected, and that is to build roads. That is a major victory for the driving public. It is a major victory for taxpayers. It is a major victory for those who depend on good roads and highways and interstates to earn a living, to get back and forth to work, and to enjoy the fruits of their labor in terms of using their automobiles for pleasure travel. I think we can all rejoice in that victory.

I would like to also note that it is a bipartisan victory. The success we celebrate today is the first real bipartisan effort of this Congress. I hope it is an omen of things to come. I thank Senator BAUCUS and Senator WARNER for their leadership on this bill, and Senator CHAFEE and Senator DOMENICI for working to reach a consensus which, quite frankly, in many ways is better than the position that either party started with. I think those who wonder how the legislative process actually works could be satisfied in looking at how we have reached a consensus on this bill.

I would also like to say I have appreciated having the opportunity to work with the sage of the U.S. Senate. I have been greatly honored to have the opportunity to work as a partner with Senator BYRD in putting together an effort that today is succeeding in guaranteeing that the gasoline tax is spent for the purpose of building roads. I thank Senator BYRD for his leadership and say it has been a great pleasure to work with him and to watch him work. I think this is a very important bill, and I am pleased about it.

The second thing that we have done, principally as a result of Senator WARNER's leadership, is we have moved to a greater position of equity with regard to donor States. This is a very difficult issue for many Members of the Senate to understand, and, frankly, on occasion it is very difficult for me to understand. But the plain truth is we have a National Highway System. In building a National Highway System, there are always phases where the construction projects in some States are bigger, in terms of cost, than the amount of money that they are paying into the highway trust fund. If you did not have a National Highway System, what would happen, especially in the western part of the country, is you would build big interstate highways that would get to Western States with very low population bases, States where people who live in the State pay relatively little gasoline tax, and you would end up with the interstate ending at their State border. So we can never expect in any one year for there to be a perfect fit between the amount of money a State is paying in and how much they are getting in Federal highway construction funds in that year.

But the disparity had gotten so large that it had become a source of friction in the Senate. It had become a source of Members feeling that their States were being cheated, not just in an interim period but permanently. I thank Senator WARNER for working to guarantee in this bill that no State will ever again get less than 91 cents out of every dollar that it sends to Washington in gasoline taxes, no matter how we might be spending money in constructing a National Highway System. That is an absolute minimum set by this bill.

We have not reached this point easily. It has taken a tremendous amount of work. Senator WARNER has been a leader in that effort. And this was a very big deal for many States, 29 States to be specific, and my State in particular. As a result of spending the gasoline tax for the purpose that it is collected and guaranteeing that no State will get back less than 91 cents out of every $1 that it sends to Washington in gasoline taxes in the future, the allocation for my State, which is typical of the 29 donor States, has risen from $7 billion in the last highway bill to $10.9 billion in this bill.

What that will mean is that for the 31 million miles—the 31,000 miles—Texans think big—the 31,000 miles of substandard highways that we have in Texas, we will now have the resources to allow us to move ahead and catch up with some of the modernization and maintenance that we need, the tens of thousands of bridges that are substandard, the north-south Interstate Highway System that we need to build—all of those things will be made possible, or at least substantial progress toward achieving them will be made possible, by this bill.

There is one remaining issue outstanding in the bill, and it has to do with NAFTA highways and international trade corridors.

I remind my colleagues that when we passed the North American Free Trade Agreement, part of the deal was an agreement by the Federal Government to take into account the infrastructure needs with regard to transportation, the fact that opening up free trade north-south, involving Canada, the United States and Mexico, would create a tremendous increase in the demand for north-south traffic.

The result of NAFTA has been that I–35 in my State, currently, and certainly, the most important international trade corridor in the country, the only interstate that runs north-south throughout the length of the whole country through the industrial heartland of the Americas, is the most congested interstate highway in America.

We know that over the next 7 years, the level of truck traffic related to Canadian, United States, and Mexican trade on that road will double over a 7-year period and, obviously, we need to build a north-south interstate highway system in America. If you look at a map of the country and you highlight interstate highways, while there are few exceptions, basically we have an east-west interstate highway system in America.

One of the things that the demands of NAFTA trade will produce is a requirement to build a north-south interstate highway system to go with the east-west highway system that we currently have.

We have in the bill $450 million provided for the purpose of beginning to allow us to focus on NAFTA trade and international trade corridors. That money is vitally important for doing the engineering work and beginning construction on major projects related to north-south trade. I–35 is a big project in my State, as is I–69 and the potential for other major highways or interstate highways through El Paso and in west Texas.

Here is the remaining problem in the bill, so far as I am concerned. Under the old bill, there was discussion of a NAFTA provision. Money was mentioned as potentially being provided, but as often happens in these bills, there was no money provided, but we had a list of criteria that were set out to direct the Secretary as to how money should be provided if money ever were provided.

In the Byrd-Gramm-Baucus-Warner amendment, one of our provisions was actually providing money for NAFTA, $450 million. We subsequently have tried to go back and set out objective criteria to guarantee that every State that has international trade flowing from NAFTA—basically north-south trade—could be a beneficiary. We have tried to set out a rational list of items that should be looked at in determining where the highest and best use of this money would be, guaranteeing that not just border States would benefit, but also States in the interior of the country that would find themselves as part of the roadway for a major north-south international trade corridor.

I had thought last night that we had reached a consensus. I spent much of yesterday talking to every Member of Congress who had a concern about this area. We have come up with a consensus amendment now that will set out objective criteria for international trade, for growth in commercial traffic since the passage of NAFTA. We have gotten input from Democrats and Republicans, and yet this amendment continues to be delayed.

I just want to put my colleagues on notice that one of the things I have discovered around here is that if you wait until the end of the bill to get your item fixed, you often end up not having it fixed. I assure my colleagues, having done all this work on this provision, I want to be sure we have a rational set of criteria for allocating the money. When there was no money, nobody cared what these criteria were. But, obviously, now that funds are provided, I want to ensure that States that are impacted by NAFTA trade, whether they be Michigan or Arizona or New Mexico or Texas or California or Washington

or Oregon and all the States in between, have a fair chance of competing for these funds and that these funds, provided specifically for this purpose, do not turn into a grab bag where people simply make up provisions that would qualify a particular project in their State, even though it might have absolutely nothing to do with international trade and might have absolutely nothing to do with NAFTA.

I believe we have a consensus amendment. It is my understanding that someone somewhere still has objections. I will say, at some point, regrettably, I am going to have to object to amendments coming up until we have made a decision about this amendment. I do not want it to be the last amendment of the day. As a result, I simply urge anyone who has a concern about this—and we have had the involvement of roughly a half dozen Republicans and Democrats. Everyone has signed off on the amendment who has been involved in any way in it. If someone has an objection, I urge them to come to the floor or at least send a staff person to the floor so we can try to work this out.

Barring the ability to do that, we are getting ready to stop the train from moving, because this was an issue which I thought was agreed to last night, but I find it is not agreed to this morning. I am eager to get on with it and finish this last piece, which represents for me the last piece in getting the puzzle together.

I thank the Chair for recognition and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I thank the Senator from Texas. He was very modest in his remarks recounting the history of how we got from the very beginning to where we are today.

Yes, he did refer to the sage in the Senate, Senator ROBERT BYRD. I, like the Senator from Texas, am privileged to be part of that team. I had an opportunity to work many times with Senator BYRD, and there is not one of us in the Senate of the United States who cannot learn and benefit from his wisdom.

Indeed, the Senator from West Virginia and the Senator from Texas took on a battle that the Senator from Montana and I started and lost by one vote. The rest is history.

As I talk to so many Senators—and will continue to do so for the next hour about this bill—I think there is a feeling in the Senate that we have really done a very significant piece of legislation and we have corrected the inequities of the past.

All of us know that fighting for our individual States is that responsibility which is foremost, but there comes a time when we have to reconcile our differences and recognize that each of the 50 States has its own particular problems as they relate to transportation, whether it is in the far reaches of Alaska, the northern tier, or down on the border where the distinguished Senator from Texas works so hard on behalf of his constituents.

We are there and we have tried and will continue to try through conference to keep that 91 percent as the target goal for all States. The donor States have now been recognized through the efforts of many. I was privileged to be a part of it. They have at long last pulled alongside so that they are getting an equitable and fair distribution with the other States. I thank the Senator from Texas. He is a bulldog to work with. I tell you, I would rather be on his side than opposing him.

This is the last amendment that we are working on. I have a few small items which I will move to momentarily. Then, in conjunction with the distinguished floor manager on the other side, I will ask unanimous consent that there be no further amendments and we begin to vote on final passage about the hour of 2:15. That is just preliminary for Senators who might have an interest so they can attend to those interests between now and the hour of 2:15.

I see my good friend and colleague in so many joint ventures—a travel partner recently to the gulf States and Russia—on the floor. Therefore, I yield the floor.

Mr. LEVIN. Mr. President, I thank my good friend from Virginia. Indeed, we have worked long and hard on a number of issues, including the donor State issue. The amendment that I am going to call up in a minute is not a donor State amendment. We have had many of those, some of which we have had some success on, some of which we have not.

Since the question of donor States has been raised, let me say for those 15 to 20 of our States that contribute historically much more than we get back in terms of Federal gas tax dollars, the bill that is before us now does take some small steps on a long road to fairness for those donor States.

We hope that we can improve this bill further in conference from where it is now. There have been some small steps taken through the efforts of many. We are grateful for all of those efforts.

AMENDMENT NO. 1375 TO AMENDMENT NO. 1676

(Purpose: To provide for greater local input in transportation planning and programming)

Mr. LEVIN. Mr. President, I call up amendment No. 1375.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1375 to amendment No. 1676.

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

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

The amendment is as follows:

On page 125, lines 5 and 6, strike ''not less than 15 percent'' and insert ''not less than 25 percent, nor more than 35 percent,''.

On page 156, strike lines 21 through 23 and insert the following:

(B) in paragraph (3)—

(i) in the first sentence of subparagraph (A), by striking ''80'' and inserting ''82''; and

(ii) in subparagraph (B)—

(I) by striking ''tobe'' and inserting ''to be''; and

(II) by adding at the end the following: ''A project under this subparagraph shall be undertaken on a road that is classified as below a principal arterial.''; and

On page 274, strike lines 3 through 7 and insert the following:

''(ii) NONMETROPOLITAN AREAS.—

''(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed jointly by the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

''(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

''(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

On page 286, between lines 10 and 11, insert the following:

**SEC. 1605. STUDY OF PARTICIPATION OF LOCAL ELECTED OFFICIALS IN TRANSPORTATION PLANNING AND PROGRAMMING.**

(a) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study required under subsection (a).

Mr. LEVIN. Mr. President, this amendment will be modified in a moment. We have worked with the floor managers and their staffs to modify this amendment so it will be acceptable. What this does is improve the bill's focus on the transportation needs of small metropolitan and rural areas by involving them in a greater way in the planning process.

It is important that a State transportation improvement program be developed with the cooperation of our nonmetropolitan planning organizations, as well as the metropolitan planning organizations.

The bill, unless we adopt this modified amendment, will simply continue the ISTEA I structure, which only requires that nonmetropolitan area planning organizations be consulted in the planning process. We raise that one level to require that there be cooperation with those smaller units of government. That has a significance to our Department of Transportation and to the States and greater significance to the smaller units of government and their planning organizations so that they will be involved in a greater way in the planning process.

AMENDMENT NO. 1375, AS MODIFIED

Mr. LEVIN. Mr. President, in order to accomplish what I just stated, with the support, I understand, now of the managers, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 274, strike lines 3 through 7 and insert the following:

''(ii) NONMETROPOLITAN AREAS.—

''(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in cooperation with the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

''(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I)

''(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

Mr. LEVIN. I yield the floor.

Mr. WARNER. Mr. President, this amendment has been carefully considered on this side. For purposes of proceeding, we are going to adopt it. However, I have to say that we will have to readdress the amendment in the conference—I think my distinguished colleague understands that—because it affects the plan process and relationship between the States and local governments.

From the very inception of this legislation, in the subcommittee of which I am privileged to be the chairman, we have been very careful to maintain the balance that was developed in ISTEA I. That has worked, we believe, quite well over this period of 6 years. We will make certain in the conference structure to maintain this balance, and we will look at the amendment in that context.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator for that. In fact, I look forward to the conferees looking at this balance. Right now, the metropolitan areas of our country have planning organizations, and the States are required to coordinate the plan with those metropolitan areas. But when it comes to the smaller areas, planning units, there is no such requirement. There is a ''consultation'' requirement, which is two notches below coordination.

What we are simply doing here is having a little fairer balance with the smaller units. By the way, this concept has been approved by the National League of Cities. What we simply do here is say that the States will cooperate with these nonmetropolitan planning organizations so that we get a little greater input. But I would welcome, as a matter of fact, the conferees looking very closely at this concept. And I understand what the Senator said. It is with that understanding that we welcome the manager's support.

Mr. WARNER. Mr. President, I urge that the Senator, between now and the conference period, allow the various representatives of AASHTO to discuss it. I have found through many years of working on legislation for our highways, AASHTO is an organization that has a lot of credibility and lot of knowledge. It is composed of the various highway officials of our 50 States. They have given effective and balanced and credible advice to the Senate on many, many occasions. For the moment, they express some discomfort with this. And we want to make sure that the Senator has that opportunity.

Is the Senator ready to adopt the amendment?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

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

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Could we get this passed? If it is not——

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2005 TO AMENDMENT NO. 1375, AS MODIFIED

(Purpose: To modify the factors that the Secretary is required to consider in selecting States, metropolitan planning organizations, and projects to receive grants under the program to provide Federal assistance for trade corridors and border infrastructure safety and congestion relief)

Mr. GRAMM. Mr. President, I send a second-degree 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 Texas [Mr. GRAMM], for himself, Mrs. HUTCHISON and Mr. ABRAHAM, proposes an amendment numbered 2005 to amendment No. 1375, as modified.

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

Mr. LEVIN. Reserving the right to object, Mr. President.

Mr. GRAMM. Mr. President, go ahead and read the amendment.

Mr. LEVIN. I would just like to make an inquiry of my friend from Texas as to whether or not he is offering a second-degree amendment to my pending amendment? Is that what the Senator is doing?

Mr. GRAMM. Yes. It does not change the underlying amendment. It simply adds my amendment to it.

Mr. LEVIN. It simply adds it on to it.

May I ask one other question to my friend from Texas. Does his amendment now have the support of the managers?

Mr. GRAMM. As far as I know, it has been signed off on by everybody.

Mr. LEVIN. I thank the Senator.

Mr. GRAMM. 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:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors.

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including State, local and private matching fund.

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

Mr. GRAMM. Mr. President, this amendment simply makes the technical changes to go with the NAFTA highway provision in the bill. It has been worked on by over a dozen Members. It has cosponsors. We have had no objection from any Member that we know of. I thank my colleagues.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I am informed it is a matter that has been cleared on both sides and, therefore, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 2005) was agreed to.

Mr. WARNER. I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question arises——

Mr. WARNER. Mr. President, the underlying amendment was part of the package that just passed the Senate?

The PRESIDING OFFICER. No, it was not.

The question is on agreeing to the underlying amendment.

The amendment (No. 1375), as modified, as amended, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I thank the Senator from Texas and others. That was a contentious matter. We were able to resolve it.

Mr. REID. Mr. President, I wish to ask a question of the manager of the bill. Does the Senator from Virginia have more business now?

Mr. WARNER. Yes. I say to the Senator, I have some business related to the bill. But I want to accommodate my good friend. Does he have another matter?

Mr. REID. I have something in morning business that will take about 3 minutes. We will do that when you finish.

Mr. WARNER. If the Senator will forbear for a few minutes.

AMENDMENT NO. 2006 TO AMENDMENT NO. 1676

(Purpose: To change the date of a letter referred to in a provision relating to obligation limitations)

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

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. It has been cleared on both sides. It is on behalf of Senator CHAFEE and myself.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. CHAFEE, for himself and Mr. WARNER, proposes an amendment numbered 2006 to amendment No. 1676.

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

The amendment is as follows:

On page 39, line 15, in the matter added by Chafee Amendment No. 1311, strike ''October 6, 1997'' and insert ''March 12, 1998''.

Mr. WARNER. Mr. President, this amendment, as I said, has been accepted on both sides. It changes a date in the letter of the bill relating to obligation limitations.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2006) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2007 TO AMENDMENT NO. 1676

(Purpose: To provide assistance to seaports and airports affected by the increase in trade with Canada and Mexico resulting from the enactment of the North American Free Trade Agreement Implementation Act)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator LAUTENBERG from New Jersey and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. LAUTENBERG, proposes an amendment numbered 2007 to amendment No. 1676.

Mr. WARNER. 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 91, between lines 23 and 24, insert the following:

(1) AFFECTED PORT OF ENTRY.—The term ''affected port of entry'' means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182).

On page 91, line 24, strike ''(1)'' and insert ''(2)''.

On page 92, line 5, strike ''(2)'' and insert ''(3)''.

On page 92, line 11, strike ''(3)'' and insert ''(4)''.

On page 92, line 17, strike ''(4)'' and insert ''(5)''.

On page 93, line 3, strike ''(5)'' and insert ''(6)''.

On page 93, line 6, strike ''(6)'' and insert ''(7)''.

On page 95, line 10, before the period, insert the following: ''and through affected ports of entry''.

On page 95, line 12, insert ''and affected port of entry'' after ''corridor''.

On page 95, line 14, before the period, insert the following: ''or by the State in which the affected port of entry is located''.

On page 95, strike lines 16 through 23 and insert the following:

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—

(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or

(ii) the State will submit a plan for affected port of entry improvements to the Secretary.

On page 98, line 19, insert ''and affected port of entry'' after ''border''.

On page 98, line 24, insert ''or affected port of entry'' before ''expected''.

On page 99, line 12, insert ''or affected port of entry'' after ''gateway''.

On page 99, line 21, insert ''or affected port of entry'' after ''border''.

Mr. LAUTENBERG. Mr. President, I join with the cosponsors of this amendment, Senators WARNER, MOYNIHAN and CHAFEE in offering this amendment. This amendment will make so-called ''ports of entry'' eligible for the planning and infrastructure funding authorized for this new trade corridor program. To qualify for funding, a port would have to show that there had been a significant increase in the transportation of cargo by rail and motor carrier through that facility since the enactment of NAFTA.

The trade corridor and border crossing program is intended to address the strain on the U.S. transportation system caused by the increase in international trade following enactment of NAFTA. However, in addition to the increase in commercial traffic at border crossings and along highways, other areas, such as ports of entry, are significant trade corridors for the movement of cargo, either by ship, rail or air, since NAFTA. These ports of entry, including the Port of New York and New Jersey, and the Port of Philadelphia/Camden, bears significant infrastructure costs from the increase of this cargo. This amendment would enable ports of entry to compete for funds in the Trade Corridor program.

In a State-by-State comparison of the total value of international truck shipments through each State, New Jersey ranks third, trailing only New York and Pennsylvania, for total value of international shipments moving through the State. Thus, New Jersey's ports are supporting a significant portion of the Nation's international trade activities and are contributing a great deal to the sound economic status we are now enjoying. However, this increase in trade and traffic is taking its toll on the infrastructure of ports in States like New Jersey. With this amendment, these ports, that are working so hard to support international trade and the U.S. economy as a whole, will be able to apply for assistance. This amendment is a significant step toward addressing the burden of increased international trade on States with very active ports, like New Jersey.

With this amendment, the trade corridor program will be balanced so that those areas and facilities that have indeed seen increases in cargo shipments will be eligible to compete for these scarce funds.

Mr. WARNER. Mr. President, I have sent this amendment to the desk on behalf of the distinguished Senator from New Jersey. It concerns ports of entry. This amendment clarifies that the ports of entry are eligible to participate in the trade corridor program. As I say, it has been accepted on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2007) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2008 TO AMENDMENT NO. 1676

(Purpose: To provide a program for remote sensing and spatial information technologies)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished majority leader, Mr. LOTT of Mississippi.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 2008 to amendment No. 1676.

Mr. WARNER. 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 in the bill, insert the following:

**SEC. . REMOTE SENSING AND SPATIAL INFORMATION TECHNOLOGIES.**

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate remote sensing and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish a national policy for the use of remote sensing and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of remote sensing and spatial information technologies for the implementation of such policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999 and $10,000,000 for each of fiscal years 2000 through 2004.

Mr. WARNER. Mr. President, this amendment establishes a program for remote sensing and spatial information technologies. It has been accepted on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2008) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the managers of the bill letting me proceed at this time.

Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

Mr. WARNER. Before the distinguished Senator speaks, do you wish to address the matter we discussed by phone at all at this point in time? Or do you feel we have covered that?

Mr. REID. Yes.

Mr. WARNER. I thank the Senator.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator may proceed.

(The remarks of Senator REID are printed in today's RECORD under ''Morning Business.''

Mr. WARNER. I want to continue to finish the bill here.

MODIFICATION TO AMENDMENT NO. 2005

Mr. WARNER. I ask unanimous consent a modification to the Gramm amendment No. 2005, which clarifies that ''ports of entry'' are eligible under the ''border infrastructure and trade crossings,'' section of the bill be accepted.

The modification is as follows:

On page 2, in insert (c), after ''border'', insert: ''or ports of entry''.

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

The amendment (No. 2005), as modified, was agreed to.

AMENDMENT NO. 2009 TO AMENDMENT NO. 1676

Mr. WARNER. I send to the desk an amendment on behalf of Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 2009 to amendment No. 1676.

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

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

The amendment is as follows:

On page 100 at the end of line 14, insert: ''including the deployment of technologies to detect and deter illegal narcotic smuggling.''

Mr. WARNER. The amendment makes clear that the deployment of technologies to delete and detect illegal narcotic drug smuggling is eligible activity under the Trade Corridor and Border Crossing Program.

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

The amendment (No. 2009) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

AMENDMENT NO. 2010 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary to conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator FEINSTEIN of California which authorizes the Secretary of Transportation to conduct a study in border infrastructure at the Southwest border.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. FEINSTEIN, proposes an amendment numbered 2010 to amendment No. 1676.

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

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

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

**SEC. 18___. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.**

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the ''border'').

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

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

The amendment (No. 2010) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. WARNER. I ask unanimous consent to add Senators CHAFEE, WARNER, and MOYNIHAN to the Lautenberg amendment adopted earlier this morning concerning ports of entry.

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

AMENDMENT NO. 2011 TO AMENDMENT NO. 1676

(Purpose: To identify certain routes in Louisiana as part of the North-South Corridor, a high priority corridor on the National Highway System)

Mr. WARNER. I send to the desk an amendment on behalf of two distinguished Senators from Louisiana, Mr. BREAUX and Ms. LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BREAUX and Ms. LANDRIEU, proposes an amendment No. 2011 to amendment No. 1676.

Mr. WARNER. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 309, strike line 3 and insert the following:

designated Route.

**SEC. 18___. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.**

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking ''Corridor from Kansas'' and inserting the following: ''Corridor—

''(A) from Kansas'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana.''; and

(2) in subsection (e)(5)(A), by inserting ''in subsection (c)(1)(B),'' after ''routes referred to''.

Mr. WARNER. The amendment is self-explanatory.

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

The amendment (No. 2011) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

ADVANCED COMPOSITE BRIDGE RESEARCH

Mr. DASCHLE. Mr. President, the Senate owes a great debt of gratitude to the Committee on Environment and Public Works, its Chairman (Mr. CHAFEE) and Ranking Member (Mr. BAUCUS) for developing an excellent legislative package to reauthorize the Federal surface transportation programs. Among the many visionary provisions in this bill, the Committee included a provision in S. 1173 that requires the United States Department of Transportation to carry out a bridge research grant program to demonstrate the application of innovative materials in the construction of bridges.

The State of South Dakota is on the cutting edge of efforts to develop innovative materials for use in bridge construction. Polymer Bridge Systems, Inc., of Mitchell, South Dakota, has developed a very impressive technology that makes it possible to construct items like bridges and utility poles out of composite plastics. Its products use a relatively inexpensive bamboo core for strength. Advanced composites show great promise in reducing costs of bridges and speeding their construction, particularly in rural areas such as those found in our states.

This Senator has seen samples of this innovative product. It has won wide national recognition ahead of others developed by large corporations we are all familiar with. In fact, the South Dakota Department of Transportation is installing a model bridge developed by Polymer Bridge Systems, Inc., at a weigh station in the state. This product shows great economic development potential, as they intend to manufacture it in the State.

Mr. President, I would inquire of the distinguished ranking member (Mr. BAUCUS), if advanced composites are the type of material the Committee on Environment and Public Works intended to be researched under this new grant program?

Mr. BAUCUS. Mr. President, the Senator from South Dakota (Mr. DASCHLE) is entirely correct. Advanced composites are one of many types of innovative materials this bridge research program was created to deal with. Would my distinguished colleague, the Chairman of the Committee (Mr. CHAFEE), agree with our assessment?

Mr. CHAFEE. Mr. President, I share the Senators' view that advanced composites deserve further investigation for their applications to bridge construction, and are certainly innovative materials that fall under the purview of the bridge research program.

Mr. DASCHLE. I thank my colleagues, and look forward to working with them on this and other important initiatives to improve our nation's transportation system.

Mr. WELLSTONE. Mr. President, I come to the floor today to add my voice to those of my colleagues in support of S. 1173, the Intermodal Surface Transportation Efficiency Act (ISTEA) II. This bill is tremendously important to the residents of the state of Minnesota. I want to thank the Manager of the bill for his excellent work in bringing this important legislation to the floor.

ISTEA represented a comprehensive package to address all transportation needs. I am proud to be able to say that I will support S. 1173 the ISTEA reauthorization bill. This is a good piece of legislation. It continues the fundamental goal of the original ISTEA, which is to afford state and local governments greater flexibility in allocating transportation dollars. Investing in our transportation infrastructure is essential if we are to remain economically competitive. Today, our highways and transit systems need continued support in order to meet our commercial and personal transportation requirements.

In addition to the ''traditional highway advocates''—the city, county and state officials, engineers and contractors—I have been working closely with community organizers, architects, preservationists, bicyclers and community activists. All of these people support ISTEA. I want to thank all of the county commissioners, city and state officials, as well as transit advocates, community organizers and others who have educated me along the way on transportation issues.

I am pleased to say that the Senate will be passing a very good bill today that will provide a much higher level of funding for the transportation infrastructure and investment in Minnesota. This bill will make over $2 billion available to the state of Minnesota over six years.

With this funding a continued federal investment will be made in maintaining and expanding Minnesota's highways, transit and other transportation related programs. Not only was the Senate able to increase funding for the traditional highway programs, including bridges, but this bill will also authorize additional funding for transit programs. I am pleased that several transit projects have been proposed in Minnesota including the Twin Cities Transitway. Improving existing transit and building new transit will be crucial as we see our population in the state continue to grow. It is clear that as our region continues to grow we will need alternatives to the traditional car and driver commuting.

I am also pleased that this bill continues the Disadvantaged Business Enterprise (DBE) program. The DBE program, which was first authorized in 1982, has been very successful in my home state of Minnesota. Through the DBE program minority and women owned businesses have grown. Businesses that in the past had been cut out from important highway construction dollars have been able to compete and get contracts to build and maintain our nation's interstate highway system.

Transportation is critical to our daily lives. We cannot separate how people and goods are transported from the many other parts of their social and economic lives. It is important to work together to ensure that we have a fully integrated, safe and environmentally sound intermodal transportation system in the state of Minnesota and the country. ISTEA does this through the MPO, ATP and STIP

process. The planning provisions of the bill put the decision making back at the local level. I am pleased that the Senate bill includes language that I authored to require MPO's to provide meaningful public participation in the MPO process. While the MPO process has worked well, this new language will make the process that much more responsive to the communities that are most impacted by their decisions.

Again, I am pleased to add my support to this important bill.

Mr. WARNER. Momentarily, I will seek unanimous consent regarding the bill, but I will take this opportunity to express my profound appreciation to so many persons who were instrumental in achieving this landmark piece of legislation, which originated in the subcommittee on which I am privileged to chair, and with the help of the distinguished ranking member of the subcommittee and ranking member of the full committee, Mr. BAUCUS. I think we can say with some immodesty that we achieved the goals we set out to establish months and months ago when we started hearings.

Indeed, we held hearings in many places in the United States to get the input of various Governors and other State officials and people across our country as we were putting together this legislation, which I am confident will enable not only the lifestyle of individuals to improve, to eliminate hours, endless hours on the highways in traffic congestion, but to improve safety.

I see the distinguished ranking member has just arrived. I was about to extol the Senator during his absence, but I will continue. Those goals—we sat down in the subcommittee and in the hearings that we had—we had a hearing in Montana, as well as Idaho, and produced the various principles we have incorporated in this bill. There came a time when Senator BAUCUS and I believed we needed added dollars. We made that effort. We lost by a single vote on the floor.

But I think we understood at that time that the leadership, both Republican and Democrat, needed more time. I say throughout this bill we have received the strongest support from the majority leader and the distinguished minority leader, Mr. DASCHLE. As a matter of fact, the majority leader presided over a series of meetings we had in connection with the Byrd-Gramm-Baucus-Warner amendment. I can see Senator LOTT in his private office now patiently listening as we advocated the need for additional funding and the chairman of the Budget Committee, Mr. DOMENICI, in a very pragmatic and straightforward way, explaining the various priorities of many programs, but the willingness on behalf of the majority leader to listen and the chairman of the Budget Committee to finally accept the consensus of that.

Mr. CHAFEE worked with us throughout. There was a time when he was not entirely in favor of what Mr. BAUCUS and I were trying to do, then a little less disfavor with the Byrd-Gramm-Baucus-Warner amendment. I remember him walking out of here at one point late in the afternoon and he said he was going to put a shield on and take out a sword and this measure would not pass. He, too, came to recognize the need for additional funding.

I think, indeed, the consensus of the Senate as a body—both sides realized, fully bipartisan—was that additional highway funding was needed. Senator CHAFEE, together with Senator BAUCUS, in markup in the full committee, got the unanimous adoption of the subcommittee bill. Then when there was reconciliation on the Byrd amendment, again, Mr. CHAFEE took the leadership in our committee and received unanimous support from all Members and eventually brought to the floor the Chafee amendment which added those funds.

Mr. President, we have come a long way. We are here, and within a short period I hope this measure is voted on final passage.

I want to thank Ann Loomis of my staff. I have never in my 19 years in the Senate witnessed a higher dedication and commitment by any person serving in the capacity of the staff than this fine person, together with her assistant, Ellen Stein, in helping me. We were joined by Dan Corbett, Kathy Ruffalo of Senator BAUCUS' staff, Jimmie Powell, the staff director, Thomas Sliter, the minority staff director, as well as Cheryl Tucker, Abigail Kinnison, and Linda Jordan. What a marvelous group. We have worked together in a bipartisan way to achieve this legislation. I hope other members of the staff and the Senate recognize how their peer group throughout the Senate worked—those assigned to the highway responsibilities and the legislative offices of every Senator—to bring about this bill. We thank all of you. We really got a remarkable piece of legislation and here we are.

I think there is one matter still remaining. I yield the floor, and 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.

AMENDMENT NO. 2012 TO AMENDMENT NO. 1676

(Purpose: To expand the scope of the hazard elimination program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. TORRICELLI, proposes an amendment numbered 2012.

Mr. WARNER. 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 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking ''(a) Each'' and inserting the following:

''(a) IN GENERAL.—

''(1) PROGRAM.—Each'';

(B) by inserting '', bicyclists,'' after ''motorists''; and

(C) by adding at the end the following:

''(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion,

''(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

''(B) develop and implement projects and programs to address the hazards.'';

Mr. WARNER. Mr. President, this is cleared on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2012) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2013 TO AMENDMENT NO. 1676

(Purpose: To modify a high priority corridor on the National Highway System)

Mr. WARNER. 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 Virginia [Mr. WARNER], for Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2013 to Amendment No. 1676.

Mr. WARNER. 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 309, between lines 3 and 4, insert the following:

**SEC. 1802. MODIFICATION OF HIGH PRIORITY CORRIDOR.**

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking ''(18) Corridor from Indianapolis,'' and inserting the following:

''(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,''; and

(2) by adding at the end the following:

''(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

''(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.''.

Mr. WARNER. This amendment is cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2013) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, on behalf of the majority leader and the distinguished minority leader, I make the following unanimous consent request:

I ask unanimous consent that no further amendments—with the exception of one to be offered by the Senator from Alabama, Mr. SESSIONS, which is still under consideration as to whether or not we will accept it—be in order to the committee substitute, and that the vote occur on the substitute beginning at 2:15 today.

I further ask unanimous consent that immediately following the adoption of Senate amendment No. 1676, S. 1173 be read the third time and the bill be set aside upon receipt of the House companion. I further ask consent that at that time the Senate proceed to the House companion and all after the enacting clause be stricken, the text of S. 1173, as amended, be inserted in lieu thereof, the bill be considered read the third time, and passed, and the Senate insist on its amendment and request a conference with the House. Finally, I ask consent that S. 1173 then be indefinitely postponed and the foregoing occur without any intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I have now been informed that Senator MOSELEY-BRAUN is on her way with an amendment, too. I have no idea what it is.

Mr. WARNER. I simply amend the UC to reflect two pending amendments, one from the Senator from Alabama and one from the Senator from Illinois.

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

Mr. BOND addressed the Chair.

Mr. WARNER. Will the Senator yield briefly?

Mr. BOND. Yes.

AMENDMENT NO. 2014 TO AMENDMENT NO. 1676

(Purpose: To designate certain segments of corridors of the Appalachian development highway system in Mississippi and Alabama as routes on the Interstate System)

Mr. WARNER. Mr. President, I send to the desk, as stipulated in the unanimous consent request just adopted, an amendment by the Senator from Alabama, Mr. SESSIONS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 2014 to Amendment No. 1676.

Mr. WARNER. 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 end of subtitle H of title I, add the following:

**SEC. 18___. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.**

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act does not meet the Interstate System design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1)(C) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—(A) This section shall not affect the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

''(B) EFFECT OF PROVISION.—Nothing in this section shall result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive from the Appalachian Development Highway System under this Act or any other Act.''.

Mr. WARNER. Mr. President, Senator SESSIONS is a member of the committee. He has worked very hard on this bill, and the citizens of his State should be aware of how hard he has worked on this bill, particularly this amendment, which has taken 3 days of negotiation to clear.

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

The amendment (No. 2014) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are close to wrapping up this bill. I would like to just inform the Senate of the very, very hard work that a lot of my staff have performed, as well as the staff of many others. It is worth repeating every time we manage a bill or are involved with a bill. Each of us knows how very hard and how diligent each of our staffs is. They don't sleep nights. They stay here all night long, and they work very aggressively and diligently, and they struggle home to sleep a little, and they get up in the morning, without complaint, and come back to work. They also work over weekends. It is just incredible.

I wish the American public could see just how hard our staffs work for the public good. I take my hat off to them. I believe, frankly, Mr. President, that a most noble human endeavor is public service, whether it is service to church, family, friends, whatever capacity each person might feel most comfortable with. But our staffs' dedication to the public service is above and beyond the call of duty by far, and they don't even get any recognition for it. Senators like to get headlines, like to be on TV; they like to get credit for what they do for the people in their home States and to the country. But the staff, I say, work harder and get no headlines, no recognition, no credit. Why are they doing it? They are doing it because they believe in service to our States and service to our Nation. They are just tremendous.

I would like to highlight my staff, because I know each Senator will do his own.

Tom Sliter is the minority staff director. Anybody that knows Tom Sliter knows there is none better. There are some as good, but there is none better than Tom Sliter for his dedication. And the same goes for everybody else on the minority side.

Kathy Ruffalo. Those who work with Kathy, try to clear amendments with Kathy, and go to Kathy for advice on how to work out this or that amendment, also know there is nobody more of an expert on the transportation bill or the highway bill or who finds solutions to problems more than Kathy.

Mr. WARNER. Mr. President, I must ask to join the Senator. Indeed, Kathy Ruffalo and Ann Loomis were at the very inception on the subcommittee, before it got up to the staff director level. They have really worked together as a team throughout. I certainly join in that. She is a distinguished citizen of the State of Montana, and she has weathered many

storms to be able to join in working late at night on this bill.

Mr. BAUCUS. That is true about the cooperation among our staffs. It is incredible. It is a joy to behold, frankly, to see Ann Loomis and Kathy and Tom and Dan and Jimmie. We have a real family here, I might say. As closely as we have worked together, it has been done without rancor, without anger, without any testy feelings. It has been a tremendous, seamless web of teamwork, and it has been wonderful. I mean that; I am not just saying it.

In addition, Mike Evans and Jo-Ellen Darcy, Barbara Roberts, and John Hemphill have all worked just as hard. We may not see them much on the floor here, but behind the scenes they have worked extremely hard and intelligently. I have not worked that much with Ann Loomis until recently. She is a wonderful woman, a very talented young lady. When Senator WARNER got up to speak on behalf of Ann, I thought, that's right, she is really good. The same is true with her counterpart, Kathy Ruffalo. They are a dynamo team. If you want to get two people working on a project and you want to win, get the two of them working together.

In addition, Dan Corbett of Senator CHAFEE's staff is an expert. Also, there is Cheryl Tucker, Linda Jordan, and Amy Dunathan. I don't know her, but I have heard of her, and she is good. Also, Abigail Kinnison of Senator CHAFEE's staff. Jimmie Powell did a terrific job as majority staff director. Secretary Slater has been helpful, along with Jack Basso, who has been here to answer questions relating to the Department of Transportation. He is always available and helpful.

In my State of Montana, Sandy Straehl, who is with the Montana Department of Transportation, has been terrific in working up data, amendments, and ways to help improve this bill. They worked very hard on this bill. I thank them very much.

In addition, Janine Johnson, with the Senate legislative counsel. It is pretty hard, when you are working for the legislative counsel and putting up with urgent, immediate requests of Senators and staffs, to try to write legislation, write amendments in a way that makes sense, to advance the issues we are trying to proceed with. Janine Johnson has been terrific.

There is also Ellen Stein with Senator WARNER's office. Ellen has been working as hard as Ann and the rest of them. I could go on forever, but I see Senators who wish to speak. I can't speak enough about the staff. They have been first-rate.

Mr. WARNER. Janine Johnson worked tirelessly, hour after hour, to see that our hand-scribbled notes were transitioned into legislative language.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to say what the distinguished bill managers have already said, and that is a sincere thank you to the many people who made this bill possible. But I want to say it again. It is appropriate that Chairman WARNER and Senator BAUCUS express their appreciation, but I want to do so as well.

Mr. President, highways and ISTEA debates are not an academic debate from Missourians; they are more life and death matters. The State of Missouri has always been a leader in the area of transportation. One example is that the first construction contract awarded under the Interstate Highway System some 40 years ago was for part of I–70 near St. Charles, MO. But the problem is that Missouri has been shortchanged in the past. Missouri has been a donor State putting in more than a dollar for every dollar they get back.

This final bill that has been crafted through a great deal of work is ''rough justice'' and demonstrates that reasonable people with passionate differences can reach compromise. My State of Missouri stands to gain $1.2 billion—that is not ''million''; that is ''billion'' dollars—more over the next 6 years than during the last 6 years to improve highway safety and infrastructure. That amounts to a 50-percent increase to Missouri for Missouri's essential transportation infrastructure.

I have worked long and hard on this bill with my distinguished friends and colleagues on the Environment and Public Works Committee. The underlying bill that the committee reported addresses the priorities I have had all along—increased funding overall, increased funding for the State of Missouri, fairness, and flexibility.

I express my sincerest thanks to Chairman CHAFEE, Chairman WARNER, Senator BAUCUS, and to all members of the committee for their assistance on things like my wetlands mitigation amendment, the triple-trailer amendment, and especially the amendments that we put in with respect to bridges, which are vitally important to my State. I look forward to the House passing the bill so we can get to conference and send to the President a transportation bill that will take us into the 21st century.

I would like to offer my own special thanks, among others, to the fine people who were mentioned. I need to mention my assistant, Tracy Henke, who worked I don't know how many hundreds of hours per week and over the weeks on this bill, and prior to that time. I express my thanks to Jimmie Powell, to Dan Corbett, to Ann Loomis, Cathy Ruffalo, Ellen Stein, Tom Sliter, and Abigail Kinnison. As has already been said, these people put in untold hours, and they did what I think is a good job. It is a job that makes nobody perfectly happy. But it is a job that lays the foundation for the kind of transportation system that we need to have in this Nation for the 21st century.

I am proud to have worked on this measure, and I thank my colleagues, and particularly their staffs who worked so hard to bring us to this point.

I thank the Chair. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from Missouri departs the floor, I certainly want to refer to the early days in the consideration of this bill, and to the tenacious manner in which he fought on behalf of not only his State but other States that found themselves in similar disparity in terms of the allocation of funds under the 1991 act. It is through his leadership that much of the achievement of equity in this bill has been reached. And I just want to personally thank him.

Mr. BOND. Mr. President, I say that the leadership of the chairman of the subcommittee is something for which we are all grateful. He helped donor States that were being shortchanged to come up to a much fairer level. It really makes a difference when you have a leader like Senator WARNER, who is working to assure fairness to assure the goals that we all seek, and I am deeply indebted to my good friend for the work that he has done not just for Virginia, but for many States and for everybody in America.

I thank my distinguished colleague.

Mr. WARNER. Mr. President, I thank my colleague.

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.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2015 TO AMENDMENT NO. 1676

(Purpose: To increase funding for the Railway-Highway Crossing Hazard Elimination Program)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Ms. MOSELEY-BRAUN) proposes an amendment numbered 2015.

Ms. MOSELEY-BRAUN. 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 220, after line 23, insert the following:

''(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated

$45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.''

Ms. MOSELEY-BRAUN. Mr. President, this is an amendment authorizing $45 million annually across the country for railway crossing improvements that are necessary in high-speed rail corridors across the country. High-speed rail, of course, is the future of passenger rail in America, and it holds great promise for our country.

One high-speed rail network is under development right now in the Midwest that will connect Chicago with St. Louis, Milwaukee, Detroit, and possibly even Minneapolis and Cincinnati. There are a number of corridors under development throughout the country—in Florida, in California, the Pacific Northwest, North Carolina, and in New York. There are proposed high-speed rail corridors in Ohio, Georgia, and other States as well.

Perhaps the greatest challenge impeding the development of high-speed rail are problems and issues at rail crossings. When trains begin to exceed speeds of 110 or 125 miles an hour, grade crossings that might otherwise be safe are made unsafe. The possibility for a tragedy increases incrementally.

We had a terrible tragedy a couple of years ago outside of Chicago. A school bus was struck by a train in Fox River Grove, Illinois, and seven children died. It was a terrible tragedy. That is the type of accident that we ought to do everything we possibly can do to prevent. It should never have happened. Again, with trains going at speeds of 110 and 125 miles an hour, the likelihood of a tragedy like this happening, unfortunately, increases incrementally.

This amendment will authorize an additional $45 million annually for the improvement of railroad highway crossings on high-speed rail corridors. The funds will not come out of any other program. They will not come out of any one's highway or transit program. It is simply an authorization of additional funds for improving safety at rail crossings.

I urge my colleagues to support this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we know this amendment has just come to us, and the distinguished ranking member, Mr. BAUCUS, is now in consultation with the proponent. It seems to me that the amendment is acceptable and that this is a matter that deserves the meritorious consideration of the committee now and eventually in conference.

Ms. MOSELEY-BRAUN. I thank my colleague, and I am grateful for his consideration of this safety matter. I know it is a matter of great concern to him, and the ranking member as well. I thank them both very much for considering this issue.

Mr. BAUCUS. Mr. President, I appreciate what the Senator said, but with the understanding that it is amended down at the lower amounts.

Ms. MOSELEY-BRAUN. Of course. I do understand that.

Mr. BAUCUS. It is a needed program, particularly for high-speed rail crossings.

I must say to the Senator that it is very important to address hazardous high-speed rail problems. It is also a problem, because tragically 2 days ago there was a bus accident at a rail crossing in my State of Montana where two schoolchildren were killed. It is devastating, as you might guess, to the families and to the school. It is a small school in central Montana. When we write this bill, we need to make sure that we address hazardous rail crossings across the country, as well as high-speed also.

Ms. MOSELEY-BRAUN. I think that is right.

Again, as the ranking member is aware, I talked about how Illinois is a hub State for transportation generally. We are a hub State for rail have among the highest numbers of rail crossings in the country. So we have so much more of this. We have so many more rail crossings that in the development of the high-speed rail—which everyone wants to see because it is the future of rail transportation and rail transit in the country—I think we need not be unmindful. We need to be mindful, and focus in on safety.

I am grateful to the leaders on this legislation for their consideration of this matter.

Mr. WARNER. Mr. President, if I might say, another Senator, I have just been informed, had a similar amendment. We are now checking with his office to determine whether or not he desires to go on, given that we were not able to accept his amendment in the form that it was presented to the committee.

Ms. MOSELEY-BRAUN. If I may, I hope that Member can be added as a cosponsor. I don't know who it is. If he is so willing, we would be happy to have the support.

I thank the Senator. I thank the Chair.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I simply want to rise to join in the congratulation of the leadership of this bill. It has been a pleasure for me to serve on this committee and on this subcommittee, and to see us coming finally to closure on a bill that I suspect is one of the most important that we will deal with in the next several years. It is certainly one of the most contentious, because it is one in which each of us seeks to satisfy our own needs, one in which we finally have to come to some accommodation for the different kinds of needs we have, and certainly no one is ever going to be perfectly satisfied. But I think we have come to a very successful conclusion in this bill.

I hope that we can maintain basically the formulas that we struck. Obviously, the total spending is one of the issues. Obviously, the formula for distribution is one of the issues. Each of us have differences. Some of us have lots of miles and not many people; some of us have lots of public lands, and so on. So it is most difficult.

I simply want to congratulate the chairman of the subcommittee and the ranking member, as well as the chairman and ranking member of the committee, and urge that we get on with it. Our States are waiting to be assured of the funds they will have, particularly in our northern States where the contracting season and the construction season is relatively short.

All of us have properly given some credit to our staff. Each of us had a staff person. I had a young man named Chris Jahn, who did an excellent job not only working with the committee but with our State transportation department, and I am proud of what he did.

So, Mr. President, I certainly add my congratulations and urge that we get this bill out of the Congress to the President as soon as we possibly can.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank the Senator for his comments, but more importantly his participation. He is a member of the Environment and Public Works Committee, and has played a very active role throughout the formulation of this legislation, and always with a very gentle but firm hand saying, ''I am watching for Wyoming.'' And that he did. We are very proud of that. I do hope this bill is received in his State as it will be, I hope, in other States, as truly an accomplishment.

I thank the Senator.

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. WARNER. 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. WARNER. Mr. President, the chairman, Mr. CHAFEE, when the time came to develop this legislation, reposed his full trust and confidence in the subcommittee to draw up a bill. And that we did. And, indeed, that bill, with the exception of the additional money, remained intact throughout this deliberation.

I want to pay special tribute to the members of that subcommittee who worked with me and Senator BAUCUS, the ranking member, through the period of a year's time. Many of them traveled with us when we went to various places in the United States. That is Mr. SMITH; Mr. KEMPTHORNE; Mr. BOND; Mr. INHOFE; and Mr. THOMAS, who just spoke; Mr. MOYNIHAN; Mr. REID; Mr. GRAHAM; and Mrs. BOXER.

As I said earlier, Mr. GRAHAM of Florida worked with me on STEP 21, which

was the foundation group that we eventually went into partnership with on Stars 2000, under the leadership of Mr. BAUCUS. So I want to pay special tribute to each of these individuals who worked so hard on this bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to pay a special tribute to the Senator who just spoke, Senator WARNER of Virginia. This is the first opportunity I have had to work closely with the Senator from Virginia. When you work on a major bill like this, you get to learn a lot about the person you are working with. I want to just tell the Senator how much I appreciate his grace, style, honesty, dedication, efficiency in getting the job done, cooperation, making sure we touch all the bases, making sure we talk to the leader about this, better talk to the chairman about this and the ranking member of the Appropriations Committee, too; making sure all the bases are touched so we get a balanced, fair bill, one that is fair to everybody not only in the letter of the law but the spirit of it.

Senator, you have done a great job and I want to thank you for that.

Mr. WARNER. Mr. President, I thank my colleague, but I also thank him for the opportunity to learn. I remember one time we were in a hearing, I believe it was in Idaho, if I am correct in my recollection. You and I were chairing it with Senator KEMPTHORNE. You pointed out the technical problems in many of the roads in the West, where they have to traverse such long distances and it is very expensive, given the weather; therefore, through the years they have shortchanged the sides of the road, the unpaved portions, and how that has contributed to a number of accidents.

I just point out that one technical thing because throughout this bill it has been a great learning process on the particular needs of the individual States as they relate to their geographical locations, temperatures and weather conditions that they have. The Senator fought tenaciously for the West. Now he goes in to meet his greatest challenge in the House where there are far fewer Members of the House of Representatives representing the West. I know that the West can count on the Senator for upholding their position in this bill, which he has fought for and achieved, together with Senator KEMPTHORNE, who I think was a partner in this endeavor. I thank the Senator for his kind comments but also for a learning curve that taught me a lot about things, like the shoulders of the road. Now this bears on your shoulders, to protect them in the West.

Mr. BAUCUS. It is also true you learn what a mosaic this country is and how each State's needs are unique. The New England States, for example, the Northeast States, have definite needs, obviously, with relation to the population density; relative donor States. Then, obviously, some of the Western States with public lands, some of the Indian roads. I compliment the Senators who worked very hard for their own States and who worked with the Senate to get a balance. One who comes to mind is Senator LEVIN, and Senator ABRAHAM from Michigan.

Mr. WARNER. Tell us.

Mr. BAUCUS. They are very tenacious in pressing for their States' best interests.

Mr. WARNER. Bulldogs.

Mr. BAUCUS. My colleague says ''bulldogs.'' They are bulldogs. But they are, if possible—I am sure bulldog owners will think it's possible—fair bulldogs, once they charge ahead.

Mr. WARNER. Let's add the Governor from that State.

Mr. BAUCUS. The Governor of Michigan, to say nothing of the Governors from some other States—Massachusetts, for example. I thank Senators KENNEDY and KERRY for their hard work for their State, along with Senator LAUTENBERG from New Jersey and the Connecticut Senators. Senator MOYNIHAN, who in many ways is the father of this bill, helped make sure there was a Northeast balance to the bill. And many other western Senators came to me and said, let's make sure this is fair to the West. I mentioned the donor States.

On our committee, I would like also to thank Senator BOXER—she has pressed California's interests very ably—Senator REID from Nevada; Senator LIEBERMAN; Senator LAUTENBERG, who I also mentioned; Senator GRAHAM from Florida—he is tenacious in fighting for Florida's interests, making sure, as a donor State it is not taken advantage of. But, again, it all came together in a very fair way.

It sounds kind of platitudinous, but it is true. These Senators worked extremely hard for their States and at the same time, in the end, they worked together to make sure we would get a very strong bill. That is quite an achievement, frankly, as we move on to the next century, the next millennium. We are passing a major infrastructure bill—major. Every $1 billion of highway spending accounts for about 42,000 jobs. This bill is about $171 billion, roughly, over 6 years. When we finish with the House, it perhaps could be a few more dollars.

Also, just in terms of making sure our highways are as up-to-date as possible, as any businessman knows, the better the condition of our roads and highways, the less congestion there is, the more money he is going to make, the more that helps his bottom line. This is going to help us be competitive in the next century.

Again, I thank Senators for their great work.

AMENDMENT NO. 2015, AS MODIFIED

Mr. BAUCUS. Mr. President, I am advised we need to make a technical adjustment to an amendment just offered, which has been agreed to, an amendment offered by Senator MOSELEY-BRAUN. I also understand that Senator FAIRCLOTH would like to be added as a cosponsor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. WARNER. The Senator is correct. Senator FAIRCLOTH had a very similar amendment, which at that time we felt we could not accept. In every respect he is a full cosponsor of the efforts reflected in the amendment of the Senator from Illinois. It has now been amended to be an amount not to exceed $15 million.

Mr. BAUCUS. That is correct. But there is another exception making sure it's not contract authority but authorizing language.

Mr. WARNER. That is correct.

Mr. BAUCUS. Mr. President, I have the changes in the amendment. I send them to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 2015), as modified, is as follows:

On page 220, after line 23, insert the following:

''(E)(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''

Mr. BAUCUS. This is the amendment that makes sure the $15 billion is not contract authority but is authorization. I urge its adoption.

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

The amendment (No. 2015), as modified, was agreed to.

Mr. WARNER. I move to reconsider and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2005, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent the Gramm amendment No. 2005 be modified to be a first-degree amendment with the changes that are now with the clerk.

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

The amendment (No. 2005), as further modified, is as follows:

Strike pages 98 and 99 and insert the following:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border or ports of entry transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including State, local and private matching fund;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

Mr. DOMENICI. Mr. President, I would like to take this opportunity to commend the many Senators whose cooperative efforts have brought this vital legislation to the Senate floor. I personally wish to thank the distinguished Environment and Public Works Committee Chairman JOHN CHAFEE of Rhode Island for his work in helping negotiate the deal to increase highway funding while maintaining the balanced budget agreement reached last year. When I entered the Senate in 1973 until 1987, I served on the Environment and Public Works Committee. I know the history and evolution of highway programs in this country. We are, Mr. President, a country on wheels.

I know the importance of highways to our economy. Every dollar invested in the highway system yields $2.60 in economic benefits to the nation. A transportation system that works without traffic jams, and efficiently moves goods across town or across the state, is an important asset for economic development. Good roads lower the price consumers pay for food, clothing and other goods. Lower prices can increase disposable income, attract new business and new jobs to an area.

The highway system is the economic lifeblood of our nation, and of my home state of New Mexico. Good roads get us where we need to go, on time and safely. President Eisenhower recognized that roadways are the arteries of American body politic when he created the Interstate system following World War II.

My constituents in New Mexico have indicated their biggest concern is roads.

Bad roads constitute 43% of the New Mexico road system, placing us, Mr. Chairman, behind only Rhode Island in the highest percentage of bad roads in the Country. Driving on roads riddled with potholes, bumps, buckles and cracks costs New Mexico motorists $281 million a year just in additional mechanic's repair bills and operating costs.

Highway improvements are urgently needed in New Mexico, and this agreement will assure us of substantial increases for that work over next 6 years. Should the current version of this bill pass, New Mexico would receive more than $1.5 billion for road construction and maintenance funds over the next six years—a 48% increase.

Financing highway construction and related activities creates jobs. Almost 10 million workers, a full seven percent of the civilian workforce, are employed in transportation and related industries. Each $1 billion in new federal highway investment nationwide generates an additional 439 full-time jobs in my state of New Mexico.

Repairing the national transportation system will increase productivity in all sectors of the economy. The goal of this legislation is the efficient and safe transportation of goods and people. We have agreed to spend all incoming gas taxes on highways, so New Mexicans can be sure they are getting their money's worth at the pump. We have encountered some potholes on this road of reaching an agreement consistent with the balanced budget agreement. But make no mistake, throughout negotiations, PETE DOMENICI has been for building roads in New Mexico.

The New Mexico Legislature recently approved, and Governor Johnson signed, a $1.1 billion highway funding package that depends on federal dollars from this legislation to complete projects in the state. For the first time in history, every community in New Mexico with a population over 15,000 will be served by a four lane highway connected to the interstate highway system. For example, Highway 44 between Bernalillo and Bloomfield, one of the most dangerous stretches of road in the country, will be widened to 4 lanes with the arrival of these additional federal dollars.

After waiting for more than 25 years, New Mexico will finally be able to complete improvements to highway 70; a vital link on the Eastern side of the state connecting the mountainous community of Ruidoso to Roswell and Portales.

What we in New Mexico affectionately refer to as ''the Big I''—the intersection of Interstates 25 and 40 which bisects the state in Albuquerque—is in desperate need of improvement. Too often this area resembles a parking lot rather than a main thoroughfare. Traffic is so bad that normally courteous drivers often become frustrated and succumb to ''road rage;'' jockeying for position, cutting each other off, and making single-finger salutes.

A recent Albuquerque Journal article suggests that motorists in New Mexico's largest city may begin to refer to 1998 as the year of the orange barrel. However, the city of Albuquerque, as well as the nation, will benefit from the long-awaited improvements to this vital crossroad.

Congestion and traffic have contributed to the ''brown cloud'' in Albuquerque from carbon monoxide. The $6.6 million provided to New Mexico annually in the Congestion Mitigation Air Quality portion of this bill will continue the programs which have allowed Albuquerque to become the first U.S. city to emerge from non-compliance with air quality standards.

It may seem unusual to some that a Senator from New Mexico helped protect mass transit dollars in this road bill. However, New Mexico will benefit from these funds in the development of transit systems in, as well as between, her larger cities. Even the smaller city of Roswell as contributed to mass transit technology. The NovaBus Corporation has designed efficient busses which have been utilized in metropolitan areas like New York City. New Mexico has lots to offer our nation's transportation needs.

New Mexico is the fifth largest state, comprising nearly 3.5% of the land area of the United States, yet it ranks only 36th in population. However, New Mexico is also one of the fastest growing states in the Union, and its traffic volume has tripled in the last ten years. Heavy 18 wheelers moving goods pass through New Mexico, between manufacturing and population centers in Texas and California. We don't directly benefit from the majority of this traffic, but it does tear up our roads.

As I have been recently reminded, almost 27 million acres of my fair state, approximately ⅓ of its land area, is owned by the federal government, with more held in trust for the many native Americans within its borders. As this nation's Interstate highway ages, repaving and maintenance is endless. Major reconstruction is necessary, which is the state's responsibility. New Mexico maintains highway systems through those lands, while having no tax base to recover any costs.

I am pleased this bill includes an additional $250 million for roadway improvements on public lands throughout the nation. Perhaps the National Park Service will improve the roads within the Chaco Culture National Historic Park so that visitors from around the country will be able to share in its splendor.

New Mexico also shares 175 miles of its border with Mexico. Our state has welcomed the increased economic activity associated with the passage of

NAFTA, but the nation must also realize the increased traffic and cost to road infrastructure which has followed. I am pleased that this bill includes $450 million for states to meet NAFTA -related road needs. I am also pleased my amendment which amends the Trade corridor and Border Crossing planning program was approved.

This amendment allows the Secretary of Transportation to consider the projected increase in commercial traffic when selecting recipients of border grants. The current provisions direct the Secretary of Transportation to only consider current and past traffic when allocating funds under this program. Many border facilities, including Santa Teresa in New Mexico, have opened since the passage of NAFTA. This amendment will enable the Secretary to consider the future growth of commercial traffic at ports when awarding grant requests.

I, along with the other Senator from New Mexico, also offered amendments which enable the Department of Transportation to benefit from the expertise of our nation's federal laboratories in solving transportation needs. In utilizing existing laboratory capability where appropriate, we can ensure past taxpayer investment will earn dividends long into the future. Our amendments encourage cooperation and information exchange within the federal system in development of transportation technology. We should, where we can, avail ourselves of the exceptional talent already available in our federal laboratories.

I encourage the prompt passage of ISTEA II in the Senate, so that the House of Representatives will quickly address the country's transportation needs and construction can continue without delay. New Mexico is a large state with a small population, many citizens are isolated without adequate roads. Contract authority provided by this legislation is needed to continue federal road and transit construction and maintenance throughout the country. Major construction season is about to commence; states need their highway funds.

I urge prompt passage of this important bill.

Mr. President, again, let me thank all the Senators who have worked together to get this bill moving on the Senate floor. In addition to the distinguished chairman CHAFEE, I thank Senator BYRD and Senator PHIL GRAMM, who originally brought up the idea trying to spend as much of the 4.3 cents as had been transferred to the trust fund as possible, consistent with the caps we have heretofore agreed upon in the balanced budget.

During the 14 years I served on the Environment and Public Works Committee I learned that there is nothing more important to the American people and the people of my State than the roads they drive every day of their lives. Many Americans work miles from where they live. Freedom to many is to get where you want to go as easily as possible, and in your own car.

Frankly, I believe that is as much a part of the good life in America as anything else.

But while we have been taking highway money and spending it on other projects, congestion grows. While we are all interested in mass transit and transportation technology, it is obvious that you have to spend money on bricks, mortar, cement, and the like, to improve the roadway system.

New Mexicans are going to be very pleased when this bill clears the House and goes to the President, because our State is going to be able to take care of many projects that have been long delayed. We will try to make improvements to the interstate in our largest city to relieve congestion. A city of 750,000 should not be so congested.

There are many aspects of this bill that are going to help New Mexico. Many of roads on Indian lands are impassable in winter months. Only in the last 16 years have we been allocating federal funds to improve these roads, and this bill increases that funding by $50 million to $250 million annually.

Our legislature has cooperated with our Governor, and they have a series of major projects that are going to be funded out of the highway program in, indeed, new and innovative ways, with long-term bonds and financing, if and when this bill becomes law. I look forward to that.

I have already commented how this highway money is needed in the State of New Mexico. I will conclude by saying that when we have an economy as robust as ours is today, it is not time to let up on road building. Our economy lives on the highways and byways of America. The more congestion, the less efficient, the less effective we are. Moving business efficiently and effectively the length and breadth of this nation, will ensure the American economy continuing its rather tremendous competitive advantage in the world.

From the smallest town that needs its roads improved to the very big issue of how this Nation remains competitive—I feel that passage of this bill is as important as anything else we do in the next 4 or 5 years.

INCREASING THE ALLOCATIONS TO INDIAN RESERVATION ROADS

Most Indians today still live in poverty. This is reflected in a per capita income figure that is one-sixth to one-fifth the national average for the 10 largest Indian reservations. In simplest terms, most reservation Indians have one dollar of income for every five dollars of income available to average Americans.

On the Papago reservation in Arizona, the per capita income is $3,113 compared to $18,325 for all Americans (1990 Census). At Zuni Pueblo, the per capita income is $3,904 and at that Navajo reservation it is $3,735. These figures have changed only slightly since the 1990 Census.

Fifty-one percent of American Indians residing on reservations live below the poverty line; and unemployment averages 37%.

ISTEA has already helped tremendously to increase the accessibility of Indian people, but much remains to be done.

We can help accelerate the movement of Indian people into mainstream economic activities by improving their accessibility to better markets and better tourism opportunities.

ISTEA II, S. 1173, now authorizes a grand total of $173 billion for all programs over the six year life of the bill. This is a nominal increase of about 43 percent.

As passed by the Senate, S. 1173 funds the Indian Reservations Roads Program at $200 million for 1998 and $250 million per year for each of the following five years of the bill, from 1999 through 2003.

I am pleased that the Committee on Environment and Public Works has included $9 million annually (within the total $250 million) to allot to the repair and construction of Indian bridges.

The Domenici-Inouye-Bingaman amendment, as accepted by the Committee will add a total of $250 million over five years.

Our amendment brings the six year total IRR funds up to $1.450 billion from the current $1.200 billion prior to the Domenici amendment.

While our original IRR bill, S. 437, included road maintenance as an eligible activity, this amendment does not include road maintenance. We expect the BIA to continue to fund its road maintenance program, hopefully at higher levels than $25 million per year.

The Indian Reservation Road Program is directed to about 22,000 miles of BIA roads serving Indian lands. There is a total road mileage, counting BIA, state, federal, tribal, and county roads, of about 50,000 miles on our nation's Indian lands. The BIA is directly responsible for about 44% of this total road system serving Indian tribes. About 5% are tribal roads and the other half are other federal roads and state and county roads.

Within the BIA road system, 22,000 miles of roads, only 11% of the paved roads are rated as being in good condition. Of the unpaved roads, 90% are known to be in poor condition. None of the BIA unpaved roads are rated as being in good condition.

Since 1982, the Highway Trust Fund has been the primary source of funds for the design and construction of BIA roads serving Indian tribes. In the mid-1980's this funding was about $100 million per year; it fell to about $80 million per year in the late-1980's; and with the advent of ISTEA I, Indian Reservation Roads have been funded at $191 million per year.

Now that Welfare Reform is a reality, it is more imperative than ever to help create Indian reservation-based employment opportunities. ISTEA funding has become the primary source of road planning and construction in Indian Country.

In addition to direct employment opportunities, ISTEA funds provide an essential component of community infrastructure development. As observed in the Committee Report on S. 1173,

Transportation provides the links between businesses, industries and consumers. The national economic benefits of a healthy and reliable Federal investment in transportation infrastructure are well documented.

The ability of new businesses to arise in Indian Country is seriously hindered by the current state of their road system. Health and education indicators are also well below national averages.

Today's Senate action to increase the Indian Reservation Road program by $50 million per year will add significantly to improving the accessibility of Indian reservations to the benefits of our national economy.

On the Navajo reservation, annual funding is likely to increase from about $55 million to over $65 million. On Pueblo lands in New Mexico, funding will increase from about $12 million to $15 million.

I am pleased that the full Senate preserved this important funding increase for Indian reservation roads to $250 million per year, from $200 million per year, as originally proposed by the Environment and Public Works Committee, and from $191 million per year under current law.

Another significant change in this legislation is the national priority system for Indian reservation bridges. Rather than allocate a small percentage of bridge funds from each of the fifty states for use within those states, we now have a single national Indian bridge program that will target the most deficient bridges for early repair or replacement.

I thank Chairman CHAFEE and Ranking Member BAUCUS for their assistance in adding significant funding for the Indian Reservation Road Program and creating a simpler Indian bridge program.

NHTSA FUNDING

Mr. McCAIN. Mr. President, I would like to take a moment to recognize the very important role of the National Highway Transportation Safety Administration (NHTSA) and its immense contributions to promoting transportation safety throughout our nation. I would particularly like to commend Dr. Ricardo Martinez, Administrator of NHTSA, for his strong leadership in highway safety over these past several years.

Since 1992, seat belts, child safety seats, motorcycle helmets, and the age 21 minimum drinking age laws have saved over 40,000 lives. Thanks in large part to NHTSA, the nation also has made great progress in reducing the motor vehicle fatality rate. In 1966, when the highway safety statute NHTSA administers was enacted, the nation's motor vehicle fatality rate stood at 5.5 deaths per hundred million vehicle miles traveled. Today it stands at 1.7, the lowest rate recorded.

The keystone of NHTSA's efforts in highway safety, jointly administered with the Federal Highway Administration (FHWA), is the State and community highway safety grant program, commonly referred to by its US Code provision as the ''Section 402'' program. The major goal of the Section 402 Program is to provide Federal leadership, encouragement and technical assistance to States and communities in their effort to develop and implement the most effective highway safety programs to reduce traffic crashes and resulting deaths, injuries, and property damage. Section 402 funds are provided to all States, territories, the District of Columbia, and the Secretary of the Interior on behalf of Indian Reservations. At least 40 percent of these funds are used for local and community projects with the remainder going to the State.

Last week, the Commerce Committee's safety amendment to S. 1173 was adopted by unanimous consent. That amendment acknowledges the important functions of NHTSA and authorizes funding for the agency's many programs for six years. Unfortunately, due to budget considerations, the authorization levels included in the Commerce Committee's amendments for NHTSA's highway safety programs, as well as programs under the Office of Motor Carriers, fall short of meeting agency needs forecast for the next six years.

Mr. President, I want to ensure there is no question about the Committee's commitment to transportation safety. 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 for NHTSA and all of the other safety programs authorized under our amendment reflect that budget agreement.

I am well aware additional funds are needed to meet NHTSA's goals on such vital programs as safety belt use and drunk driving prevention. As Chairman of the authorizing committee, I stand ready to increase the funding levels should an agreement be reached with the Budget Committee and other pertinent Committees to enable a higher authorization level for NHTSA, as well as other agencies' safety programs.

While we have not found a way to increase the funding at this time, I will continue working on this during conference consideration. I will do all I can during conference deliberations to seek higher authorizing levels for transportation safety.

AMENDMENT NO. 1977

Mr. CLELAND. Mr. President, I would like to take a minute to address a Senate action which took place yesterday on March 11, 1998, specifically the passage of my amendment number 1977 to the bill S.1173 which involves the addition of Elbert and Hart Counties, Georgia to the Appalachian Regional Commission.

First, I would like to thank my distinguished colleagues, the Chairman Senator CHAFFEE and Ranking Member Senator BAUCUS for their superb leadership on this bill as well as Senators WARNER and BYRD for their input and guidance to insure that my efforts on behalf of Elbert and Hart Counties in Georgia were able to come to fruition. I also wish to commend Georgia Governor Zell Miller for his role in bringing this matter to my attention.

As you know, my amendment will allow Elbert and Hart counties to gain membership in the Appalachian Regional Commission (ARC). I am extremely proud to be able to help the fine Georgians who reside in Elbert and Hart Counties to join the region served by the ARC. Back when the Appalachian Regional Commission was established in 1965, these two counties were geographically eligible to be included, but the local leadership at the time declined to do so.

Well, here we are, over 30 years later, and the people of Elbert and Hart Counties have been given what we all need in life, ''a second chance.'' The economic and educational assistance provided by the valuable programs of the Appalachian Regional Commission will be extremely valuable for the fourty-thousand or so people who reside in Elbert and Hart Counties in their efforts to better their economies and their communities.

I, along with those Georgians of Elbert and Hart Counties, would like to thank my Senate colleagues for their wisdom and generosity in providing for successful passage of this amendment.

ALAMEDA CORRIDOR-EAST PROJECT IN THE SAN GABRIEL VALLEY OF CALIFORNIA

Mrs. BOXER. Mr. President, before we bring to a close this reauthorization of the Intermodal Surface Transportation Act, I'm pleased to draw the attention of the Senate to an outstanding trade corridor project in my home state of California.

The Senate may remember that, in 1996, I worked with the state of California and the California delegation to achieve funding for the Alameda Corridor, a major trade corridor to move the thousands of box cars a day unloaded at the Ports of Long Beach and Los Angeles through southern Los Angeles County to Redondo Junction. From there, the railroads move the cargo east to virtually every state in the Union. While I'm very pleased that we were able to arrange a private public partnership to fund the Alameda Corridor, I must point out that further work must be done to relieve the congestion east of the Alameda Corridor.

As the trains are loaded at Redondo Junction, they head east, going through a very heavily populated area known as the San Gabriel Valley. In this 35-mile corridor, there are 79 highway rail grade crossings located along the Union Pacific and former Southern Pacific main lines between downtown Los Angeles and the City of Pomona. The train traffic through this Valley is currently 67 trains per day and is projected to increase about 60% to as high

as 109 trains per day by the year 2020. This will result in a doubling of the amount of time a grade crossing will be closed, to as high as 140 minutes a day. This obviously has adverse effects on mobility, both for the local citizen and freight movement. More important, however, it has a terrible impact on safety and I believe it is our responsibility to address this situation.

I am pleased to report that the San Gabriel Valley Council of Governments, working in concert with the Southern California Association of Governments and the California Department of Transportation, has developed a plan to improve safety and mobility in the San Gabriel Valley. It is a very aggressive 8-year, $950 million program which calls for an initial investment of $220 million from the Federal government over the next 6 years. The program is ready to begin immediately with a jump-start program of $60 million, which would address the most critical bottlenecks and improve safety through a series of grade crossing improvements and traffic signalization. In addition to the safety and mobility aspects, if fully implemented, the Alameda Corridor East Gateway to America Project would annually take 128 tons of air pollutants out of the worst air basin in the nation.

This is a very important project, Mr. President, and I ask that when you go to conference with the House you give this project every consideration in urging the Secretary of Transportation to support this project out of the discretionary monies in the high priority trade corridor program of this legislation.

Mr. CHAFEE. Mr. President, from my visits to California, I have learned first hand how the traffic coming through the Ports of Long Beach and Los Angeles are expected to more than double by the year 2020 with 25% of all U.S. imports coming through these two ports. If we are to realize the benefits of this increased trade, we must improve the efficient movement of the cargo throughout this nation while at the same time taking every step to enhance the safety of the residents of the area and to improve the environment.

The Senator should be assured that I will give this project every consideration as we move to final enactment of this bill.

Mr. HATCH. Mr. President, I just want to take a moment to express appreciation to the Environment and Public Works Committee members, particularly Senators CHAFEE, BAUCUS, and WARNER, for the yeoman's effort they have made to get this bill to the floor and ultimately passed by the United States Senate.

Developing a measure this complex, with so many competing interests, isn't easy. Believe me, I've been there, done that. My hat is off to my colleagues who have succeeded in guiding this well-balanced package this far through the legislative process.

My colleagues on the Environment and Public Works Committee have had a difficult row to hoe in even bringing this measure to the floor a few weeks ago. In fact, I seem to recall hearing that the joke around the EPW Committee was that ISTEA was a six year reauthorization, not a six year reauthorization process.

Additionally, I commend our determined and highly effective Majority Leader. Without the direct influence of Senator LOTT, we would not have gotten a bipartisan agreement on the committee's amendment to ISTEA which provides for additional funding for highway projects. And without his statesmanlike intervention last fall, we would not have had the six-month extension that was so critical to Utah and, I'm sure, to other states as well.

Along with my junior colleague from Utah, Senator BENNETT, I communicated my concerns about the effect that a delay on the ISTEA reauthorization would have on my state of Utah to the Majority Leader, and I appreciate the fact that he moved quickly on this legislation once the Senate returned from the recent recess.

I commend as well, Senators DOMENICI, BYRD and GRAMM for their efforts in ensuring that our nation's vital transportation infrastructure needs are met in a responsible manner which does not violate the balanced budget agreement.

I enthusiastically support final passage of ISTEA. Here's why.

Utah faces a number of transportation challenges. The most critical is the reconstruction of the I–15 corridor. Designed in the 1960s, with a life span of 20 years, the seventeen mile I–15 corridor enters its third decade with certain areas close to collapse.

In photos I have observed which detail the level of disintegration to the highway and bridge structure along I–15, I could actually see the sky breaking through holes in the infrastructure.

It has also been reported that employees who park underneath some of the I–15 bridge structures had to sign safety waivers! Before construction began, a dozen of the bridges along I–15 posed direct safety threats.

Additionally, despite an earthquake fault line along the Wasatch front, none of I–15's bridges met modern earthquake standards.

The I–15 corridor reconstruction project is vital to the economic growth of our nation, the safety of the traveling public, and presents a unique opportunity to study the effects of an innovative ''Design/Build'' approach to highway construction.

The I–15 project is the largest ''Design/Build'' project ever undertaken in the United States. As my colleagues know, the ''Design/Build'' process is the cost and time savings process of having the same contracting team that designs the project actually build the project.

In Utah, it is estimated that this approach will save half a billion dollars and cut construction time in half. The I–15 project will provide vital data to transportation policy makers, engineers, and state and federal departments of transportation as more states opt to use the ''Design/Build'' approach.

In addition to the challenges associated with the I–15 corridor project, Utah is a fast growing state that must make substantial improvements to accommodate not only its own rapid growth but also interstate commerce.

And, although some colleagues may think of Utah as being an essentially rural state with wide open spaces, Utahns face rush hour traffic gridlock that rivals the Washington Beltway.

The rate of population growth in Utah currently exceeds the national average by two to three times. Over the next two decades, the population in the Salt Lake Valley alone is expected to escalate to 1.3 million people, a 66% increase.

The area south of Salt Lake is becoming known as the new ''Silicon Valley,'' home to Novell and other high tech employers. North of Salt Lake, the population of Davis and Weber Counties are expected to grow 55% and 37%, respectively. All together, the 100-mile corridor along the Wasatch Front will exceed 2 million by 2015.

Travel in the Salt Lake Area is projected to grow significantly over the next 20 years. Total trips will grow by 57%, from 7.25 million trip-ends per day to 11.4 million in 2015.

Vehicle-Miles Traveled (VMT) will grow even faster, from current level of 21 million to 34 million in 2015 or 62%.

Our dependence on mass transit is also increasing. Total daily transit ridership will be 128,000 by 2010—an increase of 103% over 1993.

All of this would be enough for Utahns to support prompt passage of the ISTEA reauthorization. But, in addition, Utah faces an important deadline for completion of key transportation projects. That deadline, of course, is the 2002 Winter Olympics, which Salt Lake City will host on behalf of all Americans.

During the 2002 Olympic Winter Games, more than 2 million tickets will be issued to 179 events, which will be spread over five city and five mountain venues, each within a 55 minute drive of the Olympic Village.

It goes without saying that the efficient—not to mention safe—transportation of athletes, their families and coaches, American and foreign press, volunteers and visitors from one place to another is crucial. And, we can't postpone critical construction and improvements. In Utah's climate, we have basically four construction seasons remaining to meet this deadline, and some of our road projects are necessarily going to have to be front-loaded into this time frame.

I know that I felt a sense of pride when the Olympic flag passed from Japan to the United States at the closing ceremonies in Nagano. Perhaps my colleagues noticed the banner carried by our U.S. athletes into the arena

that said: ''Thank you, Nagano! See you in Salt Lake!'' You don't have to be a Utahn to want to show off our country.

I am confident that the bill before us provides the funding and the mechanism for Utah to meet its own transportation needs as well as to fulfill its obligation to our country as host of this prestigious international event.

Again, I want to commend and thank my colleagues for their fine work on this legislation. I am pleased to vote for final passage of S. 1173.

Mr. HOLLINGS. Mr. President, we come again to the highway bill and the question of fairness. Seven years ago I voted against passage of the highway bill, called ''ISTEA,'' because it did not provide a fair share of funding to South Carolina. We were told we had a so-called ''90% minimum allocation,'' but hindsight now shows that we received only 71 cents on the dollar.

I think we are on a better track today. The latest chart shows South Carolina getting 90 cents on the dollar for apportioned funds. I still do not believe that amount is fair, but it represents progress and I will keep working to improve on this amount. Also, ''donor'' states like South Carolina were told last week that the bill would provide a floor of 91 cents on the dollar, and we clearly do not have that guarantee in the bill yet. However, I appreciate the difficult job the managers of the bill have in balancing the many needs under this bill, and have tried to help them pass a fair bill in accords with the needs of my state.

Particularly, I have strongly supported putting increased gas tax funds into the Highway Trust Fund, and spending those funds on highways rather than non-transportation purposes. This is the right thing to do, it is good budget policy, and of course, it helps the managers of this bill provide an increased share of funding for ''donor'' states like South Carolina.

Again, I remain concerned that, while there was an indication last week that donor states would receive 91 cents back for each dollar contributed, donor states have not in reality been given this amount. And I stand by my support for legislation giving donor states a guarantee of 95 cents or higher. But I am pleased to see some progress on the issue of fairness and hope we can continue to work together to improve the bill.

Mr. SMITH of New Hampshire. Mr. President, I join the majority of my colleagues today in expressing strong support for the reauthorization of the Intermodal Surface Transportation Efficiency Act, otherwise known as ''ISTEA.'' I was a proud supporter of this legislation in 1991 and continue to support its goals today.

While the acronym ''ISTEA'' is often joked about, it does share at least one quality of the popular summer drink—It is refreshing. ISTEA also represents a revolutionary change from past transportation legislation and a shift toward an integrated, intermodal transportation system to promote efficiency and economic growth. Some of its major provisions include: assurance that gas tax dollars are used for transportation purposes, greater planning authority for state and local governments, increased research for innovative technologies such as intelligent vehicle highway systems, and funding for environmental protection activities.

A reauthorized ISTEA should continue to recognize regional differences, but at the same time, recognize that our transportation system is a national system. Certainly, every state wants to get its ''fair share,'' and we will need to balance each state's needs with the needs of the nation as a whole.

While there is some merit to having various funding programs to serve specific needs, it is important to me in the development of this legislation that we refrain from creating new funding categories or set-asides, and allow for maximum flexibility between the various programs. I also believe we should not be adding onerous mandates or sanctions on the states. I firmly believe that state governments are capable of protecting the health and safety of their citizens.

From New Hampshire's perspective, it is important to ensure that small states continue to receive adequate funding for their infrastructure needs. New Hampshire strongly supports certain programs, such as the Bridge Rehabilitation, Scenic Byway and Recreational Trail programs, that other states may not need as much. The strength of ISTEA is that it recognizes these varying needs and provides states with the flexibility to direct funding as they see appropriate.

There are many challenges before us as we operate in a balanced budget environment—something for which I have fought long and hard. Our needs will always outweigh our resources. But, we also have to recognize how critical our transportation system is to our economy and social well-being. While it is difficult to balance these frequently competing goals, I believe this bill strikes the right balance in providing an adequate amount of resources within the context of the balanced budget agreement reached last year.

There is one other subject that I want to touch on briefly, and that is the environmental review and permitting process. I believe S. 1173 makes good progress toward streamlining the environmental review process. However, I do not believe we have gone far enough in resolving this problem.

As it stands now, it takes as long as eight years to complete the planning and permitting phase of a highway project. This is simply too long and too wasteful of taxpayer dollars. We must take steps to shorten this process while still maintaining high environmental standards.

There are numerous examples from all regions of the country that show why the current system is broken. One of these examples is from my home state of New Hampshire. The Nashua Circumferential Highway project was in the planning and environmental review phase for more than 10 years and had received the necessary permits from the Corps of Engineers when, at the eleventh hour, EPA stepped in and exercised its veto authority. EPA vetoed the project even though a $31 million environmental mitigation package was committed by the state. A scaled back version of this project is finally back on the table. However, many years and a significant amount of resources were unnecessarily wasted. This is just one of many fiascoes that have occurred all over the country.

We need to bring some common sense and reason to the environmental permitting process. Unfortunately, there are certain groups who consider the National Environmental Policy Act, NEPA, to be sacred and untouchable. But, I am pleased to say that we have at least begun a debate on this issue and that a bipartisan effort to improve the environmental review process has taken place. While I think the language in S. 1173 represents a good first step, I still believe we could do more to streamline and improve the review process without circumventing protections for the environment.

In addition, I am pleased that the bill managers agreed to include my amendment to authorize a recycled materials research program at the University of New Hampshire, UNH. UNH has already begun extensive research into the use of secondary or recycled materials in transportation infrastructure. The data developed through the university's testing and demonstration of the feasibility of certain recycled materials in road building will be extremely valuable to state departments of transportation, the Federal Highway Administration, and the construction industry.

On balance I believe this is a good bill and deserves Senate approval. I look forward to swift action by the House on its ISTEA reauthorization bill, so we can get to conference and reach final agreement by the May 1 expiration date. Thank you, Mr. President, and I yield the floor.

AIR QUALITY STANDARDS

Mr. LOTT. Mr. President, I would like to commend my friend from Oklahoma for his leadership in educating me and my colleagues about the new air quality standards. Before we wrap up action on ISTEA, I would ask that he clarify a few issues regarding his amendment that was adopted earlier by the Senate.

Mr. INHOFE. I would be pleased to respond to the Majority Leader, and I would like to thank him for his assistance in getting this amendment adopted.

Mr. LOTT. I thank my friend from Oklahoma. It is my understanding that the amendment you offered would not affect any pending litigation, nor

would it ratify the new standards. Is that a correct assessment of the savings clause?

Mr. INHOFE. That is correct, nothing in the amendment will affect pending lawsuits and nothing will affirm or ratify EPA's standards.

Mr. LOTT. On the day that the amendment was offered, the Senator from Oklahoma discussed a conversation he had with the EPA Administrator. I would appreciate a clarification of that conversation.

Mr. INHOFE. Mr. President, I am pleased that the Majority Leader raised this issue. I have seen press reports that have not accurately represented my conversation with Administrator Browner. During that conversation, I indicated that I had no plans to offer any additional clean air NAAQS legislation this year should the amendment be signed into law, barring any unforeseen circumstances. I did not indicate, however, that I would not offer clean air standards legislation after this year. I would not want to give up my right to legislate in the future and I did not do that.

Mr. LOTT. Thank you for that clarification. I appreciate the Senator's willingness to work with the EPA and other federal agencies, and agree that it is the prerogative of the Senate to decide how and when to legislate.

Mr. President, I appreciate the Senator's efforts and commend his success on this amendment. He has dedicated countless hours to this issue, both personally and in his subcommittee, and I thank him. I fully expect to see his clean air standards amendment—if not a stronger one—in the final bill reported from Conference.

GRAMM-GORTON AMENDMENT ON SECTION 1116(d)

Mr. GORTON. Mr. President, I rise today in support of the Gramm-Gorton amendment which modifies Section 1116(d), the Trade Corridor and Border Crossing Planning provision. This amendment will improve the criteria for receiving funds under this section and ensure that these funds are best utilized.

The U.S. economy depends on the efficient flow of goods, and the federal government has realized that bottlenecks at U.S. ports are a national concern. The Ports of Seattle and Tacoma are the second largest load center in the United States, with more than 70 percent of their cargo traveling to or from points outside the Puget Sound region. Congestion around these ports can cause significant delays which are not acceptable in today's just-in-time high-technology economy.

As a major gateway to Asia, Washington state serves as a major export and import hub for trans-Pacific trade. By 2015 Asia is expected to comprise 45% of the world population, and a significant amount of the goods traveling to and from this region will pass through Washington state ports, both land and sea. As the volume of trade grows, rail, truck, and air traffic will increase proportionally.

Mr. President, as anyone who has driven in the Puget Sound region will attest, it is no joy to travel the I–5 or I–405 during rush hour. While the Sound and Lake Washington add so much of the beauty to this unique region, they also form geographical barriers that limit transportation options. These two bodies of water necessitate narrow transportation corridors, much like a funnel, that create massive congestion problems. When you add in freight traffic of trucks and trains, you have a serious situation that requires a serious solution.

Local officials have recognized the severity of the transportation problems of the region and have developed the Freight Action Strategy for the Seattle-Tacoma Corridor (FAST Corridor) to address these needs. The FAST Corridor project identifies choke points from Everett to Tacoma that both hinder freight mobility and increase traffic congestion. Solutions to these problems will take a comprehensive effort encompassing federal, state, local, and private interests.

The region is prepared to address these problems, and is awaiting assistance at the federal level to meet the daunting challenge of improving freight mobility and automobile traffic. The explosive projected growth in the Northwest, coupled with pressing infrastructure needs can only be mitigated by this cooperative effort which I look forward to facilitating.

Mr. DEWINE. Mr. President, I would like to take a moment to commend the Chairman of the Environment and Public Works Committee, Senator CHAFEE, and Senators WARNER and BAUCUS for their work on this transportation reauthorization bill. It is not easy to balance the competing interests in this bill, but I believe the managers of this reauthorization bill have been fair and very accommodating. In short, they have done an excellent job in shepherding this bill through the Senate.

I would like to bring an issue that is very important to my fellow Ohioans who reside and work in Cuyahoga County to the attention of my friend from Rhode Island.

In late 1996, the Ohio Department of Transportation submitted a request to the Federal Highway Administration requesting funding approval for the Cuyahoga River Bridge project in Cleveland through the Congestion Mitigation/Air Quality (CMAQ) program. The project would reduce the volume of heavy industrial traffic in Cuyahoga County by nearly one million miles each year, reducing vehicle emissions and removing thousands of vehicles from crowded city streets. Consequently, construction of this bridge is very important to Northeast Ohio's efforts to remain in compliance with air quality standards. By removing large volumes of industrial traffic from city streets, construction of the bridge would also enhance safety and would save significant sums of money by reducing road maintenance costs to municipalities and the State of Ohio.

Unfortunately, FHWA was not able to approve CMAQ funding for construction of this bridge due to statutory restrictions. In a letter dated February 26, 1997, Jane Garvey, then Acting Administrator of FHWA, stated that, ''Because the Cuyahoga River Bridge project involves the construction of a new two-lane bridge that, as proposed, will add capacity for single-occupant vehicles, it does not meet CMAQ criteria for eligibility.'' In other words, despite the obvious environmental benefits of having this bridge, CMAQ funds could not be used because it would add capacity for single-occupant vehicles.

Mr. President, this project is very important to Cleveland, Northeast Ohio, and the State of Ohio. I do not believe that, because it does not fall under a set of strict statutory restrictions, it should be abandoned. Last year, when the House Committee on Transportation and Infrastructure marked up its ISTEA reauthorization bill, the Committee included language that would allow the Cuyahoga River Bridge to be built using CMAQ funds. This project has broad support and FHWA does not object to the language.

I see my friend from Rhode Island on the floor and urge my colleague to accept the House language on this issue when this bill goes to Conference.

Mr. CHAFEE. I thank the Senator from Ohio for his statement. If this issue is in the House bill it will be before the conference committee.

METROPOLITAN PLANNING ORGANIZATION STATUS FOR THE LAKE TAHOE BASIN

Mr. REID. My colleague, Senator BRYAN, and I rise today to describe and elaborate on language that was accepted as an amendment to the Senate's reauthorization of the Intermodal Surface Transportation Efficiency Act.

Last week, our colleagues agreed to create a Metropolitan Planning Organization for the Lake Tahoe Basin between Nevada and California. In addition to being one of the most beautiful places on Earth, the Lake Tahoe Basin is also one of the most environmentally sensitive. Locals within the Basin, the Washoe Indian Tribe, and the State Governments of Nevada and California have long recognized the unique status of Lake Tahoe.

The Lake is the 3rd deepest in North America and the 10th deepest in the World. At its deepest point the Lake is 1,645 feet deep and averages about 1000 feet. Stretching 22 miles in length by 12 miles in width, the Lake has 72 miles of beautiful shore line that has beckoned millions of visitors over the years.

For years, the many competing interests in the Basin have found ways to work together to protect the famed water quality of the Lake. Environmentalists, small businessmen, resorts and gaming interests, and private property owners have all long recognized that Lake Tahoe is a national treasure and must be preserved.

The partnerships they have developed are unique and have proved the notion that it is not necessary to harm the

economy to improve the environment. This has not been easy. The Basin consists of 4 different counties and one city located in two different states. There are portions of three separate National Forests in the Basin. The largest property owner, by far, is the United States Forest Service, which owns over 70 percent of the land. With so many competing stakeholders, it is amazing that so much has been accomplished.

To assist in their efforts, Congress passed Public law 96–551, the Lake Tahoe Bi-State Compact, which established a locally-based planning process for Nevada and California. This compact recognized the unique nature of Tahoe and requires the region to meet or exceed a multitude of stringent state and federal transportation and air quality requirements.

Last Summer, President Clinton hosted an environmental forum at Lake Tahoe to address the interrelated transportation, forest health, and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements to infrastructure could also yield key environmental benefits.

To enhance the ability of the residents of the Tahoe Basin to solve these transportation problems, my colleagues Senator BRYAN, Senator BOXER and Senator FEINSTEIN and I have asked the other members of the Senate to confer Metropolitan Planning Organization status on the Basin. Our colleagues have graciously granted our request, so Senator BRYAN and I wanted to take several minutes to discuss what this status does (and does not mean) to Lake Tahoe.

Is it not true that Metropolitan Planning Organization status for Lake Tahoe is merely designed to enhance the ability of the community's within the Basin to compete for federal transportation planning funds?

Mr. BRYAN. The Senator is correct. As you have mentioned, the Lake Tahoe Basin consists of parts of two states, 4 counties, 3 National Forests, and one city. However, as the Bi-State Compact recognizes, the Basin has unique environmental needs that require the cooperation of all people and groups that own or manage property within the Basin.

The ability to compete for and utilize federal transportation planning dollars will allow the Basin to fulfill many of the goals identified in the Basin's Environmental Improvement Program.

Mr. REID. The Forest Service owns over 70 percent of the land within the Basin. Doesn't it seem reasonable that the federal land management agencies of the Basin have a role in this new process?

Mr. BRYAN. I agree with the Senator. Our legislation addresses the fact that the federal government is the biggest property owner in the Basin. As such, there is a need for federal involvement in both the planning and program implementation of transportation projects at Lake Tahoe. Our amendment gives the Basin access to both planning and program implementation funds for programs of federal land management agencies, such as the U.S. Forest Service.

President Clinton made it clear last summer that the U.S. federal government must fulfill its obligations within the Tahoe Basin. Although this amendment does not include a seat on the MPO for the U.S. Department of Transportation, this provision would provide a role for U.S. DOT to assist in fulfilling these obligations by assisting the federal land management agencies in preparation of transportation plans.

Mr. REID. What will be the federal role on the MPO itself?

Mr. BRYAN. Our legislation makes it clear that there will be a representative of a federal land management agency on the Lake Tahoe MPO. This is only reasonable.

Mr. REID. Our Nation's transportation laws and regulations and programs can be a bit complicated. What changes does this make to existing law or programs?

Mr. BRYAN. There should not be an impact. This MPO should not affect other program aspects under Title 23. The section we have written is designed to allow Tahoe to organize for transportation. There is no intent to change other policies of the federal transportation program.

Mr. REID. I thank my colleague.

NATIONAL INTERMODAL SET-ASIDE PROGRAM

Mr. BREAUX. Thank you, Mr. President, for this opportunity to discuss with you and my distinguished colleague from Louisiana, Senator LANDRIEU, our proposal to establish a nationally-level set-aside program from the federal highway trust fund to help states to finance certain types of nationaliy-significant intermodal projects, of which Louisiana has several.

We appreciate your consideration of our proposal, Mr. President, to set aside $100 million for the fiscal years 1998–2003 for obligation by the Secretary for intermodal projects. We want to continue working closely with you and other members on its behalf when the Senate and House go to conference on the surface transportation bill.

Congress acted wisely in the 1991 ISTEA by creating the National Highway System, NHS, which brought focus to intermodalism as part of the nation's surface transportation policy. In addition to the NHS account, funds from the Surface Transportation Program (STP) may be used by the states for intermodal projects. The use of NHS and STP funds for intermodal projects are left to the discretion of the states and intermodal projects are but one option available to them.

I also hope that funds authorized for the Trade Corridor and Border Crossing Planning and Infrastructure Program in S. 1173 will be available for use on intermodal projects in port areas and for transportation systems which connect to ports. Equal emphasis needs to be given in this program to intermodal projects in states such as Louisiana, where the combination of ports, waterways, roads, rail and airports constitute some of the finest examples of intermodalism on a national and international scale.

As helpful as these three programs have the potential to be under ISTEA II for nationally-significant intermodal projects, more funding is needed to help the states build them.

For example, the New Orleans Regional Intermodal Project brings together in a matter of a few square miles major rail, water, air and highway transportation centers. This project is designed to increase the transportation efficiency of the entire metropolitan area, including the Parishes of Orleans, Jefferson, St. Tammany, St. Bernard, and St. Charles.

The New Orleans Regional Intermodal Project represents a unique implementation program focused on closer integration of several highway, port, rail, and air facilities in the Earhart corridor, from the Tchoupitoulas port complex on the Mississippi River to the new Air/Cargo facilities at New Orleans International Airport.

This initiative is as important to the nation as it is to the New Orleans metropolitan area. Because of its geographic location, the area is the hub for several national cargo transportation systems. This relatively small area is the juncture point between several major north/south and east/west railroad lines; two major north/south and east/west interstate highways; a major international cargo and passenger airport; and two of the most significant waterway systems in the country, the Mississippi River and the Intracoastal Waterway.

When one combines the services and impact of the intermodal complexes at Baton Rouge and the Port of South of Louisiana at LaPlace, each of which should be considered for this type of funding, with those of the New Orleans regional complex, then the order of magnitude and impact truly is one of international as well as national significance.

In a similar manner, other Louisiana intermodal projects with national significance should be considered. These include: Much-needed improvements to Louisiana Highway 1, from the mammoth Port Fourchon area on the Gulf of Mexico to U.S. Highway 90, because of the major contribution this route is playing in the development of oil and gas fields in the Gulf; this intermodal complex is increasing the delivery of domestic energy supplies and strengthening national security by limiting national dependency on fuel imports; highways, waterways and pipelines make Port Fourchon one of the most important intermodal complexes in the nation today and Louisiana Highway 1 a major roadway which connects the

Gulf of Mexico to other major intermodal systems via U.S. Highway 90; developments in the Central and Northwest Louisiana regions, which include the growing highway, port, rail, water and air complexes along the Red River, starting at the Caddo-Bossier Port, continuing to the Ports of Natchitoches and Alexandria, and finally linking with the Mississippi River; this link brings together goods and services from the Central and Midwestern United States to the water, rail, air and highway systems leading to and from the Mississippi River and its internationally-significant intermodal systems; Barksdale Air Force Base, located at the juncture of two major interstate systems in the Shreveport-Bossier City area of Louisiana, and home of the 8th Air Force, together with Ft. Polk, home of the Army's Joint Readiness Training Center, located at Leesville, Louisiana, are major military installations in the state. It is critical that strategic national defense installations such as these have the proper access and connections to transportation systems, including roads, rail and waterways, to respond effectively in time of need. An intermodal set-aside at the national level would be another means to help the states address the transportation system needs for these military installations.

It is hoped, Mr. President, that the type of fund we envision could also be used to provide additional funding for critical projects such as extending Interstate 49 in Louisiana, from its current Southern terminus at Lafayette to New Orleans.

An extension of I–49 from Lafayette to New Orleans is much-needed from a national perspective because of the benefits it would bring by linking goods and services from the Central and Midwestern United States to the New Orleans region's intermodal complexes.

As important, the extension of I–49 from Lafayette to New Orleans would link the expanding energy industry at Port Fourchon and the trade from other ports along that route, such as the Ports of Iberia, West St. Mary, and Morgan City, to the New Orleans region's intermodal systems. Tying into that system, too, could be trade from the port at Abbeville, just south of Lafayette.

I–49 also connects with Interstate 10, a major interstate corridor which runs from Florida to California. In Louisiana, I–10 westbound from Lafayette has ports which connect directly or indirectly to it, such as the major Port of Lake Charles, and those at Cameron and Mermentau.

The full benefits of these surface transportation systems cannot be fully realized without an investment in the roadways and connectors that will allow true intermodalism. The Louisiana intermodal complexes and systems represent the best opportunity for this nation to leverage a small investment in infrastructure to gain major dividends in efficiency that will benefit our entire national economy.

Ms. LANDRIEU. Mr. President, by implementing such a program we will enhance our region's national economic competitiveness, especially in our natural resource sector which has been the backbone of our economy; contribute to the revitalization and growth of both suburban and central city business engaged in global trade; provide new opportunities for job creation throughout metropolitan and rural areas; and promote national efficiency. With hundreds of major navigable waterways, ports and rail systems throughout Louisiana, we are favored by many in the Midwest and Eastern United States as the gateway to the Southern Hemisphere. Louisiana is of vital importance to the United States as such a gateway and very supportive of additional federal funding to better connect their water, rail and transportation systems that are vital to enhancing international trading opportunities for our nation.

While I understand that the managers of S. 1173 will not include additional funding amendments in this bill, such as the one Senator BREAUX and I propose, I hope to work on this proposal with Senate leaders during conference with the House to promote intermodalism in those places where we can gain the greatest national benefit.

Mr. CHAFEE. Thank you Senator BREAUX and Senator LANDRIEU for bringing this proposal to our attention. Although we continue to face a significant challenge in providing funding for the complete range of national transportation needs, I will work with you and other Senators as this bill progresses to provide funding for those critical areas in which we can gain the greatest value for our public investment.

MARINE FERRY TRANSPORTATION

Mr. INOUYE. Mr. President, I would like to express my support for the amendment offered by Senator STEVENS to promote the use of marine ferry and high-speed marine ferry services. This amendment will help promote marine ferry transportation, a widely overlooked, but incredibly efficient sector of our public transportation system.

The marine ferry system of the United States is invaluable in meeting the transportation needs of our nation. As a Senator from an island state, I appreciate the need for passenger/vehicle ferry services. In general, marine ferries require minimal costs as compared to the costs of new infrastructure such as highways, bridges and tunnels.

In coastal urban centers, marine ferry service can provide low-cost, environmentally friendly transportation to areas suffering from congestion. For instance, the cost of additional roadways and bridges in the New York/New Jersey metropolitan area could be astronomical compared to the minimal costs of helping to establish a regular ferry route. In addition, in coastal urban centers the reduction of automobile use mitigates environmental air quality problems.

In rural coastal areas, such as the barrier islands of Maine, North Carolina, and Florida, marine ferries have been utilized as the sole source of transportation to connect coastal communities to the mainland. States like North Carolina utilize their state ferry system as an integral part of their hurricane disaster planning, when traffic can be congested during an evacuation. Ferries were used in the aftermath of the earthquakes in northern California to provide transportation across San Francisco Bay.

Marine ferry transportation can also provide benefits to inland states with marine barriers such as rivers or lakes. Many states have utilized marine ferries as low-cost alternatives to highway bridges or to circumvent large inland lakes. Again, this provides the lowest cost transportation alternative to the taxpayer.

In states such as Washington and Alaska, ferry transportation is vital and crucial to the population. These states have invested, with great success, in state-run marine ferry services, and have far-flung populations where highway road service is inefficient or in some cases impossible. Other states such as New York, New Jersey, and my own state of Hawaii, are exploring incentives to induce private ferry operations in order to fulfill certain transportation objectives.

This year I introduced S. 961, the Marine Ferry and High-Speed Marine Ferry Act. Senator STEVENS' amendment includes many of the provisions that were included in S. 941, and they will help us to fulfill our Nation's potential for both the continued use of traditional ferry services and to help develop potential use of high-speed marine technology.

In the early 1970s, Boeing Marine pioneered the development and construction of commercial passenger hydrofoils capable of operating at 45 knots. Boeing built 25 hydrofoils for high-speed use on the Hong Kong-Macau route before licensing production to Kawasaki Heavy Industries of Japan in the early 1980s, and by 1989, only one high-speed marine passenger/vehicle ferry of significant size was in operation.

The international and domestic high-speed marine passenger vessel market has recently seen a dramatic expansion, and currently over 60 high-speed marine passenger/vehicle ferries are in service or under construction. Fast ferries, until recently, have been primarily used in short sea services on protected routes, but recent advances in design and materials have allowed for the construction of larger vessels capable of being operated on longer open sea routes. These technologies are integral to the development of ferry service in the Hawaiian islands, where

we have rougher and more exposed sea routes. New technologies have also opened possibilities for high-speed cargo-carrying operations.

The United States has benefitted from a number of recent high-speed projects, and from the establishment of a shipyard specifically designed for high-speed marine passenger vessel construction. The Maritime Administration's 1996 Outlook for the U.S. Shipbuilding and Repair Industry indicates:

New orders for ferries should also continue to provide work for the second-tier shipyards. The enactment of ISTEA continues to provide a significant boost to new ferry projects. In addition, MARAD has a Title XI application pending for the construction of two passenger/vehicle ferries for a foreign owner, valued at more than $171 million. Demand will come from continued promotion of states of ferries for use in their tourist industries, as well as in transportation/commuting, as an alternative to building infrastructure projects such as highways and bridges. The recent award of a $181 million contract to Todd Seattle for three 2,500-passenger ferries and the solicitation for proposals for two additional 350-passenger ferries by the State of Washington, is an added sign that the ferry industry is strong. On the private sector side, there is a demand for the deployment of high-speed, high-tech ferries in the passenger excursion industry.

The Stevens amendment will build on previous enactments aimed at promoting marine ferry operations. The bill would reauthorize section 1064 of ISTEA, at levels consistent with past years, to allow state-run ferry programs to apply for federal grants for the construction of ferries, and/or related ferry infrastructure.

The Stevens amendment would also require DOT to report on existing marine ferry operations and to make recommendations on areas that could benefit from future marine ferry operations, and directs DOT to meet with relevant state and local municipal planning agencies to discuss the marine ferry option to transportation planning. I think that municipal planners will be convinced that marine ferries can be the lowest cost alternatives available.

I am happy the amendment has been incorporated in the bill, and thank my colleagues for their support of marine ferry operations. For a relatively small investment, we can encourage state and private operations to address our pressing infrastructure demands.

RED RIVER TRADE CORRIDOR

Mr. CONRAD. Mr. President, my fellow senator from the State of North Dakota and I would like to engage the Ranking Member of the Committee on Environment and Public Works in a colloquy regarding the importance of the transportation infrastructure of our region and our states to interregional, national, and international trade.

Mr. President, we have followed with interest the development of S. 1173, the ISTEA II legislation. We have been especially interested in Section 1116, which provides planning and border project implementation grants to improve the movement of products and at international border crossings with Mexico and Canada, and along significant transportation trade corridors.

As you will recall, in 1994, Congress established the Northern Great Plains Rural Development Commission to develop a ten-year plan for the economic future of our region. One of the priorities of the Commission is developing a transportation strategy for the region. One important aspect of that strategy is the proposal to designate the Red River Trade Corridor—a multi-state corridor that includes Interstate 29 and Interstate 35—as an official national trade corridor under Section 1116.

We think it is wise to discuss our objective with the Committee so that our region is not overlooked when these corridors are selected—or in the event that the Committee makes recommendations for recognizing specific corridors.

Our objective is clear: if we in North Dakota and the rest of the Northern Great Plains are going to keep our rural communities and businesses thriving, we must have the transportation infrastructure necessary to reach local, regional, and international markets. We are at an important stage in our economic development. We are poised to take advantage of the new trade created by NAFTA, which places our region of the country within a new era as a geographical crossroads for international trade. The importance to the economy of our states cannot be overlooked. To take advantage of the benefits that can be derived from the changing global economy, our highway transportation infrastructure must be capable of serving those international trade and transportation needs.

Mr. BAUCUS. I appreciate the gentleman's comments and understand his concerns. The Committee is aware of the importance of the Northern Great Plains states, including North Dakota, in moving traffic from north to south, as well as from east to west. The cooperation among the states in the region and the work being done with the government of the neighboring province of Manitoba will be important in applying for grants in the trade corridor program in the bill.

Mr. DORGAN. Mr. President, I very much appreciate the Chairman's interest in the Red River Trade Corridor. As you know, I have long supported efforts to add value to the agricultural products produced by the farmers in my state and within the entire region. However, adding value is only one part of the picture. We must also ensure that the products can get to market, especially in light of the current era of international trade and consumer demand for fresher and higher-quality products. Giving our region the ability to develop a transportation infrastructure to improve the movement of products to market in a timely fashion, and to link infrastructure investment to international trade, is essential in order for our region to bring new opportunities to our farmers and rural communities.

If North Dakota and the region are to continue to benefit from new export opportunities, such as those offered by NAFTA, we must have the transportation infrastructure to deliver perishable, high-quality products.

Simply put, our goal is to make truck transportation across the United States faster, easier, and more cost-effective. But federal support for states and communities along the Red River Trade Corridor is essential to improve the infrastructure of the corridor and to streamline traffic across the United States and from the Canadian and Mexican borders.

Mr. BAUCUS. The Senator from North Dakota accurately notes the important link between export opportunities and an adequate transportation infrastructure. The development of the transportation infrastructure is crucial to ensure that export products from not only the Northern Great Plains region but also the nation—and our neighboring countries—are able to reach their destinations in an efficient manner.

Mr. CONRAD. We appreciate the interest of the Ranking Member in our request to provide an official designation to the Red River Trade Corridor. We look forward to working with them on this designation, which is critical to the future of our state and the Northern Great Plains region.

Mr. LEAHY. Mr. President, we have before the Senate one of the most important pieces of legislation that the Senate will consider this year, the Intermodal Surface Transportation Efficiency Act of 1998, the so-called ISTEA II bill. The bill touches every American, from Vermont to Florida, from Washington State to Washington D.C. ISTEA II, with its transit and safety subtitles, will spend more than $215 billion over six years on our nation's highways, transit systems, and safety programs.

That is a lot of money, but it is sorely needed. The United States has the largest transportation system in the world—170,000 miles of National Highway System routes, 900,000 miles of other Federal-aid roads, and 3.7 million miles of public roads. Prior to 1991, our national priority had been on building the national Interstate system which had been under construction since 1957. Six years ago, thanks to the leadership of Senators MOYNIHAN and CHAFEE, this nation made a fundamental change in the way that it allocates its public investment in transportation. That change was based on the premises that local people understand local needs, that funding should be flexible, and that transportation should contribute to meeting national environmental and public health goals. In my estimation, ISTEA has been a resounding success.

The bill before the Senate will come to be known as ISTEA II. I want to commend the managers of the bill,

Senators CHAFEE and BAUCUS, for crafting a landmark piece of legislation. This bill is good for the nation and good for my state of Vermont. It maintains and enhances our transportation commitments in ways that Vermonters will be proud of.

First of all, the bill maintains its flexibility. Vermont will retain full authority, in partnership with local governments, to decide an appropriate level of investment in roads, bridges, bicycle paths, and transit. One of the most important additions to this bill is a provision that will allow Vermont to spend its highway money on Amtrak capital improvements. Our small state has two successful Amtrak trains, both of which operate with assistance from the state. If this provision survives the conference committee with the House of Representatives, Vermont Amtrak service can be expanded to include even more communities. In western Vermont, our Ethan Allen train could be expanded to serve Bennington, Rutland, Middlebury, and Burlington.

The second goal that this bill will accomplish is that it strengthens ISTEA's commitment to the environment. There is increased funding for congestion mitigation, a new wetlands restoration pilot program, continued funding for recreational trails, and a greater than 25% increase in funds for bicycle transportation and pedestrian walkways.

Finally, this bill will bring more resources to Vermont. It will give Vermont a major boost in highway and transit funding, so we can better maintain our existing roads. We need the funds. For example 41% of Vermont's bridges are structurally deficient, the 11th worst rate in the nation. Today we get about $78 million in federal highway funds. Under the bill which we will pass today, Vermont will annually receive $118 million on average for the next six years.

Operating assistance for transit will increase from about $1.5 million annually to $1.8 million annually. A new $750 million trade corridor and border infrastructure program will result in enhancements at Vermont's border with Canada. A big reason for the increase for Vermont's funds is because, for the first time since 1993, every cent of the gasoline tax will be spent on roads. For the last six years, 4.3 cents of the gas tax have been dedicated to reduce the federal deficit. But with the federal budget in balance for the first time in 30 years, we can now spend those funds on badly needed transportation infrastructure.

We live in a competitive world, Mr. President. Many of our economic competitors pay their workforce much less than comparable workers here in the United States. Yet we often not only compete with the world, but we lead it in many industries. One of the big reasons why we compete and win is because we have a superior transportation infrastructure. Mr. President, this bill will modernize our infrastructure, while protecting the environment and giving Vermonters unprecedented choice in how to spend federal funds. I am proud to vote for the bill, and I hope that the Senate preserves as much of it as possible in conference.

MON VALLEY-FAYETTE EXPRESSWAY/SOUTHERN BELTWAY

Mr. SPECTER. Since the mid-1980's, I have worked with elected officials from Allegheny, Washington, and Fayette Counties, the Pennsylvania Turnpike Commission, and the Mon Valley Progress Council to obtain funds for the Mon Valley-Fayette Expressway and Southern Beltway project, which has tremendous economic development potential from West Virginia into Pittsburgh and to the Pittsburgh International Airport. The seven segments of the Expressway and the Beltway will cost $2.5 billion to complete ($1.8 billion Mon Valley-Fayette, $700 million Southern Beltway) and will include 92.5 miles of new toll road in the Pittsburgh region.

One of the more notable aspects of this project is that the Commonwealth of Pennsylvania has committed to providing $2 billion, or 80 percent, of the $2.5 billion, which is highly commendable and unusual.

While I recognize that you do not wish to earmark projects in the pending bill, or I would have proposed such an amendment, Mr. Chairman, I would welcome your assurance that in conference you will keep this project in mind as an example of a project that merits consideration.

Mr. CHAFEE. I want to assure the Senator from Pennsylvania that I am well aware of this project and his support for it. It certainly is commendable when a State will put up 80 percent of any highway project and I thank the Senator for his input, which will be helpful as we proceed to a conference with the House.

INCREASING THE ALLOCATIONS TO INDIAN RESERVATION ROADS

Mr. DOMENICI. Mr. President, most Indians today still live in poverty. This is reflected in a per capita income figure that is one-sixth to one-fifth the national average for the 10 largest Indian reservations. In simplest terms, most reservation Indians have one dollar of income for every five dollars of income available to average Americans.

On the Papago reservation in Arizona, the per capita income is $3,113 compared to $18,325 for all Americans (1990 Census). At Zuni Pueblo, the per capita income is $3,904 and at that Navajo reservation it is $3,735. These figures have changed only slightly since the 1990 Census.

Fifty-one percent of American Indians residing on reservations live below the poverty line; and unemployment averages 37%.

ISTEA has already helped tremendously to increase the accessibility of Indian people, but much remains to be done.

We can help accelerate the movement of Indian people into mainstream economic activities by improving their accessibility to better markets and better tourism opportunities.

ISTEA II, S. 1173, now authorizes a grand total of $173 billion for all programs over the six year life of the bill. This is a nominal increase of about 43 percent.

As passed by the Senate, S. 1173 funds the Indian Reservations Roads Program at $200 million for 1998 and $250 million per year for each of the following five years of the bill, from 1999 through 2003.

I am pleased that the Committee on Environment and Public Works has included $9 million annually (within the total $250 million) to allot to the repair and construction of Indian bridges.

The Domenici-Inouye-Bingaman amendment, as accepted by the Committee will add a total of $250 million over five years.

Our amendment brings the six year total IRR funds up to $1.450 billion from the current $1.200 billion prior to the Domenici amendment.

While our original IRR bill, S. 437, included road maintenance as an eligible activity, this amendment does not include road maintenance. We expect the BIA to continue to fund its road maintenance program, hopefully at higher levels than $25 million per year.

The Indian Reservation Road Program is directed to about 22,000 miles of BIA roads serving Indian lands. There is a total road mileage, counting BIA, state, federal, tribal, and county roads, of about 50,000 miles on our nation's Indian lands. The BIA is directly responsible for about 44% of this total road system serving Indian tribes. About 5% are tribal roads and the other half are other federal roads and state and county roads.

Within the BIA road system, 22,000 miles of roads, only 11% of the paved roads are rated as being in good condition. Of the unpaved roads, 90% are known to be in poor condition. None of the BIA unpaved roads are rated as being in good condition.

Since 1982, the Highway Trust Fund has been the primary source of funds for the design and construction of BIA roads serving Indian tribes. In the mid-1980's this funding was about $100 million per year; it fell to about $80 million per year in the late-1980's; and with the advent of ISTEA I, Indian Reservation Roads have been funded at $191 million per year.

Now that Welfare Reform is a reality, it is more imperative than ever to help create Indian reservation-based employment opportunities. ISTEA funding has become the primary source of road planning and construction in Indian Country.

In addition to direct employment opportunities, ISTEA funds provide an essential component of community infrastructure development. As observed in the Committee Report on S. 1173:

Transportation provides the links between businesses, industries and consumers.

The national economic benefits of a healthy and reliable Federal investment in transportation infrastructure are well documented.

The ability of new businesses to arise in Indian Country is seriously hindered by the current state of their road system. Health and education indicators are also well below national averages.

Today's Senate action to increase the Indian Reservation Road program by $50 million per year will add significantly to improving the accessibility of Indian reservations to the benefits of our national economy.

On the Navajo reservation, annual funding is likely to increase from about $55 million to over $65 million. On Pueblo lands in New Mexico, funding will increase from about $12 million to $15 million.

I am pleased that the full Senate preserved this important funding increase for Indian reservation roads to $250 million per year, from $200 million per year, as originally proposed by the Environment and Public Works Committee, and from $191 million per year under current law.

Another significant change in this legislation is the national priority system for Indian reservation bridges. Rather than allocate a small percentage of bridge funds from each of the fifty states for use within those states, we now have a single national Indian bridge program that will target the most deficient bridges for early repair or replacement.

I thank Chairman CHAFEE and Ranking Member BAUCUS for their assistance in adding significant funding for the Indian Reservation Road Program and creating a simpler Indian bridge program.

Mr. MOYNIHAN. Mr. President, I wish to salute my distinguished colleagues on the Environment and Public Works Committee, Chairman CHAFEE of Rhode Island, Senator BAUCUS of Montana, and Senator WARNER of Virginia, for their leadership and vision in crafting ISTEA II. I also wish to salute my fellow New Yorker, Senator D'AMATO and Senator SARBANES of Maryland, for their outstanding work on the transit title of this bill and the careful compromise they were able to fashion. Finally, I congratulate Senator ROTH of Delaware, for all his skill on crafting the tax title to ISTEA II.

In 1991, Congress developed the principles for the first highway bill to mark the post-Interstate era. That previous era had seen development of a nationwide, multi-lane, limited access highway system, as first envisioned at the General Motors Futurama exhibit at the 1939 World's Fair, and then funded by a dedicated tax proposed by President Eisenhower and approved by Congress in 1956.

Those principles were designed to address the fundamental imbalance in national transportation investment, and in so doing, promote intermodalism, improve mobility and access to jobs, protect the environment, increase participation by local communities, and enhance transportation safety.

ISTEA spurred the Federal government and the States to invest their transportation dollars in whatever modes were most efficient for moving people and goods and to solicit the input of local communities in planning those investments. The result was a dramatic increase in investment in maintenance and rehabilitation of existing roads and bridges, in mass transit, and in creative approaches to our transportation needs, from bicycle and pedestrian paths to ferry boats.

I am proud to see that the bill we will pass today is true to those principles, retaining ISTEA I's major environmental programs such as the Congestion Mitigation and Air Quality Program and the Transportation Enhancements Program, as well as creating a new innovative finance program that will help fund projects across the nation. This bill is good for New York, providing the State with over $14 billion in highway and transit funds over the next six years.

I also salute the EPW Committee for including a program to develop magnetic levitation projects in this country. Maglev was first conceived in 1960 by a young Brookhaven scientist, James Powell, as he sat mired in traffic on the Bronx-Whitestone Bridge. But it is the Germans and Japanese who are building it. It promises to be the most important development in transportation technology since the airplane and we must not be left behind.

I want to close with a word about mass transit. One of the most important things that ISTEA I accomplished was to begin the work of repairing the damage done to our cities by the Interstate Highway System. American cities were cruelly split, their character and geography changed forever, with interstate highways running through once-thriving working class neighborhoods from Newark to Detroit to Miami. Homes and jobs were dispersed to the outlying suburbs and beyond. The physical and economic damage is still with us today.

But our cities have used ISTEA funds to repair the damage where they could, using funds for transit—even bike and pedestrian paths—instead of more road building. Under the flexibility granted to them under ISTEA I, States transferred $3.6 billion from highways to transit, spurring improvements in transit systems all across the country.

This bill will continue a strong investment in transit, and improve and expand transit commuting benefits for employees. Mass transit is vital to the economic health of our cities, which remain the primary generators of wealth in the United States. Mass transit enables our cities to thrive by retaining their physical density, richness, and character. Without mass transit, urban life and culture disperse and eventually disappear, leaving all Americans poorer indeed.

Ms. MIKULSKI. Mr. President, I rise in support of final passage of S. 1173, the Intermodal Surface Transportation Efficiency Act. I support this bill because of its strategic importance to Maryland's economy and the national economy.

To put it simply Mr. President, Maryland will receive more dollars for highways under this bill than it does now. Under this legislation, Maryland can expect to receive almost $400 million per year for its highway system and roughly $100 million for its transit needs.

That means better highways, byways, trains and buses for Marylanders.

Maryland's interstate highways are among the busiest in the nation. Funding under this bill will help maintain our highways and help relieve the congestion that so many of our commuters face each day.

Highways and transit systems are the arteries for our economy. This legislation will help increase the capacity of our highways and transit systems, and will promote economic growth and job creation.

This bill also means more money for transit, to keep our buses, trains and subways in top form.

For Maryland, this means that our MARC trains, the Baltimore Metro, as well as our rural and suburban bus systems such as Montgomery County's Ride-On system will continue to receive the help they need to buy new equipment and expand capacity.

The ISTEA bill also maintains the important programs for our environment to reduce congestion and improve air quality.

It funds the development and construction of a state of the art Maglev system. Maryland is one of the states that has a Maglev project on the drawing board and could receive federal assistance to build the nation's first Maglev system. A Maglev line between Baltimore and Washington would reduce commuting time to less than 20 minutes between the two cities.

While I am pleased at the funding for highways, transit, environmental programs and Maglev, I am disappointed that this bill does not provide full federal funding for the replacement of the Woodrow Wilson Bridge.

The bill provides $900 million to replace the Wilson Bridge. This is substantially higher than the $400 million that was proposed by the U.S. Department of Transportation.

In my opinion, $900 million is a down payment. I am hopeful that funding and additional financing measures can be included as the legislation proceeds.

Maryland and Virginia cannot shoulder a majority of the cost for replacement of the Wilson Bridge. It is the responsibility of the federal government, not the states, to construct a suitable alternative to the current bridge. It is my hope that this will be resolved in conference with the House.

Despite my concerns over the Wilson Bridge, I believe this legislation will make major improvements to our nation's infrastructure, and Maryland's

economy. That is why I support this legislation.

Mr. THURMOND. Mr. President, I rise to commend the Chairman of the Environment and Public Works Committee, Mr. CHAFEE, the ranking member, Mr. BAUCUS, and the Chairman of the Transportation Subcommittee, Mr. WARNER, for their skill and their hard work in moving this important legislation through the Senate.

Senator CHAFEE has been most courteous in his willingness to listen to the concerns of the donor states during the course of this debate. His efforts to assist us are sincerely appreciated. Mr. WARNER introduced the original bill that would ensure that donor states are protected from the devastating rates of return on their allocations that some of us have seen in the past. His determination and his diligence in this have also been noticed and are appreciated.

I will vote for this measure, but I do so reluctantly. The reason for my dissatisfaction is that under it, South Carolina remains a donor State and would receive only about 90% of its share of contributions back from the program. Many of my colleagues may wonder at the intensity with which we who represent so-called ''donor states'' approach this issue. South Carolina has sent, every year since the program began in 1956, more money to fund the highway needs of other states than have been sent back to us. The total loss, in the case of South Carolina, now stands at over $1 billion and will continue to rise. At first, this disparity was justifiable to build the Interstate Highway System across the nation, and our constituents accepted this willingly. There was always the expectation that when this good purpose was acheived, we would then be assisted with our own road needs. After all, we had to postpone tending to our own infrastructure while the Federal Government used the gasoline tax for priorities elsewhere.

However, every six years, with each subsequent highway bill, new justifications are brought forth as to why the needs of other states are greater than ours. Those justifications range from air pollution and aged infrastructure in the Northeast to the completion of the Appalachian Highway System. South Carolina has some roads in the Appalachian Highway System, but we do not consider those roads to be any more or less a priority over needs of others in the rest of our State simply because of that status. We never seem to receive the consideration we deserve.

All that we ask is that the system be fair. As it happens, not only is fairness in returning to States the same percent as they put into the fund the right thing to do, it is the most efficient system for financing our infrastructure. My colleagues may remember that in the ISTEA bill of 1991, we requested a study by the General Accounting Office on how we should distribute highway funds. The GAO issued that report in November 1995. Its major conclusion was that the amount of gas taxes paid locally is one of the most accurate indicators of where transportation is needed. This makes sense, of course. People should be able to expect the tax they pay to go to maintain the roads they are driving on. Unfortunately, this sensible proposal has been ignored and funds under this bill would be distributed for various political reasons and, apparently, for the main reason that this is the way we have always done it.

I support this bill as a first step in finally achieving fairness. It is my hope that our colleagues in the House and our colleagues who will sit on the Conference Committee can achieve greater equity.

Mr. GLENN. Mr. President, I rise today to express my strong support for the legislation to reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. In 1991, the Congress passed the first ISTEA bill. Upon its enactment, ISTEA revolutionized transportation funding in the United States. Prior to ISTEA, states like Ohio gave substantially more in support of the national highway system than we received in return. While we understood that the completion of the national highway system was a goal worthy of support, in 1991 that system was 95% complete. It was time to shift our priorities and our resources accordingly. As one of the largest of these so-called ''donor states,'' I worked with my colleagues to enact a law that provided a better return on our transportation dollars, allowed flexibility for states and localities in determining transportation spending priorities, and that provided a record amount of funding for alternatives to highway transportation like transit, light rail, and pedestrian walkways.

The second step in this new transportation journey, ISTEA II reduces further the inequitable relationship between donor and donee states, streamlines programs to improve their efficiency, and increases the flexibility of states and localities in spending highway funds for alternate modes of transportation. Mr. President, the bill provides a record return for donor states, ensuring that Ohio and all donor states realize returns of 91 cents on every transportation dollar contributed to the Highway Trust Fund. For Ohio, that translates to $5.2 billion over six years, an average of $868.9 million a year. Nationally, ISTEA II authorizes the spending of $151.4 billion over six years, averaging $25.2 billion a year.

In addition to these formula funds, Ohio will receive $65 million per year over five years for the High Density Transportation Program, the Appalachian Development Highway System Program, and other programs important to our state.

The bill provides $41.3 billion for transit over five years, including $500 million for rural transit, $100 million for welfare to work funding and other programs essential to the efficient operation of urban and rural transit systems. In total, ISTEA II provides an increase in transit funding of $9.8 billion.

During ISTEA II's consideration, I cosponsored amendments that reduce the legal level of intoxication to .08 blood alcohol content (BAC) and that prohibit open containers of alcoholic beverages in automobiles. Their successful passage and implementation will assist law enforcement officials in reducing the all too real threat that drunk drivers pose to our families and friends. Mr. President, if one tragedy like those that have affected so many of us can be avoided, I believe these laws will have served their purpose.

In addition, I maintained my strong support for the enhancements provisions of this law. These enhancements provide states with much needed funds for historic preservation, bicycle trails, and pedestrian walkways. I cosponsored an amendment to provide $25 million a year for six years in annual appropriations for the preservation of historic covered bridges. Ohio has the second highest number of covered bridges in the United States. Of the 144 covered bridges in Ohio, 126 of these will be eligible for this funding.

ISTEA II continues other important programs like the Disadvantaged Business Enterprise (DBE) program, which provides opportunities for women and minority owned businesses to participate in the highway construction industry. In 1996, businesses owned by non-minority women in Ohio received $79.5 million and minority-owned Ohio firms received $74.4 million, representing 22.7% of the total contracting dollars awarded in Ohio. The DBE program enhances opportunities for all Ohioans and I am proud to lend my strong support.

Mr. President, an ancient Chinese proverb states that a journey of a thousand miles must begin with a single step. In the case of ISTEA II, the second step is just as important. ISTEA II is the logical next step in furthering our nation's transportation interests and priorities.

Mr. LEVIN. Mr. President, this bill is going to help the State of Michigan address crucial transportation needs. Our highway infrastructure and our transit systems desperately require the increased funding that this bill promises to deliver. We should celebrate that Congress is finally spending all or nearly all the gas tax money put into the Highway Trust Fund on transportation. This means somewhere between $250 million to $300 million more for Michigan.

However, this bill is a complex tangle of programs and funding. When the bill's managers sought to summarily add roughly $26 billion in new funding to the reported bill without sharing much information about how this would impact Michigan or the other donor states (states which pay more into the Highway Trust Fund than they receive out of it), I objected. As a

Senator from a historical donor state, I saw no reason to rush to send more of Michigan's gas taxes out to other states. Then, when the Federal Highway Administration provided a chart showing Michigan's share of this new money was actually lower than our share in the reported bill, my objection was justified.

I and other donor state Senators met with the bill managers to encourage them to accept changes to the bill that would improve our return on taxes sent to the Trust Fund. We argued for equity and fairness. But, because of the way these bills are constructed, it is hard for any state to improve its standing without other states losing.

Then, the Majority Leader, as is his right and responsibility, sought unanimous consent to override germaneness requirements in order to adopt the tax and transit titles to the bill. I objected because I did not feel that Michigan had yet been adequately treated. We were certainly not at or above the so-called ''91% guaranteed'' return level, according to Federal Highway Administration charts. My objection slowed the bill down a little, but it gave me and other Senators, including Senator ABRAHAM, the time to work with the bill managers to fashion a more equitable bill.

The bill managers agreed to some further assistance for seven donor states, including Michigan, which we accepted and appreciated. And, I pushed a little more to get Michigan eligible for the new pot of money made available for the ''high-density transportation program.'' These two efforts now should add about $20 million annually to our average annual expected allocation to about $842 million over the next six years.

That is the good news. More of the gas tax money being collected will be returning to the states for transportation purposes. Unfortunately, though more is being distributed, Michigan's return is not likely to improve by more than a few pennies on the gas tax dollar. In the last year of ISTEA, Michigan sent $631 million to the Highway Trust Fund account and got back $605 million. Under ISTEA II (average), Michigan will send $932 million to the Highway Trust Fund and receive back $842 million. So, although the overall pie has been increased by 39%, Michigan's slice has only increased by about 34%.

Mr. President, I am voting for this bill because it takes a few small steps on the long road toward fairness for Michigan. We fought hard for those steps. But, while Michigan is getting considerably more money, it will contribute more still into the Highway Trust Fund, leaving Michigan in a significant ''donor state'' status. I hope my colleagues in the House will be successful in their upcoming battle.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I congratulate my distinguished colleagues who have managed this bill, with special appreciation to Senator CHAFEE, Senator BAUCUS, Senator WARNER, Senator D'AMATO, and others. But in the final analysis, I feel constrained to vote against the bill because it reduces the share of federal highway funds for my State, the Commonwealth of Pennsylvania, under the formula. I will vote against the bill with reluctance, but I feel it important to register my disagreement, as will my distinguished colleague, Senator SANTORUM, with the hope that these disparities will be improved in conference.

While opposing the bill for specific reasons, which I shall enumerate, there are many portions of the bill which I believe are very sound indeed as I will describe shortly.

When one thinks of roads, highways, and bridges, one thinks of Pennsylvania. There are records of a public road in Philadelphia County dating back to 1696. Inspired by George Washington's own surveys as a means for western movement, one of the oldest highways in the nation is now U.S. Route 40 (the National Road), which passes through Somerset, Fayette, and Washington counties and was built between 1811 and 1818. And, the first privately built toll road, the Lancaster Pike, was constructed from 1792 to 1794.

Now, as Pennsylvania prepares to enter the 21st Century, this legislation is of critical importance to the Commonwealth because it now has nearly 119,000 miles of public highways, with 27,183 miles eligible for federal highway funding and over 23,000 bridges over 20 feet in length which are eligible for federal rehabilitation and replacement funds (and of which 40 percent are classified as structurally deficient or functionally obsolete based on federal bridge criteria).

There is much that is worthwhile in the ISTEA bill being considered by the Senate, including record levels of spending on highways and mass transit. Further, the bill contains funding for programs I support, such as the development of magnetic levitation transportation systems, innovative bridge research and development, and intelligent transportation systems.

Nonetheless, I am greatly troubled that the pending bill would reduce Pennsylvania's share of the total highway formula from the 4.32 percent share under the original ISTEA law (FY92–97) to 3.79 percent. In actual dollars, Pennsylvania averaged $890 million annually through the original ISTEA law (including earmarked projects), whereas the Environment and Public Works Committee reported bill only provided Pennsylvania with an annual average from FY98–2003 of $836 million, an average reduction of federal spending of $53 million, making my State one of only two States to lose funds under the bill's new formula (Massachusetts being the other). Further, according to the Pennsylvania Department of Transportation, and Secretary Brad Mallory, with whom I have discussed the pending legislation, S. 1173 puts Pennsylvania at a disadvantage because it folds the federal bridge program into a larger funding scheme and will result in less funding for rehabilitating our more than 23,000 bridges.

At a time when my travels throughout the Commonwealth suggest that there has never been a greater need to invest in Pennsylvania's roads, highways, and bridges this bill would undermine our ability to meet pressing needs in the 67 counties which comprise the Keystone State.

During the last few months, as the ISTEA bill was drafted, considered in Committee, and brought to the floor, much has been made about ''donor'' States, ''donee'' States, and concepts such as ''minimum allocation.'' Senators from States which have felt aggrieved under previous formula allocations have instituted regional warfare and sought to prevent States such as Pennsylvania from retaining their share of spending from the Highway Trust Fund.

While I am sympathetic to any Senator's wish to maximize federal spending in his or her State, it is not logical to presume that there must be percentage equities involved in our nation's infrastructure spending. In our federal system, and with such a diverse nation, there will always be differences in how much the government provides. In Pennsylvania, we are fortunate not to have the kind of earthquakes which rock California and necessitate billions in Federal disaster assistance. Similarly, we do not begrudge the millions spent by the Federal government on Florida's efforts to restore the Everglades, or the federal tax credits which are designed to stimulate oil and gas production in Oklahoma and Texas.

As I noted in my letters with Senator SANTORUM to Chairman CHAFEE, Chairman WARNER, and Senator BAUCUS dated September 12, 1997, Pennsylvania's contribution to the Nation is often through its roads and highways, which serve a vital role in interstate commerce, connecting East and West, as well as North and South. For economic, environmental, and safety reasons, there is a tremendous need to rehabilitate Pennsylvania's highway system, and I am deeply concerned that the funding level envisioned in this bill is not adequate to the task.

Since the bill has been pending, it has been improved to some degree by the adoption of provisions designed to increase spending from the Highway Trust Fund. Initiated by the Byrd-Gramm amendment, which I cosponsored last Fall, this bipartisan effort to raise the highway funding levels in this bill met with some success. Particularly helpful was that the Byrd-Gramm amendment sought to increase funding for continued work on the Appalachian Regional Highway System, where Pennsylvania has the most miles of unfinished roads of any State included in the 13–State Appalachian region.

On paper, the pending bill as amended by Senator CHAFEE's amendment suggests that Pennsylvania would receive an average of $955 million annually in highway apportionments, up from the $836 million figure in the version of the ISTEA bill reported out of the Environment and Public Works Committee. However, the funds added by the Chafee amendment (based on the Byrd-Gramm amendment) are all dependent on how high an obligation ceiling is set each year by the Appropriations Committee. If the obligation ceiling on spending is not set high enough in the annual Transportation Appropriations bill, the figures anticipated by the Chafee bill will not materialize and Pennsylvania will be hardpressed to match the annual receipts from the original ISTEA formula.

I am hopeful that in conference, where we have Chairman Bud Shuster from Pennsylvania, the chair of the House authorizing committee, the formula allocation will be made more equitable for Pennsylvania. But in the interim, I believe that my vote necessarily should be cast against this bill.

Mr. President, while I have specified portions of the legislation that I am opposed to, I do want to acknowledge the significant increases for mass transportation where, through the leadership of Chairman D'AMATO of the Banking, Housing, and Urban Affairs Committee, some $5 billion has been added to the $36 billion already in the bill, which will facilitate to a number of very, very important mass transit projects.

Because this is a significant bill with many aspects worth commenting on, I wish to note a few of its highlights. First, I am very pleased that Chairman D'AMATO has shown such leadership in crafting a $41 billion reauthorization of federal transit programs, including $17 billion for discretionary grants overall of which nearly $8 billion will be for New Starts such as the Schuylkill Valley Metro from Philadelphia to Reading, the rehabilitation of the light rail system in Allegheny County, and possibly a light rail system in the Harrisburg-Carlisle area.

As a member of the Transportation Appropriations Subcommittee, and as the co-chair of the Senate Transit Coalition, I have worked hard for several years to increase funding on mass transit. Last July, I introduced my own transit reauthorization bill (S. 764), the Mass Transit Amendments Act of 1997, with Senators SANTORUM and LAUTENBERG to give the Banking Committee some idea of the bipartisan consensus for increased transit spending. Accordingly, I am very pleased that the Banking Committee title represents real increases in transit spending, particularly now that a bipartisan group of Senators succeeded in obtaining the additional $5 billion in negotiations with the Leadership and Budget Committee Chairman DOMENICI. Once the $24 billion was added for highways, it was imperative to increase transit's share as well, and I was pleased to join Senator D'AMATO, Senator SANTORUM, and 21 other Senators in a letter dated February 24 to the Republican and Democratic Leaders in which we called for the historic balance between highway and transit spending to be observed.

I am pleased that the Senate accepted by voice vote 2 days ago my amendment to establish a Reverse Commute Program as a discretionary grant administered by the Federal Transit Administration. Recently, I visited the Bala Cynwyd station, which would serve a proposed 62-mile light rail system running from the center of Philadelphia to Reading, PA, known as the Schuylkill Valley Metro. This project exemplifies the type of reverse commute system that is very important because it can take people who need jobs from the inner city to the suburbs where employers are in need of employees.

I had first proposed a Reverse Commute Program in S. 764 and believed that it was a worthwhile addition to the Banking Committee bill. My amendment, offered with Senators SANTORUM, MOSELEY-BRAUN and D'AMATO, authorized this new $100 million/year program and increased from $100 million to $150 million the authorization for the new access to jobs/welfare to work program in the bill. The Reverse Commute Program is designed to facilitate access to suburban job opportunities for residents of cities, small towns, and rural areas. That is where mass transit can be most effective and where there is a great need for the federal government to stimulate the transportation marketplace. I am hopeful that this program will be preserved in conference and look forward to working with my colleagues to ensure that the House accepts it.

The transit provisions also include a fix in the formula by which the fixed guideway modernization funds are allocated, so that Pittsburgh's system gets an incremental adjustment it has sought since the 1991 ISTEA law was enacted.

I am also pleased to note that this bill contains the text of legislation which Senator MOYNIHAN and I have cosponsored which will provide funding for the development of magnetic levitation, maglev, which has enormous potential to benefit the United States.

Recently, I visited a maglev trial run in Germany on a train which traveled about 250 miles an hour, a really exhilarating experience. Maglev could provide transportation, nonstop, from Philadelphia to Pittsburgh in 1 hour 30 minutes. In 2 hours 7 minutes, the train could go from Philadelphia to Pittsburgh and could make intermediate stops at Lancaster, Harrisburg, Altoona, Johnstown, Greensburg, and then a final destination in Pittsburgh, with enormous economic development for those communities. With a slightly increased timespan, it could go to the State College and Lewistown as well.

The cost of maglev, as represented to me, is about $20 million a mile, so a 300-mile run, approximately, from Philadelphia to Pittsburgh could be constructed at a cost of some $6 billion, which is not out of line when you consider the Los Angeles subway system is receiving a Federal allocation of some $3.1 billion of its $6 billion total cost. If we are to have economic expansion in the future, we do need to take care of the infrastructure. It ought to be noted that there are adequate funds to provide for this kind of funding in the highway trust fund, which has as its purpose highways, bridges and mass transit, to be used for that instead of being integrated into the overall budget to make the deficit look less problemsome.

I have worked with MAGLEV, Inc. in Pittsburgh since the mid-1980's to obtain federal support for that company's effort to research and develop a maglev system in Pennsylvania. Now, we are at the brink of a maglev age, I believe, with MAGLEV, Inc. looking into a 60-mile route from Greensburg, Pennsylvania through Pittsburgh to the International Airport as its first segment at an estimated cost of $1.3 billion.

Not only does maglev have the chance to revolutionize travel, it would mean billions of dollars in steel and construction materials and thousands of jobs for America's steelworkers and others who would fabricate the steel and concrete guideways.

This bill provides a total of $30 million in contract authority in FY99 and FY2000 for capital assistance for development of a maglev system selected after a careful review by the Transportation Secretary, and more than $900 million in authorizations of appropriations in the outyears. While I would have preferred more contract authority, given the difficulties of obtaining substantial appropriations, it is important that this transportation bill recognize that the future of transportation may well be maglev and it merits an investment at this time. This bill, therefore, represents a real breakthrough for the efforts of MAGLEV, Inc. in Pittsburgh and others who support this new technology.

I am pleased to note that the Senate accepted by voice vote my amendment, cosponsored by Senators MOYNIHAN and SANTORUM, to extend eligibility for federal funding assistance to the pre-construction planning activities associated with maglev projects in Pennsylvania and elsewhere. I intend to fight to retain this amendment in conference with the House of Representatives and to work with the Secretary of Transportation to ensure that these funds are made available expeditiously to qualified entities, such as Pittsburgh's MAGLEV, Inc., which are well on their way to bringing this technology from the drawing boards to reality.

It is also significant that the ISTEA bill includes a $100 million program for

innovative bridge research and construction, which I sought with my colleagues on the Senate Steel Caucus in a letter to Chairman CHAFEE dated July 25, 1997. Our nation's bridges are rapidly deteriorating, presenting serious safety concerns to the traveling public and forcing restrictions on bridges unable to accommodate heavy vehicles. The need to invest more heavily in bridge infrastructure is clear, and this program will fund basic and applied research designed to develop innovative, cost-effective steel bridge applications to improve lifespan and performance, as well as fund field testing of this research.

As we consider the ISTEA II bill, I remain convinced that Congress needs to do more to spend the funds which have accumulated and will continue to accumulate in the Highway Trust Fund and the Mass Transit Account. In 1991, during consideration of the original ISTEA bill, I offered an amendment to take the transportation trust funds off-budget for the purpose of ensuring that all federal gas tax receipts are spent on transportation infrastructure and not used to mask the true size of the deficit. In June, 1991, my amendment was defeated by a 29–69 vote, failing to obtain the 60 votes needed to waive the limitations of the Budget Act. Perhaps that amendment was ahead of its time, given the more recent success of Congressman SHUSTER in lining up support for his off-budget proposal. I believe that when Americans pay at the pump, either as individuals or on behalf of businesses, there is an understanding that their fuel taxes will be spent on improving the roads and bridges on which they are driving and improving mass transit. Accordingly, I am hopeful that my colleagues will soon entertain a proposal to take the transportation trust funds off budget or, at the very least, ensure that prospectively every dollar which comes in is spent on improving our transportation infrastructure.

Among the positive elements of this bill which deserve commendation are the increases in funding for the Congestion Mitigation and Air Quality (CMAQ) improvement program by an average of 18 percent over current levels. These funds are available with substantial flexibility to the State to provide to communities for projects reducing traffic congestion, such as the Pittsburgh Airport Busway, a significant mass transit project undertaken by the Port Authority of Allegheny County which will have a positive impact on air pollution in that region.

I was pleased to cosponsor an amendment by Senator JEFFORDS which will establish a new grant program to preserve and rehabilitate our nation's historic covered bridges. In many parts of Pennsylvania, such as Berks County, covered bridges are tourist attractions which generate economic growth and necessary means of transportation for residents. Many are in substandard condition and these funds are intended to preserve this important element of our culture.

Mr. President, reauthorizing the 1991 ISTEA law also provides Congress an opportunity to single out vital highway and transit projects throughout the nation for special funding. There are many, many projects which deserve such consideration, and, as I did in my Senate Floor statement of June 18, 1991, I think it worthwhile to comment on a few in my State of Pennsylvania. I cannot cover them all, of course, in these remarks, but the following highway and transit projects are indicative of the needs we have across the Commonwealth for improved, safer roads and for new public transportation facilities.

EXAMPLES OF KEY PENNSYLVANIA HIGHWAY AND TRANSIT PROJECTS

Schuylkill Valley Metro—At a time when we need to do more to facilitate travel from downtown metropolitan areas to suburban job centers, I am pleased that the Southeastern Pennsylvania Transportation Authority (SEPTA) is working with the Berks Area Reading Transportation Authority (BARTA) to develop light rail or commuter rail service between Philadelphia and the Reading area. This project involves the construction of a 62-mile corridor between Philadelphia and Wyomissing, via Norristown, Phoenixville, Pottstown, and Reading. The new rail line would stop at 28 stations and serve an estimated 30,500 passengers/day if light rail, or 20,800 if commuter rail. I visited one of the proposed stations in Bala Cynwyd on March 2, 1998, and believe that the Schuylkill Valley Metro exemplifies the type of transit project for which the New Starts account was developed. Total project cost estimates are $720 million for light rail ($576 million federal share) and $403 million for commuter rail ($322.4 million federal share).

Frankford Transportation Center—On May 12, 1997, I joined Congressman ROBERT BORSKI at the site of the proposed Frankford Transportation Center, which is the final piece of SEPTA's Frankford Elevated Reconstruction project, the largest capital project in SEPTA's history. SEPTA seeks $112 million in federal funds for this $140 million project, which would include construction of a new transit center and parking facilities at the Bridge-Pratt Terminal and the realignment and rehabilitation of the elevated guideway between Dyre Avenue and Bridge Street. A new terminal will serve elevated, bus, and trackless trolley passengers, taking thousands of cars off Philadelphia's streets each day.

Route 309 Improvements/Montgomery County—For many years, there have been far too many accidents along Route 309 in suburban Montgomery County, particularly in the vicinity of the Fort Washington Interchange. Based on my recent visit in February, 1998, where Congressman JON FOX and I were briefed by the Pennsylvania Department of Transportation, I believe that we are now in a position to initiate and complete substantial improvements to 10.2 miles of Route 309 from Greenwood Avenue to Welsh Road during the five years covered by the ISTEA bill. PennDOT has already undertaken some preliminary engineering work and this $188 million project ($97 million federal share) would include pavement reconstruction, lengthening of acceleration and deceleration lanes, widened shoulders, replacement of signs and guide rails, and drainage improvements. As someone who travels regularly on Route 309, I urge my colleagues to designate this highway as a high priority for federal construction funds in this bill.

Interstate 95/Pennsylvania Turnpike Interchange—For those of us who live and travel extensively in the Philadelphia area, it is still hard to believe that there is no connection between Interstate 95 and the Pennsylvania Turnpike, two of the most significant highways in the Northeast. At long last, this legislation offers us the chance to construct an interchange, which will reduce congestion on local roadways, facilitate the movement of goods through Pennsylvania and New Jersey, and reduce motorist confusion when traveling from one of these roadways to the other. This $572 million project ($337 million federal share) would entail construction of a high-speed interchange, widening sections of the Turnpike and I–95 near the interchange from four to six lanes, modification of toll facilities, and increasing the capacity of the Delaware River Bridge through construction of a new parallel structure. On February 18, 1998, I joined Congressman JIM GREENWOOD in visiting the site of the proposed interchange and came away even more impressed than before by the need for funding this vital project in Bucks County.

Philadelphia International Airport—There are plans to construct a new $300 million international terminal at the Airport, which is expected to generate 3,000 jobs and more than $3 billion in economic activity. This project is critical to the Airport's emergence as a major international gateway, and I am hopeful that the final bill will include funds for roadway and ramp improvements involving Interstate 95 and local roads, which will cost an estimated $90 million.

Mon Valley-Fayette Expressway/Southern Beltway—Since the mid-1980's, I have worked with elected officials from Allegheny, Washington, and Fayette Counties, the Pennsylvania Turnpike Commission, and the Mon Valley Progress Council to obtain funds for this very important project, which has tremendous economic development potential from West Virginia into Pittsburgh and to the Pittsburgh International Airport. The seven segments of the Expressway and the Beltway will cost $2.5 billion to complete

($1.8 billion Mon Valley-Fayette, $700 million Southern Beltway) and will include 92.5 miles of new toll road in the Pittsburgh region. To date, $24 million in federal funds have been allocated for the entire project. Some of the segments have recently entered the initial construction phase, while others must still undergo environmental studies. In the economically depressed areas of Southwestern Pennsylvania, a highway project of this magnitude, linking Interstate highways in the region for commerce and tourism, will bring new opportunities for growth and economic expansion. Now, more than ever, Congress needs to recognize the potential of this project and provide the funding necessary to complete construction once and for all.

Allegheny County—Stage II Light Rail Transit—Allegheny County has made a real investment in mass transit in recent years, particularly on the Airport Busway/Wabash HOV project, which I have been pleased to support as a member of the Transportation Appropriations Subcommittee. The next significant undertaking by the Port Authority of Allegheny County is a project to reconstruct 12 miles of its 25 mile light rail system, including upgrading the Overbrook, Library, and Drake trolley lines to light rail standards, as well as the addition of 2,500 park and ride spaces and the acquisition of 27 new light rail vehicles. I met with local officials and the leadership of the Port Authority on February 20, 1998 at South Hills Junction and believe that this $493 million project ($394 million federal share) deserves full consideration for funding within the transit New Starts account. This is especially true when one notes that the Stage II project is expected to carry 25,000 riders daily by 2015 and thus remove 2,000 daily automobile trips from local roads.

North Shore Central Business District—City and regional planners in Pittsburgh have proposed the development of a complete transportation improvement package, including transit, roadway, pedestrian and parking that accommodates both the access and connectivity needs of existing activities in the district and the needs of several proposed development projects. Working with the Port Authority of Allegheny County, local economic development leaders believe that a fixed guideway transit system and intermodal facility is an essential part of any plan for this part of Pittsburgh. Initial estimates are that $190 million are needed for this project.

U.S. Route 219—''Continental One''—Another matter of great importance, from a safety and economic development perspective, is the effort to upgrade the U.S. Route 219 corridor throughout Pennsylvania as part of a long-term project to create the Continental One superhighway and NAFTA trade corridor from Canada to Mexico. Route 219 stretches 199 miles through Pennsylvania from Maryland to New York via Somerset, Cambria, Clearfield, Jefferson, Elk, and McKean Counties. The 1991 ISTEA law provided $89 million in federal funds for Route 219 projects, as I had urged in my Senate floor speech of June 18, 1991. Since then, I have met with the U.S. Route 219 International Trade and Travel Corridor Coalition in Washington and have spoken to local officials and countless Pennsylvanians who support improvements to Route 219 which are necessary to establishing a major trade corridor and generating substantial economic development in the region. Although the total price tag for upgrading the entire Route 219 corridor of $3.4 billion is too much to obtain in this one piece of legislation, I believe Congress should provide substantial funds for engineering and construction of high priority segments within the Route 219 corridor.

Wilkes-Barre Intermodal Transportation Center—I have been pleased to work for more than one year with Wilkes-Barre Mayor Tom McGroarty, who first proposed this to me and Congressman PAUL KANJORSKI in February, 1997. This $17.3 million transportation center ($13.8 million federal share) would coordinate multiple modes of transportation by combining a bus terminal for Luzerne County Transportation buses and inter-city buses, as well as a taxi loading area and a park-and-ride lot. Having visited the site in April, 1997 and in February, 1998, I am confident that the Center will increase downtown economic development by providing additional parking, improve safety by loading and unloading passengers in a designated area, and reduce traffic congestion by encouraging the use of mass transit. I was pleased to obtain $1.5 million for this project in the FY98 Transportation Appropriations Act for initial engineering and design work and believe that it merits designated funds in this ISTEA legislation.

Erie East Side Connector—In 1991, I was pleased to join with then-Congressman Tom Ridge in support of $7.5 million specifically included in the original ISTEA law for preliminary engineering and environmental impact statement for the Erie East Side Connector project. Construction of this project will cost $94 million and involves a new 4-lane highway to connect the Bayfront Parkway in the City of Erie to I–90 at Exit 9. This project has the support of Congressman PHIL ENGLISH and local officials because it will help stimulate economic growth on Erie's East side and represents a missing link in the region's transportation infrastructure.

Allentown American Parkway—This $35 million project involves a 1.6 miles controlled access, four-lane highway and new bridge connecting both the Allentown central business district and the riverfront area of the city to U.S. Route 22 and the Lehigh Valley International Airport. The goal would be to relieve congestion on the three existing river crossings and spur economic development in the area.

Pittston Airport Access Road—In August, 1997, I toured the site of this proposed $8.3 million project ($6.6 million federal share), which would create a new 1.6 mile access road connecting the main entrance of the Wilkes-Barre/Scranton International Airport to several commercial and industrial sites on airport land and on two industrial tracts southeast of the Airport. Both Congressman PAUL KANJORSKI and I agree that this project merits ISTEA funding because the benefits of building this road include reduced traffic congestion and improved public safety and the prevention of traffic accidents such as those that have occurred along several narrow and winding roads near the industrial development.

Lackawanna Valley Industrial Highway—Congressman MCDADE has been active in the House of Representatives in support of a $2.2 million project to construct a new ramp between Exits 56 and 57 on Interstate 81 in Lackawanna County as an extension of the $360 million Lackawanna Valley Industrial Highway project. The proposed on-off ramp will improve traffic conditions on I–81 and provide more direct access to the 180-acre Viewmont Mall/Viewmont Commerce Center and Dickson City Crossings. In addition, it will provide access to 450 acres of adjacent property. Local officials support the project because it will reduce traffic congestion and facilitate development at these commercial facilities, creating an estimated additional 1,700 full-time and part-time jobs in the area.

U.S. Route 222 (Berks County)—Throughout parts of Berks County, it is well-recognized that there is a need for improvements to U.S. Route 222, which are estimated to cost $195 million. In the 1991 ISTEA law, we were able to obtain $6.6 million for the Warren Street Bypass Extension North project, which is being used at present for construction that should be completed in November, 2000. Three other segments of U.S. Route 222 deserve consideration for special priority in this bill, including the Warren Street Bypass Extension South, Lancaster Pike Reconstruction (widening and reconstructing four miles of Route 222 from Grings Hill Road to the Berks/Lancaster County Line), and construction of a new interchange between Route 222 and State Route 183 in the City of Reading.

U.S. Route 30—Lancaster County is one of the fastest growing counties in population and economic growth throughout Pennsylvania and its infrastructure needs to keep up with increased demands. For several years, there has been an effort to improve Route 30, particularly for safety concerns. Specifically, the $86 million Route 30 Bypass multi-lane highway project will be the final connecting

link across Southeastern and South Central Pennsylvania, with the ''East'' Section stretching from U.S. Route 222 to PA Route 340 in Manheim and East Lampeter Townships and the City of Lancaster, and the ''West'' Section stretching from PA Route 741 to PA Route 72 in East Hempfield and Manheim Townships and the City of Lancaster.

Williamsport-Lycoming County Airport Access Road—I have met regularly with representatives from Lycoming County and the City of Williamsport on their transportation needs, particularly for improvements in the vicinity of the Williamsport-Lycoming County Airport. In the House, Congressman MCDADE has sought an earmark for $12 million in federal funds toward the $15 million project cost to construct a new access road from Interstate-180 to the Airport. The primary objective is to improve access to the Airport (which is essential to its ability to grow as a regional transportation hub), provide development opportunities on lands adjacent to the Airport, and to coordinate these improvements with a levee system around the Borough of Montoursville to provide flood protection.

Mr. BYRD. Mr. President, passage of the Intermodal Surface Transportation Efficiency Act of 1997, signals a significant accomplishment for this session of the 105th Congress. In passing this comprehensive six-year surface transportation bill, the Senate makes two profoundly important statements to the American traveling public. First, we are telling the American public that we are intent on using the revenues that we collect at the gas pump, from the American highway user, on the purposes for which they were collected; namely, the maintenance, upkeep, and expansion of our national highway and transit systems. Second, we are telling the traveling public that we intend to reverse the federal government's chronic underinvestment in our national highway needs.

I want to take this opportunity to recount the major milestones of a multistep process that brought us to this point where we will pass a highway bill calling for a full $173 billion of investment over the six years, 1998 through 2003. I also want to thank the many persons and organizations that have brought us to this point in time.

The Omnibus Budget Reconciliation Act of 1993 assessed a new 4.3 cents gas tax solely for the purposes of deficit reduction. This was the first time since the Highway Trust Fund had been established in 1956, that a permanent gas tax was put on the books for a purpose other than highway investment. In May of 1996, our former colleague, Senator Dole of Kansas, rekindled the debate on the appropriate use of the 4.3 cents-per-gallon gas tax. At that time, I signaled to my colleagues my intent to offer an amendment to transfer the 4.3 cent gas tax to the Highway Trust Fund so that it could be used for our ever-growing unmet needs in the area of highway construction and the maintenance of our nation's bridges. During the summer of 1996, at the behest of both the majority and the minority leaders, I deferred offering my amendment to transfer this tax into the Highway Trust Fund on two separate tax bills. Unfortunately, another opportunity to offer my amendment did not arise during the 104th Congress.

Last year, at the beginning of the 105th Congress, I found a strong ally for my efforts in my colleague, Senator GRAMM of Texas. During debate on the budget resolution last year, Senator GRAMM offered a sense of the Senate resolution supporting the transfer of the 4.3 cents-per-gallon gas tax from deficit reduction to the Highway Trust Fund, and the spending of that revenue on our highway construction needs. Senator GRAMM was joined by 81 of our colleagues in support of this resolution. Later that year, when the Finance Committee marked up the Taxpayer Relief Act of 1997, Senator GRAMM, a member of that committee, successfully included a provision transferring the 4.3 cents to the Highway Trust Fund. That provision became law with the enactment of the Taxpayer Relief Act in August of 1997.

In transferring this new revenue to the Highway Trust Fund, the Congress was presented with an opportunity to authorize and spend dramatically increased resources on our highway needs. There is no question that these funds are sorely needed. I have taken to the Floor numerous times over the past three years to remind my colleagues of the hundreds of thousands of miles of highways in the nation that are rated in poor or fair condition, and the thousands of bridges across our nation that are rated as structurally deficient or functionally obsolete. Unfortunately, the highway bill, as originally reported by the Environment and Public Works Committee, did not authorize one penny of this new revenue to be spent on our nation's highways and bridges. Indeed, under the funding levels reported by the Environment and Public Works Committee for the highway program, the unspent balance in the Highway Trust Fund (including both the highway and transit accounts), was expected to grow from $22.9 billion at the beginning of 1998 to more than $55 billion at the end of 2003, the end of the ISTEA II authorization period. Upon learning of this situation, I held several discussions on the subject with members of the Environment and Public Works Committee, including Chairman CHAFEE, and the Ranking Member, Senator BAUCUS. Following these discussions, I decided to prepare an amendment which would authorize the full amount of revenues going into the highway account of the Highway Trust Fund. Given the continuing deterioration of our nation's highways in all 50 states, and the growing volume of concern on the part of the nation's governors and state legislators, on the federal government's underinvestment in our infrastructure, I felt that it was essential that the Senate have an opportunity to vote on whether or not we mean what we say when we place highway tax revenues into the Highway Trust Fund.

I was first joined in the amendment by my colleague, Senator GRAMM. Shortly thereafter, our efforts were given a great boost when we were joined by Senator BAUCUS, the Ranking Member of the Surface Transportation Subcommittee, and Senator WARNER, the subcommittee's chairman. Despite substantial early opposition from certain Senators, including the Chairman of the full Environment and Public Works and Budget Committees, Senators GRAMM, BAUCUS, WARNER, and I diligently sought to obtain co-sponsors for our amendment. In total, we were able to secure an additional 50 co-sponsors, making a total of 54 co-sponsors for the Byrd/Gramm/Baucus/Warner amendment.

Our amendment authorized additional contract authority for highways over the period Fiscal Year 1999 through 2003, totaling $30.971 billion. That amount was the Congressional Budget Office's estimate of the revenue from this portion of the 4.3 cents gas tax that would be deposited into the highway account of the Highway Trust Fund over that five-year period. In January of this year, the Congressional Budget Office reestimated that five-year figure to a level of $27.41 billion, or a reduction of $3.561 billion from their earlier forecast.

At the end of last month, Mr. President, it appeared that a true battle was brewing. The Senate was divided into two camps—the camp of those that had joined with Senators BYRD, GRAMM, BAUCUS, and WARNER in support of authorizing the spending of the additional revenue to the Highway Trust Fund, and the opposition, led by Senators DOMINICI and CHAFEE, who opposed this approach. This division was causing a delay in Senate consideration of the ISTEA bill, a delay that made all Senators uncomfortable since we continue to face the May 1 deadline beyond which most states cannot obligate any federal aid highway funds absent a new authorization bill. At the end of last month, the Majority Leader, Senator LOTT, asked that all parties join him in his office for negotiations on this issue. While I must admit I was not inclined to negotiate in a manner that would cause us to abandon our principle of authorizing the spending of the Highway Trust Fund revenue, I, along with Senator GRAMM, Senator BAUCUS, and Senator WARNER, did join with the Majority Leader, and Senator CHAFEE, Senator DOMENICI and, at times, Senator D'AMATO to discuss the situation. After many days of back and forth, and the very adept moderating style of the Majority Leader, I was pleased that an agreement emerged that enabled us to add an amendment totaling 25.920 billion dollars to the

highway bill. This amount represents 94 percent of CBO's most recent estimate of the revenue to the highway account, stemming from the 4.3 cents gas tax. I was especially pleased that, as part of these negotiations, Senator DOMENICI, Chairman of the Budget Committee, committed himself to finding the outlays through the budget resolution process to see to it that these funds will not just be authorized, but will also be spent through the annual appropriations process. Further, I appreciate the support of the agreement by the Distinguished Chairman of the Environment and Public Works Committee, Senator CHAFEE, as well as for his outstanding work in managing this complex bill over the several weeks that it has been before the Senate. I also wish to recognize the cooperation and support that I have received for many months on my amendment to this important legislation by our Distinguished Minority Leader Mr. DASCHLE. He joined as a cosponsor of the Byrd/Gramm/Baucus/Warner amendment early on and was a staunch advocate and supporter throughout.

On a matter that is of critical importance to this Senator, this amendment included $1.89 billion for the Appalachian Development Highway System. Coupled with the $300 million already in the committee bill for this system, total funding over the six-year ISTEA bill, for the Appalachian Highway System, will equal $2.19 billion, the full amount requested by the Administration in their ISTEA proposal.

I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to amendment number 1397, the so-called Byrd/Gramm/Baucus/Warner amendment, to S. 1173.

The PRESIDING OFFICER. Without objection.

Mr. BYRD. That brings the total number of cosponsors to 54. Mr. President, I thank all cosponsors of our amendment who, in effect, were trying to force the government to live up to the commitment it made to the American people and require that money collected in gasoline taxes for the purpose of building roads actually be spent for that purpose. At various times over the course of the last several months, many of these cosponsors spoke on the Floor in an attempt to bring to the attention of the leadership the importance of bringing up the ISTEA II bill as expeditiously as possible, and I thank those members for their efforts.

In addition to the support of these cosponsors, we had outstanding support from a large number of outside organizations ranging from the American Automobile Association to the U.S. Chamber of Commerce. I wish to thank all of these organizations, without whose support it would have been impossible to have been successful in our efforts to not only bring the bill up as quickly as we were able to, but to have adopted the Environmental and Public Works Committee amendment, which provides some 94 percent of the contract authority proposed in the original Byrd/Gramm/Baucus/Warner amendment. Indicative of the support received by these organizations was a very strong statement given before the National Governors Association by the President and CEO of the American Automobile Association, Robert L. Darbelnet, in which he expressed strong support for the Byrd/Gramm/Baucus/Warner amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the 54 co-sponsors of the Byrd/Gramm/Baucus/Warner amendment, a list of the organizations which assisted in our efforts to bring the highway bill to the Floor in an expeditious manner, and the aforementioned statement by Mr. Darbelnet, President and CEO of the American Automobile Association.

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

CO-SPONSORS OF THE BYRD/GRAMM/BAUCUS/WARNER AMENDMENT

Senator Akaka, Senator Ashcroft, Senator Baucus, Senator Bingaman, Senator Breaux, Senator Brownback, Senator Bryan, Senator Bumpers, Senator Burns, Senator Byrd, Senator Campbell, Senator Cleland, Senator Conrad, Senator Coverdell, Senator Craig, Senator Daschle, Senator DeWine, Senator Dodd, Senator Dorgan, Senator Faircloth, Senator Feinstein, Senator Ford, Senator Glenn, Senator Gramm, Senator Grams, Senator Harkin, Senator Helms, Senator Hollings, Senator Hutchinson, Senator Hutchison, Senator Inhofe, Senator Inouye, Senator Jeffords, Senator Johnson, Senator Kempthorne, Senator Kennedy, Senator Kerrey, Senator Kerry, Senator Landrieu, Senator Leahy, Senator Levin, Senator Lieberman, Senator McCain, Senator McConnell, Senator Mikulski, Senator Nickles, Senator Reid, Senator Rockefeller, Senator Santorum, Senator Sessions, Senator Shelby, Senator Specter, Senator Thomas, and Senator Warner.

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BYRD/GRAMM/BAUCUS/WARNER AMENDMENT SUPPORT GROUP PARTICIPANTS

American Automobile Association.
American Automobile Manufacturers Association.
American Consulting Engineers Council.
American Highway Users Alliance.
American Iron and Steel Institute.
American Petroleum Institute.
American Portland Cement Alliance.
American Road and Transportation Builders Association.
American Traffic Safety Services Association.
American Trucking Association.
Associated Builders and Contractors.
Associated Equipment Distributors.
Associated General Contractors.
Ashland Oil, Inc.
Carpenters Union.
Construction Industry Manufacturers Association.
Contech Construction Products Inc.
Donor State Industry Coalition.
Energy Absorption Systems Inc.
Equipment Manufacturers Institute.
International Union of Operating Engineers.
Keep America Moving.
Laborers' International Union of North America, AFL-CIO.
Motor Freight Carriers Association.
National Asphalt Pavement Association.
National Association of Home Builders.
National Association of Manufacturers.
National Association of Truck Stop Operators.
National Governors Association.
National Private Truck Council.
National Stone Association.
Recreation Vehicle Industry Association.
Service Station Dealers of America.
The Road Information Program.
Transportation Construction Coalition.
Transportation Intermediaries Association.
United Parcel Service.
U.S. Chamber of Commerce.
Vulcan Materials.

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ROBERT L. DARBELNET, AAA PRESIDENT & CEO, NATIONAL GOVERNORS ASSOCIATION, COMMITTEE ON ECONOMIC DEVELOPMENT AND COMMERCE, SUNDAY, FEBRUARY 22, 1998—WASHINGTON, DC.

Governors, distinguished guests.

It is a pleasure to be here. And a privilege to address you on behalf of AAA's 40 million members.

American motorists depend on their cars to get them to and from work, the Little League game, the grocery store. Safe and efficient roads and bridges are high priorities to them. And they have been paying $30 billion a year in federal gasoline taxes to keep their roads in good repair.

The problem is that the government has been siphoning off $10 billion a year to create the illusion of a smaller deficit. AAA strongly supports a balanced budget, but not at the expense of essential public services.

Last year, AAA supported efforts to redirect 4.3 cents per gallon of the gasoline tax from deficit reduction to the Highway Trust Fund. While those efforts were successful, there is still no authority to invest that money in transportation.

That's why AAA is urging passage of the Byrd-Gramm-Warner-Baucus Amendment to the highway bill. We want that 4.3 cents per gallon invested in properly maintained roads and bridges that improve traffic safety and reduce congestion.

In June 1996, AAA launched a national campaign called ''Crisis Ahead'' to alert the country about the rapid deterioration of our highway and bridges. We said at that time that unless our citizens and government policymakers were moved to action, a national crisis would be inevitable.

Here we are nearly two years later and, unfortunately, the policy makers have not acted effectively. As a result, the crisis AAA predicted . . . may no longer be ahead. It may already be here.

The numbers tell a tragic story:

1. Almost 30% of all motor vehicle crashes are caused, at least in part, by poorly designed or maintained roads.

2. The number of people killed on our highways is rising—from 39,000 to 42,000 annually.

3. In fact, according to the Department of Transportation, someone in the United States dies in a motor vehicle crash every 13 minutes.

To understand why things are deteriorating, consider this gap:

Since 1960, vehicle miles traveled in this country jumped 234%.

The taxes motorists paid to fix highways shot up 155%.

But investment in our highway system plummeted 50%.

To sum the situation up: Motorists are paying more taxes to drive more vehicles more miles, over roads maintained with less money.

As a result: More than one-third of major U.S. roads are in poor to mediocre condition.

Almost a third of the nation's bridges are dilapidated, too narrow or too weak to safely

carry traffic across them for much longer. The Woodrow Wilson Bridge here in Washington is a prime example.

Other consequences are more difficult to measure but are nonetheless real. Such as:

The downturn in a region's economy, as its businesses and jobs relocate to communities with better roads and less congestion.

Road rage and aggressive driving.

Deaths and injuries that might have been prevented by guard rails, wider lanes or better lighting.

A study by the AAA Foundation for Traffic Safety—a copy of which you should have in front of you—outlines the safety benefits we can achieve if we invest our transportation resources wisely.

For example:

By increasing lane width one foot, we can reduce crashes by 12%.

Removing hazards within 10 feet of a road would reduce these types of crashes by 25%.

Removing hazards that are within 20 feet would reduce crashes by 44%.

Every dollar we spend making these improvements on lower-grade roads actually produces a savings of nearly $3. In my view, that's a wise investment.

Allowing federal gas tax dollars to accumulate in the Highway Trust Fund is NOT a wise investment. It may look like a savings on paper but, in reality, it merely shifts expenses to other areas of the economy:

It pushes up the cost of insurance.

It pushes up the cost of health care.

It pushes up the cost of doing business.

And it delays the inevitable time when road and bridge work—not done today—will HAVE to be done anyway. But at that point, the work will not only be more urgent, it will be much more costly.

Fortunately, there are obvious solutions

First, we must get the ISTEA bill on the floor for debate and action—now. Further delay will only make matters worse.

And second, we should invest every penny in the Highway Trust Fund the way American motorists intended when they passed the gasoline tax—to keep our transportation system running safely and efficiently.

We're not talking about paving over the nation with new roads. We're talking about maintaining and improving the ones we've got. Preventing further deterioration. Making roads safer.

AAA is proud to lend the voices of its 40 million members in support of the governors and the Coalition for TRUST in their mission to increase the transportation investment.

Our goal is to ensure safety and freedom of mobility for this generation and generations to come.

In addition to improving roads and saving lives . . .

Spending the trust fund as it was intended will produce two beneficial side effects:

1. American motorists will get what they're paying for. That's all they want. And . . .

2. Congress and the Administration will protect one of their greatest assets. I'm not referring to the transportation infrastructure. I'm referring to the trust of the American people.

The money has been collected for transportation.

It shouldn't be highjacked.

Mr. BYRD. Mr. President, in addition to thanking these many groups, I also deeply appreciate the efforts of the staffs of the principal co-sponsors of our amendment. They include Steve McMillin of Senator GRAMM's staff, Tom Sliter and Kathy Ruffalo of Senator BAUCUS' staff, Ann Loomis and Ellen Stein of Senator WARNER's staff, and Jim English and Peter Rogoff of my own staff. Also, the majority leader's staff, namely Keith Hennessey and Carl Biersack, deserve great credit for their efforts toward reaching a consensus on the critical funding agreement to this bill. Finally, I also thank the individuals at the Federal Highway Administration, who have toiled diligently outside of the limelight, in bringing this bill to closure. They include Jack Basso in Secretary Slater's office, as well as Bud Wright, Patty Doersch, and Bruce Swindford, at the Federal Highway Administration. Their assistance was instrumental in providing data and technical assistance in development of the Byrd/Gramm/Baucus/Warner Amendment, as well as for the underlying committee bill.

This is a bill, of which I am proud, and of which all Senators should be proud, and for which I urge all Senators to vote aye.

Mr. WARNER. Mr. President, I think the silence indicates assent that will soon be given, in perhaps three-quarters of an hour's time, to this momentous piece of legislation. My rough calculations are that over the next 5 years it will be in the area of $215 billion, well spent—well spent—on America's transportation infrastructure. I thank, again, my distinguished colleague from Montana, who has been a partner throughout this effort.

I think this silence reflects the credit we may be owed for working on this bill together with Senator CHAFEE, who will be back momentarily.

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. WARNER. 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. WARNER. Mr. President, I am pleased that the Senate will soon favorably conclude action on S. 1173, the Intermodal Surface Transportation Efficiency Act of 1998, or ISTEA II.

ISTEA II is a 6-year bill that reauthorizes our nation's highway construction, highway safety and research programs. As reported from the Committee on Environment and Public Works, it provides $171.3 billion over 6 years.

Our funding level of $171.3 billion is 36 percent greater than the $120 billion funding level provided in ISTEA I.

Our funding level of $171.3 billion exceeds the funding level of $135 billion proposed in the Administration's NEXTEA bill.

Mr. President, along with my strong working partner, Senator BAUCUS, I have worked for higher funding levels for our nation's surface transportation programs. Last year, I joined the efforts of Senators BYRD and GRAMM to increase the spending for highway programs.

I am pleased that our final bill invests some $214 billion in our nation's transportation infrastructure.

I am grateful to the Majority Leader who gave great assistance in our efforts to include more money for our surface transportation needs. Clearly, the additional funds allowed us to get to this point today. This increase in funding moved us one step closer to completion of this matter prior to our May 1 deadline.

Our state and local transportation partners deserve nothing less. Due to the significant length of time required to plan and design any transportation project—an average of 7 years—our states must be able to efficiently respond to transportation demands.

Mr. President, this bill is one that the full Senate can be proud to support as balanced and fair.

Those are the two principles that guided my efforts in the drafting of this bill.

I am well aware that every Senator may not be entirely pleased with this bill. I am convinced, however, that overall we bring to the Senate a bill—that addresses the mobility demands of the American people and the growing freight movements of American goods; that will continue to ensure America's competitiveness in a ''one-world'' market; and, that, for the first time, provides a fair and equitable return to every state based on the amount of funds we spend.

Every state will be guaranteed 91 percent of the funds we spend based on each state's contributions to the Highway Trust Fund.

This legislation represents the results of hard fought negotiations between Chairman CHAFEE, Senator BAUCUS and myself.

I want to thank both Senators for their leadership, and all the members of the Committee for their contributions, in developing a compromise that represents a balance among the 50 states.

This legislation is the product of months of spirited discussions.

It is a compromise that addresses the unique transportation needs in the different regions of the country—the congestion demands of the growing South and Southwest, the aging infrastructure needs of the Northeast, and the national transportation needs of the rural West.

In putting together this bipartisan and comprehensive measure, great care was taken to preserve fundamental principles of ISTEA I that worked well.

ISTEA II upholds and strengthens ISTEA'S laudable goals of mobility, intermodalism, efficiency and program flexibility.

We were committed to continuing those hallmarks of ISTEA which have proven to be successful and are strongly supported by our state and local transportation partners, including—ensuring that our transportation programs contribute to and are compatible with our national commitment to

protect our environment; building upon the shared decision-making between the Federal state and local governments; and ensuring that the public continues to participate fully in the transportation planning process.

Mr. President, perhaps the most critical issue that the Committee addressed in this legislation is the development of equitable funding formulas.

ISTEA I failed to distribute funding to our states based on current data that measures the extent, use and condition of our transportation system. ISTEA I apportioned funds to the States based on each State's historical share of funds received in 1987.

As we prepare for the transportation challenges of the 21st century, reforms to the funding formulas were long overdue.

This legislation uses indicators that measure the current needs of our transportation system. Many of the factors used to distribute funds are consistent with the alternatives identified in GAO's 1995 report entitled, ''Highway Funding, Alternatives for Distributing Federal Funds.''

These indicators are standard measurements of lane miles which represent the extent of the system in a state, vehicle miles traveled which represent the extent of congestion, and structural and capacity deficiencies of our nation's bridges.

Using current measurements of our transportation system were called for in every major reauthorization bill introduced this session—including the Administration's NEXTEA bill, STEP–21, STARS 2000, and ISTEA Works.

In revising these funding formulas, I believe we have made significant progress in addressing one of the major shortfalls of ISTEA—namely, providing every state a fair return based on their contributions to the Highway Trust Fund.

Our bill today ensures fairness. Every state will receive a minimum guarantee of 91 percent of the funds apportioned to the states.

This guarantee is very different from the so-called 90 percent Minimum Allocation in ISTEA I.

The Minimum Guarantee is applied to 100 percent of apportioned funds—those funds sent to the states.

Second, the Minimum Guarantee calculation is reformed so that the percent guarantee is actually achieved. We all know that ISTEA I gave many states less than 90 percent because it did not include all the funds that were distributed to states.

I am also pleased to report that ISTEA makes great progress in consolidating and streamlining the program.

Under ISTEA I there are 5 major program categories. Under ISTEA II, those program categories have been consolidated into 3 major programs—the Interstate and National Highway System program, the Surface Transportation Program, and the Congestion Mitigation and Air Quality program.

Under ISTEA I there are 5 apportionment adjustments—most of them designed to address concerns of donor states—that have not worked. ISTEA II provides for two simple adjustments. One, for donor states and small states to provide them a minimum share of funding. The second, to provide a transition for states based on part of their ISTEA funding.

The Committee bill also includes many revisions to Federal highway procedures to streamline the complex process of Federal reviews of state projects.

It is my very strong hope that these provisions will enable our states to improve project delivery—the time it takes for a project to move from design to construction to completion.

Today, it takes on average 7 years to complete a project. We must provide our states with the tools to do better. I believe many provisions in this bill will free them from Federal redtape which has delayed many projects.

Mr. President, those are some of the important highlights of the Committee bill.

Before concluding my remarks, I must also recognize the significant contributions of the Secretary of Transportation, Rodney Slater. As the former Administrator of the Federal Highway Administration, Secretary Slater brought a great deal of personal knowledge and expertise to our efforts. Throughout our efforts to draft this legislation and to devise the funding formulas, we were highly dependent on the expertise of the many dedicated professionals at the Federal Highway Administration. I want to particularly recognize Jack Basso, Patty Doersch, Bud Wright, Tom Weeks, Roger Mingo and Bruce Swinford.

Again, I want to commend Chairman CHAFEE and Senator BAUCUS for their leadership bridging the many different views on this bill. I believe this is a good bill that deserves the strong support of the Senate.

Mr. President, I have just had the unique opportunity here on the floor to recognize the presence of the chairman of the House Committee on Transportation, Mr. SHUSTER, who came over to consult with me and indicate that the Speaker of the House has established a task force of the leadership of the House and the task force has been moving; that he anticipates that he will have a bill ready, hopefully passed April 1, first recognizing that during the course of the month of May, we can complete a conference and send a bill to the President, perhaps complete it before the 1st of May. That is a key deadline for so many States.

I certainly thank the many Governors throughout the United States who have come in individually in their own quiet way to consult with the leadership of the Senate and the leadership of the Transportation Committee on an absolute, imperative need that legislation be in place in that May timeframe to enable them to do this important work.

Mr. President, I am happy to yield the floor, and I note on the floor the distinguished chairman, Mr. CHAFEE. I again thank him for all his leadership and work. He was not on the floor when so many Senators came to compliment him in his capacity as chairman of the committee. We just wish to thank him. He is a very humble man in many respects, but his firm leadership will enable us to, in a few moments, pass this piece of legislation.

Mr. CHAFEE. Mr. President, I shall enthusiastically read the RECORD tomorrow to find out about all these fine comments. I want to take this opportunity before he leaves the floor to thank my good friend, the chairman of the subcommittee that dealt with this legislation. He gave us such a hand on the floor. We had a few problems to start with, but they were soon eliminated, and we charged on.

Mr. WARNER. Mr. President, those were a few funding problems, goals for funding.

Mr. CHAFEE. Those were taken care of, and we were able to charge on to this successful conclusion.

Mr. WARNER. I am sure the chairman shares the views about Senator BAUCUS.

Mr. CHAFEE. I was just about to say, Senator BAUCUS is not here, but I thank Senator BAUCUS for the wonderful work he did. We worked as a team. We went over the amendments we were going to accept. If there was a problem, he cleared them rapidly with those on his side of the aisle so we could ascertain where the problems were and attempt to work them out. It has been a splendid relationship.

I will say, that applies to every member of our committee. It is a committee that, indeed, does work together. It is a committee that reported this bill out not once, but twice, 18–0. Every single member of the committee voted for it. I thank every member of the committee, whether they are Democrat or Republican, for the wonderful cooperation they have given.

Mr. WARNER. Mr. President, I am sure the Senator shares the view on the leadership given by Senator LOTT and also Senator DASCHLE. There were many times for their decisive hands and decisions, which only they could make.

Mr. CHAFEE. That is correct, Mr. President. The majority leader sat in with us when we were negotiating a resolution to some of the problems. The leader of the minority, Senator DASCHLE, has been extremely cooperative. I salute both of them.

Also, Mr. President, like all cases, we could not ever have done this bill with all its complexities without the splendid staff—Jimmy Powell and Dan Corbett and Ann and everyone else who worked so hard in connection with resolving this. The same goes for Tom Sliter and others on the Democratic side. I thank the staff. They should feel very, very proud of what they have accomplished.

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

The PRESIDING OFFICER. The Chair notes the leadership of two distinguished former Secretaries of the Navy.

Mr. WARNER. Mr. President, we thank the Presiding Officer for that.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I am delighted and, indeed, grateful that the Senate is about to conclude action on ISTEA II. I congratulate my colleagues for wrapping up this effort with such alacrity, rescuing us from a Saturday or even Sunday session, as the majority leader pointed out. He—and I agreed with him—was determined we were going to finish this bill, and we are finishing it way ahead of the outlying time.

We have before us a very fine piece of legislation of which we can all be proud. It will truly bring our Nation's transportation system into the 21st century. It will do so with an unprecedented increase in funding, $214 billion over 6 years, for all surface transportation programs. That is the highway plus the transit money.

That includes $171 billion for highways. This increase represents the Senate's understanding of the breadth of the needs of our infrastructure and our commitment to meeting these needs.

One year ago, the Senate was very divided on the issue of how ISTEA II should look. Within the Committee on Environment and Public Works, of which I have the privilege of being chairman, we had not one, not two, but three very different proposals on what to do with this legislation, how to proceed, how to make the allotments amongst the various States. All of these proposals had merit, and the duty was to try to coalesce them into one unified plan. And we did so.

Once ISTEA II reached the Senate floor, we had to address even more complex issues, such as funding, affirmative action, penalties on drunk driving, not to mention the countless highway- and transportation-related concerns which are inherent in this legislation.

When it was enacted in 1991, ISTEA I transformed transportation policy in this Nation, what was once simply a highway program—if you had more requirements, you built more roads; needed more lanes, go ahead and build them. But the purpose of this national transportation program is not simply to build more roads; it is to move people and goods as efficiently, swiftly and safely as possible.

I pay tribute to the splendid leadership that was given to us on that splendid legislation when it came out of the Environment Committee, on the floor and in the conference. Senator PATRICK MOYNIHAN from New York gave us that leadership. I am pleased that ISTEA II perpetuates the critical central ideals of ISTEA I passed in 1991—flexibility and efficiency and intermodalism.

We ironed out in ISTEA II some of the problems that were apparent under ISTEA I. With the passage of ISTEA II, transportation policy will be even more responsive to the challenges of the new century.

It contains provisions that address the infrastructure challenges of the new millennium, the new period we are going into. This legislation will endure into the first several years of that new millennium.

There are exciting technological advances that are made in this legislation and innovative financing mechanisms. It redoubles our Nation's already strong commitment to the environmental health of our people and their safety. There are important measures that strengthen each of these areas.

In the bill before us, we recognize we must reach out and be creative. First of all, ISTEA includes a number of innovative ways to finance transportation projects. It establishes a Federal credit assistance program for surface transportation. This new program leverages limited Federal funds by allowing up to a $10.6 billion Federal line of credit for transportation projects, at a cost to the Federal budget of just over half a billion dollars—$500 million.

The bill expands and simplifies the State Infrastructure Bank Program to enable States to make the most of their transportation dollars. It includes a new program that will make it easier for the private sector to participate in financing transportation infrastructure. So that is the first big step—innovative financing.

The second step recognizes the important role technology plays in an efficient transportation system. Transportation technologies offer a wide array of benefits. They relieve traffic congestion if you can spend money on coordinating your traffic lights, for example, not just building more lanes, but move the same amount of traffic or increase the amount of traffic in the same lanes in a swifter and safer fashion. That is what the technology innovations do. We strengthen the intelligent transportation systems, so-called ITS programs, which were established in the original ISTEA. We provide technologies that have new options to address safety and capacity concerns.

Third, the bill before us significantly reforms ISTEA funding formulas. Now we are into the formula business. To balance the diverse regional needs of the Nation, we address the inequities that came about under ISTEA I. The bill before us addresses the tremendous infrastructure needs and terrible congestion problems of densely populated States such as California, New Jersey, and Illinois. And it strengthens the programs tailored to rural expanses in Federal lands in the West.

Fourth, we provide real flexibility to localities and States and make the program easier to administer. In ISTEA I, there were five program categories. We reduce that to three, and that includes more than 20 improvements to reduce red tape. As valuable as transportation is to society, there is no question but these new roads and the automobiles and trucks that are on them have taken a tremendous toll on our Nation's air, land, and water. I am proud that ISTEA II builds on the original ISTEA efforts to preserve and protect the environment.

In addition, what we do is to concentrate on the safety of drivers and passengers. In the United States, these figures are really shocking. More than 40,000 highway deaths occur every year. And just as troublesome and worrisome as that is, there are 3.5 million automobile crashes that occur each year. These do not—these do not—every one result in fatalities, obviously, but from these crashes come people who are terribly injured. And these injuries, in frequent cases, are detrimental to these individuals throughout the rest of their lives.

ISTEA II provides several provisions to reverse this trend of 40,000 deaths a year. We increase the funds devoted to highway safety, and we include incentives for States to increase safety belt use in their States. We encourage the States to pass legislation dealing with seatbelts and to police that requirement, and we do this by not a stick, not by punishing them if they fail to do it, but by a carrot, in giving them increased moneys if they pass such legislation and enforce it.

I am pleased that during floor consideration of the bill the Senate increased its commitment to safety by adopting tougher drunk driving standards.

I want to extend my heartfelt thanks to Senators WARNER and BAUCUS. I previously mentioned both of them, but I want to repeat that. They are my distinguished comanagers of floor action on ISTEA II. Always, it is a pleasure to work with each of them. My gratitude goes as well to Senators MCCAIN and HOLLINGS, chairman and ranking member of the Commerce Committee; Senators D'AMATO and SARBANES, chairman and ranking member of the Banking Committee; Senators ROTH and MOYNIHAN, chairman and ranking member of the Finance Committee, for their efforts on the portions of ISTEA which were within their jurisdiction.

Finally, I want to thank the majority and minority leaders, Senators LOTT and DASCHLE, for their skillful work in bringing this bill to such a fine conclusion.

I also thank the staff for their hard work and diligence. From my staff, I wish to thank Dan Corbett, Jimmie Powell, Linda Jordan, Abigail Kinnison, Cheryle Tucker, Bob Greenawalt, and Amy Dunathan.

Mr. President, this legislation is very complicated. Nearly every Senator here has an amendment. And they bring them up to us, as is proper, for consideration. And they want an answer: ''Are you going to accept this amendment? If you are not willing to accept it, can we make changes to make it palatable to all concerned? Are you going to reject it so we have to go to a vote?'' It puts a tremendous burden on the staff, and they try—and in this case have succeeded—to give swift answers to the proponents of each amendment. We had some 500-plus amendments that were submitted in connection with this legislation. All of them had to be looked at.

I want to recognize the tireless efforts of Ann Loomis and Ellen Stein from Senator WARNER's staff, and Kathy Ruffalo and Tom Sliter from Senator BAUCUS' office, and Janine Johnson from the Senate legislative counsel's office.

Last but not least, Mr. President, I extend my appreciation to a number of individuals from the Federal Highway Administration who have been with our staff on the weekends and well past midnight working on this legislation—Patty Doersch, Tom Weeks, Roger Mingo, Deidra Goodman, Bud Wright and his staff. Also, I want to thank the Secretary of Transportation, Secretary Rodney Slater, for his cooperation. And we have had the assistance of the head of the Federal Highway Administration, Gen. Kenneth Wykle, whom we consulted with several times in connection with this legislation. They are always within a phone's reach, both he and the Secretary. And they have been very valuable.

So, in conclusion, Mr. President, I urge all my colleagues to cast a resounding ''yea'' vote in favor of S. 1173.

I thank the Chair and 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. 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. DOMENICI. Are we under an order whereby I cannot speak at this point, or may I speak before the vote?

The PRESIDING OFFICER. The Senator may speak.

Mr. DOMENICI. I don't want to use the rest of the time. Are we scheduled to vote at 2:15?

The PRESIDING OFFICER. At 2:15.

Mr. DOMENICI. I note the presence on the floor of a number of Senators with whom I have worked diligently to try to get this bill accomplished. I am very proud of the result.

Let me suggest, however, that I now hear rumors coming from, it seems, the direction of the House, that we have not done enough. Well, that may be one thing in terms of how many demonstration projects we have to do. I assume we will go through that general ritual, and who knows where the wheel of fortune—we see that every night at 6:30 or 7 o'clock—will land, who will win, and who gets all the goodies. Somebody, obviously.

I hear, in addition to that, that there is some thought we ought to go further, that we ought to take the entire trust fund off budget. Let me suggest to my friends in the Senate, obviously, I have little or no impact, I assume, on the House at this point on that issue. Frankly, I thought we engaged in good faith in a way to get us through this transition of 4 or 5 years when we have caps we have to comply with. I have committed to try to do that in a way that doesn't decimate domestic programs that are within that cap.

Frankly, if somebody wants to go much further and take the entire program off budget, then I don't know how we will meet those caps, for they take with it the few billion dollars in reserves that have accumulated, that are in the unified budget. They are mostly interest payments that have accrued over time. I thought we made a very, very, honest effort to find a way to get through. Those caps are applicable for only 3 more years—after the one that is the prime year in this bill, only 3 years after that—and then they are not there anymore and we all have some work to do. It is not just highways. We have to pay for the National Institutes of Health. We have to pay for education. These programs compete with them. I have said let's compete with them and let's try to find offsets. I submit, to make that job almost impossible would be the result if you took this in conference and took it all off budget.

Frankly, I don't know that I can do any more than say that and say I hope the Senators won't, in conference, agree to any such thing. I hope that it is left as it is and you make whatever accommodations you have to make and this program will live to be seen and heard from another day, as will the trust fund. I don't believe we can spend much more than we are planning here. I think we ought to leave it alone.

I urge my fellow Senators, with whom I have worked very hard, try to see that is the result coming out of conference.

I yield the floor.

Mr. CHAFEE. Mr. President, as the chairman of the Budget Committee well knows, I am always opposed to taking these programs off budget. That is my position, and that is the position we will take going into conference. We have been treated very well by the Budget Committee in connection with this legislation. The Budget chairman has assumed some very onerous burdens to find the money for us to come up with this program. Certainly I don't think the answer is to take this trust fund off budget.

Mr. DOMENICI. I thank the Senators for listening.

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

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

Mr. CHAFEE. Mr. President, the yeas and nays have not been ordered on the committee amendment, have they?

The PRESIDING OFFICER. That's correct.

Mr. CHAFEE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the modified committee amendment in the nature of a substitute (amendment No. 1676), as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

[Rollcall Vote No. 30 Leg.]

YEAS—96

| | | |
|---|---|---|
| Abraham | Enzi | Lieberman |
| Akaka | Faircloth | Lott |
| Allard | Feinstein | Lugar |
| Ashcroft | Ford | Mack |
| Baucus | Frist | McCain |
| Bennett | Glenn | McConnell |
| Biden | Gorton | Mikulski |
| Bingaman | Graham | Moseley-Braun |
| Bond | Gramm | Moynihan |
| Boxer | Grams | Murkowski |
| Breaux | Grassley | Murray |
| Brownback | Gregg | Nickles |
| Bryan | Hagel | Reed |
| Bumpers | Harkin | Reid |
| Burns | Hatch | Robb |
| Byrd | Helms | Roberts |
| Campbell | Hollings | Rockefeller |
| Chafee | Hutchinson | Roth |
| Cleland | Hutchison | Sarbanes |
| Coats | Inhofe | Sessions |
| Cochran | Inouye | Shelby |
| Collins | Jeffords | Smith (NH) |
| Conrad | Johnson | Smith (OR) |
| Coverdell | Kempthorne | Snowe |
| Craig | Kennedy | Stevens |
| D'Amato | Kerrey | Thomas |
| Daschle | Kerry | Thompson |
| DeWine | Kyl | Thurmond |
| Dodd | Landrieu | Torricelli |
| Domenici | Lautenberg | Warner |
| Dorgan | Leahy | Wellstone |
| Durbin | Levin | Wyden |

NAYS—4

| | |
|---|---|
| Feingold | Santorum |
| Kohl | Specter |

The amendment (No. 1676), as amended, was agreed to.

The PRESIDING OFFICER. The bill will be read a third time and returned to the calendar.

The bill (S. 1173), as amended, was read the third time.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I know that congratulations have already been

extended to the managers of this very important ISTEA bill. But I want to join again in expressing my appreciation for the leadership of the Senator from Rhode Island.

Mr. BYRD. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The distinguished majority leader.

Mr. LOTT. Mr. President, thank you.

Mr. President, the Senator from Rhode Island, Mr. CHAFEE, did an outstanding job in managing this legislation. I think it is quite an achievement that actually in about 9 days we were able to get this bill through the Senate. There were some bumps along the way, but we were able to work them out without acrimony or regional bias. I think really they did a magnificent job. The Senator from Montana, Senator BAUCUS, worked very closely with the chairman of the committee, but it took cooperation with Senator WARNER of the subcommittee, and Senator GRAMM was involved in some key negotiations, and obviously Senator BYRD, who always provides direction and leadership that is very important.

To all the members of the committee, I thank you for this. I think the Senate has really provided leadership and given a marker to our colleagues on the other side of the Capitol to take up this important legislation, get it to conference, and get it agreed to by May 1, when the extension will expire.

So I think this was certainly a good couple of weeks' work, and I thank the Senate for its cooperation. This can be an example, I hope, of what we can do on other bills, how we can work together and work out problems that appear to be insurmountable. If we had taken this legislation up the first week we were back, it would probably have been a lot messier and we might not have come to the good result that we have fashioned here in this bill. So thanks to one and all. I appreciate it very much.

I mentioned Senator BAUCUS. He has certainly been a very important part of this.

Would the distinguished Democratic leader like to comment at this point?

Mr. DASCHLE. Mr. President, I share the view expressed just now by the majority leader. Certainly, our chairs and ranking members have done an outstanding job. I especially want to commend the dean of the Senate, our former majority leader, ROBERT BYRD, and his colleague, PHIL GRAMM, and others who had so much to do with making this possible.

This has been an effort that will have extraordinary consequences for years to come, both in terms of infrastructure and an array of different questions that we have to address. This has been an issue that Senator BYRD has instructed and educated the Senate about for many, many months. It was his leadership and diligence, along with Senator CHAFEE and BAUCUS and Senator WARNER and so many others, that brought us to the successful conclusion that we have now achieved.

I commend them. I thank them. And I hope we can use this as a real model for other pieces of legislation that may come before the Senate this year.

I yield the floor.

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I am prepared now to move to a unanimous consent request with regard to the China human rights issue. I will yield to the Senator from Montana if he would like to make some further comment on the highway surface transportation bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to thank a group that has not been thanked yet. That is the Department of Transportation—Secretary Slater, Mort Downey, Kenneth Wykle, and others at DOT who I note are in the gallery. They are watching these proceedings. They have been a very integral part of the passage of this bill. We have gone to the Department of Transportation many times to get data, to get their assistance. I want to thank not only Senators and staff but also the Department of Transportation for their assistance.

Mr. WARNER. Mr. President, I have paid compliments to some who have worked on this bill. I want to add the name of Lee Brown.

Lee Brown has the current title of assistant editor of morning business, and he is soon to be, I am told, elevated to the position of editor. Now, those who watch the floor proceedings of the Senate on occasion see Mr. Brown, in his usual quiet manner, come up and take from a Senator a document which he has asked unanimous consent to have placed in the RECORD. Lee Brown and his associates in this Institution somehow find where to put it in the RECORD, match it up with the statement, and get it correct. That is not an easy job.

So I want to express my appreciation to Mr. Brown for his effective work and efforts on this bill, which has had a very significant amount of inserts.

## RESOLUTION ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of calendar No. 325, S. Res. 187, and that the resolution be considered under the following limitations: That there be 1 hour for debate on the resolution and preamble, with no amendments or motions in order thereto, with the time divided as follows: Senator GRAMS controlling 20 minutes and Senator MACK controlling 10 minutes, Senator WELLSTONE controlling 30 minutes, or their designees; and, upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the resolution, and, if the resolution is adopted, the preamble be agreed to, with the above occurring without intervening action.

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

Mr. LOTT. Mr. President, I yield the floor. Senators then can proceed under the time agreement that we have entered into.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 187) expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, before I begin my remarks, I want to thank the Members of the Senate for their cooperation in this effort. Senator WELLSTONE and I have been attempting to get this resolution to the floor for some time now, but because of the cooperation of Chairman HELMS and many others, we have now worked our way through to the point where we, in fact, could bring this resolution to the floor and, hopefully, within not too long a period of time have agreement on this resolution.

My resolution, introduced with Senator WELLSTONE and 11 other Senators, urges the President to take all action necessary to introduce and pass a resolution at the annual meeting of the U.N. Human Rights Commission critical of the human rights abuses in China and Tibet. I hope the President will take note and take action. This resolution passed out of the Foreign Relations Committee yesterday by a vote of 16 to 1. Again, I express my appreciation to Senators WELLSTONE, HELMS, THOMAS, LUGAR, COVERDELL, FEINGOLD, HAGEL, BIDEN, and a number of others. With this action, the committee voiced its strong support for the passage of this resolution unamended.

Now I would like to state five points as to why we should pass the resolution now.

First, we know that offering and debating this resolution at the annual U.N. Human Rights Commission in Geneva advances human rights in China and Tibet. We know that in past years the Government in Beijing has made gestures towards improving human rights just prior to the annual Human Rights Commission consideration of a China resolution.

We know from testimony by Wei Jingsheng, Harry Wu, and many other political prisoners, that conditions for political prisoners improve when the resolution is being debated and they deteriorate when the resolve of the United States weakens. Again, I learned this not just from testimony before committees but I learned it from personal experiences and discussion with both Mr. Wei Jingsheng and Mr. Harry Wu, who actually told us they could tell the rhythm, if you will, of what was going on in the world by the way they were treated in prison in

China. They knew, when things were slackened, that there was resolve in the world to take China to task over its human rights violations. And they knew as well, when they were in difficult times and experiencing tremendous abuse, that the world had turned its back on those who found themselves in prison in China.

Mr. President, we know our approach to China must include public and private actions and must encompass trade, national security, and human rights. This Commission is uniquely suited to be the forum for the world to express disapproval of human rights violations in China and in Tibet.

Finally, we know the United States assessment of human rights in China and Tibet, according to the State Department, is abysmal by any standard. The United States must state plainly and clearly our objection to Beijing's denial of basic freedoms to the people of China and to Tibet.

Mr. President, at this point I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know the Chair, Senator HUTCHINSON of Arkansas, wishes to speak. I will be brief. I am anxious to hear from him.

Let me, first of all, thank Senator MACK. I have really enjoyed working with him on this. I think it is extremely important.

Sometimes when you speak on the floor of the Senate, you do not know whether or not what you are doing is going to crucially affect the lives of people. You hope it will. This resolution does.

I had a chance to meet with Wei Jingsheng last week, and I have met with a number of other courageous men and women from China, and they all have said the same thing.

Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER (Mr. MACK). We are debating a very important resolution. The Senate will be in order.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if the Senator from Arkansas is ready, I am pleased to yield time to the Senator from Arkansas. I ask my colleague, will 10 minutes be all right?

Mr. HUTCHINSON. Ten minutes will be sufficient.

The PRESIDING OFFICER. The Senator from Arkansas

Mr. HUTCHINSON. I thank the Senator from Minnesota for yielding time.

Mr. President, for the last 4 years this Congress has been engaged in an intense debate on this country's trade relationship with the People's Republic of China. On the one side of this debate are those who view the abhorrent and declining human rights conditions in China as a cause for revoking the special trade treatment currently given to Chinese-produced goods. On the other side of this debate are those who view free trade as a paramount virtue and believe linking trade with human rights is an inappropriate foundation on which to build our national trade policy. Last month, the two sides of this debate came colliding together in one chilling event, the indictment and arrest of two Chinese ''businessmen'' for trade in human body parts harvested from executed prisoners in the People's Republic of China.

Trade and human rights, delinked by our Government, were unalterably linked together by this tragic event last month. This arrest, more than any other event, brings the human rights crisis in China to the feet of those kneeling at the altar of free trade. No longer can free traders, the Chinese Government, or this administration turn a blind eye to the gruesome conditions now prevalent in the People's Republic of China. In matters related to trade with China, we must now move beyond the issue of trade deficits and move on to the issue of moral deficits. In particular, this country and this Congress must strongly reconsider the moral basis of our special trade relationship with this repressive regime.

The history leading up to last month's arrest is telling. For years, human rights organizations charged that the Chinese Government was at the center of an international market in human organs harvested from Chinese prisoners. The Chinese Government denied these reports, charging that these accusations were malicious and conspiratorial and outrageous. They totally rejected the charges.

Then, in 1994, the British Broadcasting Company, the BBC, aired a documentary detailing its evidence concerning China's trade in body parts. Again China issued a strong denial. Representative CHRIS SMITH held a hearing on this issue in 1996. The Chinese Government again stood firm in its denials.

Then, last year, confronted with hidden video captured by ABC's ''Prime Time Live'' documenting an actual transaction of a kidney, complete with footage of the military hospital in China used to harvest the organs and of a U.S. business which operated a kidney dialysis unit in China to facilitate the transaction, even in spite of this, China stood ever stronger in its adamant denial.

When I visited China in January of this year, when I raised this issue, once again it was dismissed out of hand as being a fabrication of the opponents of China.

The Chinese policy of lies and denials and distortions relating to its involvement in the marketing of human body parts may work well in the court of public opinion, but it will fail, I believe, in the court of law. With the arrest of Wang Cheng Yong and Fu Xingqi, the Chinese Government and its sympathizers will have to rethink their party line. More important, this Government will have to rethink the credence it gives to the word of the Chinese Government and its spokesmen. It is now certain that, in China, the judge, the executioner, and the profiteer are all wrapped in one.

As the Washington Post editorialized in the wake of these arrests, ''the Clinton administration long ago abandoned human rights as a primary consideration dealing with China. . . .'' But even Stanley O. Roth, the Assistant Secretary of State for East Asian Affairs, had to admit that if prisoners were being killed in China in order to provide organs, ''it would be among the grossest violations of human rights imaginable.''

This indictment right here provides clear and convincing evidence that China now ranks as one of the worst human rights violators in history. I encourage my fellow Senators and the President to read carefully the chilling facts detailed in this document and to watch closely as the case is brought to trial. I ask unanimous consent it be printed in the RECORD.

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

[Southern District of New York, Complaint: Violation of 18 U.S.C. §371; County of Offense: New York]

UNITED STATES OF AMERICA *v.* CHENG YONG WANG, XINGQI FU, a/k/a ''FRANK FU,'' DEFENDANTS

Jill A. Marangoni, being duly sworn, deposes and says that she is an agent with the Federal Bureau of Investigation, and charges as follows:

*Count One*

1. In or about February 1998, in the Southern District of New York and elsewhere, Cheng Yong Wang and Xingqi Fu, a/k/a ''Frank Fu,'' the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 274e of Title 42, United States Code.

2. It was a part and object of the conspiracy that Cheng Yong Wang and Xingqi Fu, a/k/a ''Frank Fu,'' the defendants, and others known and unknown, unlawfully, willfully and knowingly would acquire, receive and otherwise transfer human organs, to wit, kidneys and corneas, for valuable consideration for use in human transplantation, which transfer would affect commerce and the movement of articles and commodities in commerce.

*Overt Acts*

3. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 13, 1998, Cheng Yong Wang the defendant, attended a meeting in New York, New York.

b. On or about February 20, 1998, Cheng Yong Wang and Xingqi Fu, a/k/a ''Frank Fu,'' the defendants, attended a meeting in New York, New York, where they both discussed the sale of organs to a person purporting to be a member of the board of directors of a dialysis center.

(Title 18, United States Code, Section 371)

The basis for deponent's knowledge and for the foregoing charges are, in part, as follows:

1. In or about February 1998, I received information from a person (''Person A'') that

Cheng Yong Wang, the defendant, had represented to Person A that, prior to coming to the United States, he was a Procurator in the Hainan Province in China and, in that capacity, had participated in the execution of Chinese prisoners. Person A provided me with a copy of employment papers that Cheng Yong Wang, the defendant, had provided to him. A Mandarin interpreter informed me that these papers, which contain the photograph of Cheng Yong Wang, identify Cheng Yong Wang, the defendant, as a procurator in Hainan Province, China. A person familiar with the Chinese legal system told me that the job of a Procurator in China is similar to the job of a prosecutor in the United States.

2. I have spoken to an agent of the Immigration and Naturalization Service (''INS'') who told me that Cheng Yong Wang, the defendant, entered the United States from China on May 8, 1997 on a B–1 (work) visa.

3. Person A further informed me that on or about February 13, 1998, he met with Cheng Yong Wang, the defendant, in a hotel room in New York, New York. Person A stated that at this meeting, Cheng Yong Wang, the defendant, told him that he was interested in selling organs, specifically kidneys, from executed Chinese prisoners to Person A. In addition, Person A told me that he and Cheng Yong Wang had signed two contracts at this meeting, the second contract being a revised copy of the first contract. Person A provided me with copies of these contracts, both of which purport to carry the signature of Cheng Yong Wang.

4. I have reviewed a translation of the contracts referenced in the preceding paragraph. In substance and in part they provide that the purpose of the contract is to provide organ transplant services in China for people who live outside of China. Under the contract, Cheng Yong Wang, the defendant, is responsible for coordinating with the relevant Chines government agencies and hospitals in providing and securing organs for transplant. The contract further provides that Person A, who represents a dialysis center, will pay for the entire cost for each kidney transplant, not including the patient's travel expenses. In addition, under the contract, Person A agrees to pay Cheng Yong Wang, the defendant, a commission of 25% of the total costs for each transplant case.

5. On or about February 17, 1998, I participated in tape recording a telephone conversation between Cheng Yong Wang, the defendant, and another person (''Person B.'') This conversation was in Mandarin. Based on conversations that I have had with a Mandarin translator and a partial draft transcript that I have read, it is my understanding that during this telephone conservation, Cheng Yong Wang, the defendant, told Person B, in substance and in part, that he recently had met with Person A in a hotel room and signed a contract.

6. Also during the telephone conversation referenced in the preceding paragraph, Cheng Yong Wang, the defendant, told Person B, in substance and in part, that he planned to enter into an agreement with XINGQI Fu, a/k/a ''Frank Fu,'' the defendant, relating to the sale of organs. Cheng Yong Wang also told Person B that Xingqi Fu, a/k/a ''Frank Fu,'' had not participated in the meeting between Cheng Yong Wang and Person A, but that Xingqi Fu had been present in the lobby of the hotel where the meeting had taken place. Cheng Yong Wang explained to Person B that Xingqi Fu had decidedly that his services were not necessary in relation to the kidneys but that Xingqi Fu planned to sell corneas in the United States. Cheng Yong Wang further states that Xingqi Fu planned to smuggle the corneas into the United States and that Xingqi Fu had spoken to doctors about his selling them corneas.

7. Also during the telephone conversation between Person B and Cheng Yong Wang, the defendant, told Person B that he believed that the profit on the sale of corneas would be approximately 1000%.

8. On or about February 20, 1998, an agent of the Federal Bureau of Investigation, posing as a member of the board of directors of a dialysis center (''FBI agent''), met with Person B, Cheng Yong Wang and Xingqi Fu, a/k/a ''Frank Fu,'' the defendants, in New York, New York. From my conversations with the FBI agent, I have learned that during this meeting Cheng Yong Wang discussed the methods by which Chinese prisoners are executed and indicated that the organs he proposed to sell to the FBI agent would come from executed Chinese prisoners. In addition, Cheng Yong Wang and Xingqi Fu specifically agreed that they would sell the FBI agent two corneas for $5,000 and indicated that this price included a profit for them, Cheng Yong Wang and Xingqui Fu, the defendants, also discussed selling the FBI agent other organs, including kidneys, skin, lungs, pancreases and livers and agreed on the prices for these organs. Among other things, Xingqi Fu inquired about any maximum age for sources of skin and stated that lungs would come from non-smokers. In addition, both defendants acknowledged that although the contract referenced in Paragraph 5 above discussed that Cheng Yong Wang would provide transportation services, the true purpose of the agreement was to provide organs.

Wherefore, deponent prays that the above-named individuals be arrested and imprisoned or bailed as the case may be.

JILL A. MARANGONI,
*Special Agent, FBI.*

Sworn to me this of February 1998.

Mr. HUTCHINSON. This case only builds upon the repeated efforts from Chinese dissidents, Amnesty International, and the U.S. Department of State concerning the declining human rights conditions in China.

Again, as the Washington Post reported last month, these human rights abuses include ''torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in Tibet and Xinjiang and, of course, absolute intolerance of free political speech or free press.''

Mr. President, how long must this list of oppression get before this Government acts?

The increased arrogance of China's leadership in the face of the world's silence is evident in President Jiang's statement late last year that ''both democracy and human rights are relative concepts and not absolute and general.''

Accepted absolutes are now considered relative by China's leadership. This brutal Communist regime has now decided to determine the moral parameters within which civilized countries can stand within its judgment. In short, religious persecution, organ harvesting, and torture are now within the bounds of moral behavior in China. The unacceptable is now acceptable and the inhuman is now humane. While the world stands silent, China has managed to redefine the very nature of what is right and what is wrong.

Last week, I and 11 of my Senate colleagues sent a letter to President Clinton to remind him of his promise to the American people to ''step up efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China.''

On Wednesday, under the able leadership of Chairman HELMS, the Senate Foreign Relations Committee adopted a resolution submitted by Senators MACK and WELLSTONE expressing the sense of the Senate denouncing the human rights conditions in China. This resolution, which we now debate and which we will soon vote upon, and which I believe this body will adopt overwhelmingly, as did the committee, criticizes the People's Republic of China and asks for the U.N. Commission on Human Rights to pass a resolution acknowledging what is going on in China today, and for this Government to make that request of the United Nations.

While it is far short of the effort I believe should be made, it is a welcome first step in the right direction. I commend Senator WELLSTONE and Senator MACK for their outstanding leadership on this, and Senator HELMS and all of those on the committee who voted 16 to 1 in favor of the resolution.

If I might just close with this—and I know I have taken longer than I had requested—when I visited China in January—and I can spend an hour or much longer talking about those 10 days in China—the most moving moment was on a Sunday morning at 7:30 a.m. when I went to Tiananmen Square where, all of us remember so vividly almost 9 years ago, the images came across our TV sets through CNN cameras, and we saw those tens of thousands of students who stayed there for months peacefully asking their government to improve human rights conditions and to democratize the largest nation in the world.

While I was in China, I had a chance not only to visit Tiananmen Square and see that red banner that still flies, but to visit Ray Burghardt who was charged to be in Beijing at the time of the massacre when the Chinese Government, the hardliners, won out and the troops and the tanks moved in. He spent 3 hours over dinner telling us about the events leading up to the massacre.

He said on the night that the tanks moved in, the Chinese Communist Government waited until 2 in the morning. They did not want the world to see what was about to happen. The floodlights that showered over the many, many acres of Tiananmen Square were turned off. They did not want to see any cameras rolling.

As the troops moved in and the tanks moved in, he said from the Beijing Hotel, watching through binoculars, that he could see, as the troops came out, as the weapons were fired, the profiles of the students as they fell. The

silence continued, broken a few moments later by more gunfire, more students falling. Through those morning hours, the massacre continued.

By the time the Sun came up the next morning, the tanks had cleared the mall. They had cleared Tiananmen Square so that no one was to know, so that no one would have a hint of the massacre, of the thousands who died in the surrounding blocks, or of the tens of thousands who lost their lives.

Those students looked to the United States as the emblem of freedom, as the shining city on a hill. They built a 30-foot model of our Statue of Liberty and it, too, went under the tanks as they rolled in.

I just ask my colleagues, as they vote for this resolution, to remember what those students were fighting for, what they were standing for and to whom they looked as the symbol of freedom. I ask for a good vote, a solid vote, and a message to the world that we still stand for freedom.

I thank the Senator from Minnesota for his indulgence.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just say to my colleagues, Senator HUTCHINSON and Senator MACK, it is a labor of love working with them. We do not always agree on all issues. That might be the understatement of the year. But I think we are doing the right thing, and I certainly hope we get a huge vote as well.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Let me also thank Charlotte Oldhom-Moore who works for me and has been doing just a tremendous amount of work on this piece of legislation. I also thank Ellen Bork who works with Senator HELMS, chairman of the Senate Foreign Relations Committee, for all of her fine work.

Let me list Human Rights Watch, RFK Center for Human Rights, Lawyers Committee for Human Rights, Minnesota Advocates, International Campaign for Tibet, and Amnesty International for all of their fine work. Their organizing work has been terribly important, and it is an honor for me as a U.S. Senator from Minnesota—and we have a very strong human rights community—to be working with these organizations.

Mr. President, I will be brief. There may be debate on the other side, and I want to reserve some time to respond and I know there are others who will want to speak. I know Senator FEINGOLD is anxious to get to the floor. If he does not, let me just say that Senator FEINGOLD has been very, very vocal about this and has been a very strong supporter.

The 16-to-1 vote that Senator MACK spoke about in the Foreign Relations Committee represented full enclosure because several months ago, the Senate Foreign Relations Committee hosted a coffee and Wei Jingsheng came. He came up to several of us. I was one of the Senators who he approached. He asked us to please try and adopt a resolution on the floor of the Senate that will call on the administration and our Government at the U.N. Commission on Human Rights to please move forward with a resolution condemning the human rights violations in China.

What Wei and others said to me and Senator MACK was, ''Look, you may not always understand, but what you do on the floor of the Senate is watched, especially internationally. If the Senate doesn't speak on this and if the United States Government remains silent, it would be devastating to so many people in China who have had the courage to stand up for human rights, people who face persecution for their religious and political beliefs.''

I felt then, and I feel even more so now, when someone like Wei is speaking to you, someone who spent 18 years in prison—I read his book, ''The Courage to Stand Alone,'' someone whom I hope will get the Nobel Peace Prize—and makes such a request, it really feels good to be able to honor that request.

We have worked hard on this. We wanted to get this on the floor. I thank the majority leader, Senator LOTT, for absolutely living up to his personal commitment to us that we would get this on the floor before the U.N. Commission on Human Rights meets.

I will just say to colleagues that I think Senator BIDEN in the Senate Foreign Relations Committee said it best the other day. He said, ''Look, we have disagreement about whether or not you link human rights concerns and issues to trade policy, but that is not what this is about. If there ever was a place and there ever was a time for our Government to speak up for human rights, and ever since Tiananmen Square a large part of the focus has been about China, it is at this United Nations Commission on Human Rights that convenes in Geneva March 16.''

We are now on the floor of the Senate—what is today's date?—March 12. We may not be back in session until Monday or Tuesday. It is terribly important that this vote takes place.

I say to the Chair and I say to all colleagues, Democrats and Republicans alike, I hope we can get a vote that mirrors the vote in the Senate Foreign Relations Committee. The stronger the vote, the stronger the message.

I say to my colleague from Florida, since we have worked so closely on this, it is interesting that today the State Department announced that China has agreed to an international covenant on civil and political rights. I say great.

When I mentioned this to Senator MACK earlier, he said, ''That's tremendous, let's just make sure now we have a good strong vote to make it crystal clear that we intend to keep pushing forward with the pressure and with a voice in behalf of those women and men who have the courage to speak up in China for what they believe in.''

I spoke with Sandy Berger last night. I know he is working very hard on this. This is not a bashing amendment, but this is an amendment that says to our Government that to go to Geneva and to not make the effort to push forward this resolution which speaks to the violations of human rights in China, we think it would be silence, we think it would go against the very best of what our country stands for.

So, I hope there will be a very, very strong vote for this resolution.

Mr. President, I ask how much time I have.

The PRESIDING OFFICER. The Senator has 12 minutes 15 seconds.

Mr. WELLSTONE. I thank the Chair. I would like to reserve some time. I ask the Senator from Delaware whether he wants to speak on this resolution and, if he does—I just quoted him—I would love to yield some time to him.

Mr. BIDEN. I ask the Senator for 2 minutes.

Mr. WELLSTONE. Mr. President, I have never heard the Senator from Delaware speak for only 2 minutes. But if that is all he desires, if this will be a miracle, I might just be able to see it.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. BIDEN. Mr. President, I assume the reason why the Senator thinks that is because what I say is such content that he thinks I have spoken longer.

Let me be very brief and blunt. The fact is that we have several schools of thought about China on this floor and what our future relations will be. We constantly hear that those of us who are critical of China's human rights policy and proliferation policy should not tie our opposition to their point of view to trade. They say let's keep things in their proper perspective.

Well, if this is not the place to go, if to go to an organization that is an international organization constituted for the express purpose of discussing and identifying those nations that do not engage in practices consistent with what civilized countries should be doing relative to human rights, then there is no circumstance in which we can criticize China.

They say we should not criticize China and tie it to trade, and they say we should not criticize China here, we should do it privately. Privately malarkey. We should do it privately; we should also do it publicly.

We are not treating China any other way than we treat any other civilized nation in the world. As a member of the largest country in the world, they have to grow up and understand that if they take affront at us raising their human rights record in a forum, an international forum, that is constituted for that express purpose, then

they have a great deal of political maturation they have to go through in order to be a world power that will gain respect from the rest of the world.

I will conclude, Mr. President, by saying, I think this is one of those cases where our silence would be deafening. I yield the floor.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time.

Mr. MACK. 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. MACK. 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. MACK. Mr. President, I ask unanimous consent that the time under the previous quorum call not be charged to either side.

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

Mr. MACK. Mr. President, I also inquire at this time as to how much time we each have.

The PRESIDING OFFICER. The Senator from Florida has 6 minutes 13 seconds; the Senator from Minnesota, Senator WELLSTONE, has 10 minutes 10 seconds; and the Senator from Minnesota, Senator GRAMS, has 20 minutes.

Mr. MACK. Mr. President, I suggest the absence of a quorum and, again, ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, may I inquire on the time remaining?

The PRESIDING OFFICER. The Senator from Minnesota, Senator GRAMS, has 20 minutes; the Senator form Minnesota, Senator WELLSTONE, has 10 minutes 10 seconds; and the Senator from Florida has 6 minutes 13 seconds.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I rise in opposition to Senate resolution 187. That is the resolution sponsored by Senator MACK directing the administration to pursue a resolution criticizing China's—only China's—human rights record at the U.N. Commission on Human Rights in Geneva.

As you may know, I earlier objected to an attempt to UC this resolution on the floor, without benefit of committee consideration. I understand that many Senators do not believe a resolution is controversial, but, when it comes to China, I do believe it can be controversial—very controversial. You should too, because quite clearly China legislation, whether it be resolutions or sanctions, is, simply stated, I believe, to be counterproductive.

Yesterday, this resolution was considered in a business meeting of the Foreign Relations Committee. At that time I offered an amendment which would expand the resolution to include other countries listed in the State Department's annual human rights report. In my judgment, it is incredible that we would pick just one country to criticize when there are even more egregious offenders out there.

I did not object to having China on that list. We can put China at the head of the list, in the middle of the list, or at the bottom of the list. It should be on the list, but I do not think it should be on a list of only one country, and that is just China when, again, the State Department report on human rights violations has a long list of other countries. And if we are serious about looking at human rights violations around the world, we should also call those into question.

My problem with this resolution is, again, that it is one of many, many legislative attempts, I believe, to just single out China. They are clearly counterproductive, in my judgment. China certainly does—it does have to make more progress on human rights, but it also has made significant progress as well. I also supported an amendment in our business committee yesterday in the Foreign Relations Committee by Senator FEINSTEIN that would have balanced this resolution with language citing some of the improvements that were listed in the Human Rights Report.

The right thing to do—and I repeat, the right thing to do—is oppose these kinds of public attacks and join me in efforts to pursue human rights violations in China through quiet diplomacy—through personal visits, including those I have had with President Jiang. These high-level contacts between the United States and Chinese officials, I believe, can be far more productive.

Yesterday, a comment was made that we have to make this kind of public statement to the whole world to better focus attention on human rights concerns.

I believe we do have maybe a responsibility to hold these human rights violations up for world scrutiny. But, again, shouldn't they include all countries that are guilty of human rights violations?

Why do we think that standing up and publicly criticising China, and only China, following repeated efforts in the past, does any good? Do our words effect changes? No—I believe our efforts to build relationships with the Chinese, to talk to them privately about the need to improve and to see that changes are in their best interest are what make a difference. Resolutions make strong statements but I believe they do not accomplish the goals that we intend.

China has become the whipping boy. A continued strong relationship with China will in fact enable us to have a much stronger impact on their reforms than any strong-arm tactics. I agree such tactics can get the world's attention, but do they actually help those who are in prison or face other forms of repression inside China? There is a growing middle class in China. As they are more exposed to the West through our products and our people, the Chinese people themselves are going to be placing more demands on their leaders for change.

And that is already happening. The growing middle class in China, with their exposure to the West, is putting more demands on the Chinese leaders for change than we will ever accomplish from outside of their borders with these types of resolutions.

My State has also been long involved in various people to people programs with China, programs which have pursued better relationships between our countries. We value those relationships. They have helped us improve relations with China, and they have helped China achieve the progress it has made economically and politically. I believe threats and censure may only close the door on our relationship with China. And if that happens we will then lose any opportunity that we will have to effect change.

If we are not there, if we are not involved, if we do not have relationships with China, and if they in fact close the door to us, then what kind of an effect or influence are we going to have on change inside of China? I think it is a lot easier to change their mind if we are there than if we are not.

As I said previously, it is the volume of efforts—the legislation, the resolutions and the sanctions—and constant criticism that has been the focus of my opposition. Many believe they can change China through public humiliation.

Each new effort to bash China makes it more difficult, I believe, for our Government to formally address concerns of human rights and religious persecution.

My point here is just to try to educate America, the Senate, Christians and all people who are concerned about human rights and religious freedom that this is not a ''free vote''; it is something we should think about before we vote for it, because, in my view, again, just singling out China is very counterproductive.

Mr. President, now I want to get back to the language of this amendment itself—since I have been criticizing China resolutions generally. The wording of this resolution is even more disturbing. I am told the purpose, again, is to force the administration to introduce and to pursue a resolution at the U.N. Human Rights Commission condemning China for human rights violations. However, what you are not told is that there is no support for this resolution at all. The European Union

has even passed its own resolution indicating human rights violations are better addressed bilaterally with China. Again, the EU has already passed its own resolution indicating that human rights violations are better addressed bilaterally with China, not in this venue. Nearly all of our fellow U.N. members feel the same. So how do we expect the administration to go to the U.N. Human Rights Commission and garner support for this resolution? They would have the same result whether they pursued one now or 6 months ago. This has been tried before with no success. What leverage do we have to do this? We couldn't even get our U.N. allies, except one, to support us on Iraq. We still haven't settled the arrears question. How much weight will an attempt to pass a U.N. resolution—with no support—have in our quest to improve human rights in China? I believe none. A resolution supported by one country does not send a strong message. What it does is send the message that all other countries support what China is doing on human rights in China and that they need make no further progress because of that.

I also have heard the administration has not yet determined whether it should pursue a resolution even though they know they will fail if they do so. If they agree to pursue one, they do it knowing that it is going to fail.

If I were one of our allies, I would be sitting back and watching this and I would relish U.S. efforts to publicly condemn and sanction China, thereby impeding U.S. efforts to improve relations with China. That will give them many more opportunities to gain a firm foothold in what will be enormous trade and investment opportunities. If the U.S. gains the reputation of being an unreliable supplier, well, so much the better for them. They have seen us attempt to impose our laws and values extraterritorially on other countries over and over again. This has all accomplished nothing for us and much for them. For example, Airbus recently won a lucrative contract with China when China has long exhibited a preference for Boeing planes.

It was a strong message from China and its relationship with the United States.

This resolution, following all of the other attempts to rein in China, will not allow us to improve our relationship with China, but I believe it will slow that process. This will harm us in the eyes of the world community, it will impact US jobs, it will raise concerns about the U.S. security and leadership role in East Asia and the Pacific, and, most importantly, I believe that it is going to hurt the Chinese people themselves that we are trying to help. It will get us nothing—no progress on human rights, no progress on religious persecution—nothing at all. Many have said it is American involvement inside of China, including American investments, that have helped to improve the lives of many Chinese people and helped to foster more interest in human rights progress. More pressure for improvement comes from the inside out rather than the outside in. The Chinese government will listen more to the Chinese people than it will to threats from outside its borders.

Let us look at the issue of religious persecution, since I know there is still legislation percolating on that issue as well. Religious leaders, including one from my own State, Reverend Don Argue, president of the National Association of Evangelicals and former president of North Central College in Minneapolis, just returned from a visit with President Jiang himself. Now, President Jiang invited them to China—the first time that has ever happened. The leaders noted that with their visit with the President of China, they gained valuable access that they feel will help to open the door to better contacts with the Chinese leadership on religious issues. They felt President Jiang heard their message, and they believe that President Jiang does realize that religious persecution is a major stumbling block to improve Chinese-United States relations, as well as a stumbling block to the lives of its citizens.

I have also addressed this issue in my visits to China, and I have visited churches there, as well. China does need to make more progress; there is no doubt about it. But Ned Graham, the son of the Reverend Billy Graham, and others tell me they have been working in China now for many, many years, and there has been progress, they tell me, and they are working quietly and effectively, quietly and effectively inside China to further that progress. These religious leaders need to assure China that their goals are to provide religious freedom, not to violate Chinese laws by pursuing separate political goals. That process, Mr. President, is ongoing and it is working.

Mr. President, I realize that this resolution has broad support. However, I feel it was important to come to the floor to remind my colleagues that we should think about what we are doing because it is clearly, again in my view, not productive but, in fact, could be counterproductive. Further, if we pass a resolution at all, at the very least it should include many of the countries listed in the human rights report as well as China, not just one.

Again I say, China needs to make improvements in the areas of human rights and religious persecution. It should be on the list that we condemn and hold up for the rest of the world to see. It could be first on the list, it could be last on the list, but it should be on the list. Again, it shouldn't be the only country on the list. I'm concerned about human rights in all countries, not just one. My substitute resolution would have just enabled us to go on record supporting human rights in many countries. It could have been a separate list, it could have included China, China could have been alone. But only to have one resolution on the floor today condemning one country, I think is going to do more harm for the people inside of China than it is going to do good. That was my main concern.

I yield the remainder of my time and I yield the floor.

Mr. FEINGOLD. I yield such time as I require.

I rise today in strong support of S. Res. 187, a resolution introduced by the Senator from Florida and the Senator from Minnesota. I am grateful for their leadership on this and feel they have done a real service by bringing this issue forward to the floor with regard to human rights in China.

The resolution states that it is a sense of the Senate that the United States initiate active lobbying at the U.N. Commission on Human Rights for a resolution condemning human rights abuses in China. It calls specifically for the United States to introduce and make all efforts necessary to pass a resolution on China and Tibet at the upcoming 54th session of the Commission, which is due to begin very soon in Geneva.

It is a nonbinding resolution, but it makes a simple, clear statement of principle: The Senate believes that there should be a China resolution in Geneva, period.

As we all know, for the past few years, China's leaders have aggressively lobbied against such efforts earlier and more actively than the countries that support a resolution. Last year, they actually threatened the country of Denmark, which had made a difficult decision to sponsor a resolution. This year, Chinese officials have deftly played a diplomatic game with various European governments and basically succeeded in getting the European Union Foreign Ministers to drop, at least temporarily, any European cosponsorship of a resolution.

In the past, China's vigorous efforts have resulted in a ''no action'' motion at the Commission. With events proceeding the way they are now, I fear we will have the same result again at the upcoming meeting.

This would be unfortunate because it is essential to have a resolution on China under the auspices of the Commission on Human Rights. The multilateral nature of the Commission makes it a very appropriate forum to debate and discuss the human rights situation in China. By adopting international human rights treaties, China has made a commitment to international human rights law, and one of the basic purposes of the Commission is to specifically evaluate China's performance with respect to these commitments. The Commission's review has led to proven and concrete progress on human rights in other countries, and the expectation is that such scrutiny would lead to progress in human rights in China.

Mr. President, here is where I don't understand the argument of the junior

Senator from Minnesota. He is suggesting you can only go forward if you list all the countries in the world that have human rights violations. That doesn't make any sense with regard to the way we have to do business in this body. Sometimes we have to identify a particular country—whether it be Russia or Nigeria or Indonesia—and say in this particular instance there is a problem. To be required to make a statement about all countries in the world where there is a problem at one time, reduces what we are doing to a meaningless exercise and a general statement.

Some observers want to question the viability of the human rights resolution at this time. Despite China's announcement last year that it would sign the U.N. Covenant on Economic, Social and Cultural Rights, I don't see real evidence of real human rights improvements in China. That human rights conditions in China are growing worse, not better, indicates that human rights continue to demand top priority.

Nearly 4 years after the President's decision, which I regretted, to delink most-favored-nation status from human rights, we cannot forget that human rights in China and Tibet remain abysmal. Hundreds, if not thousands, of individuals are detained or imprisoned for their political and religious beliefs. Monks in Tibet are harassed for showing reverence to the Dalai Lama. And the press is subject to tight restrictions. The most recent State Department human rights report notes that ''the Government of China continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion.''

Mr. President, the situation is just as bad in Tibet.

I am going to make sure my remarks are brief so the Senator from Minnesota can speak some more.

Let me just say last month the Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, testified, ''We did not see major changes. We have not characterized China as having demonstrated major changes.''

Mr. President, these reports are indeed troubling. The United States has a moral responsibility to take the lead in sponsoring and pushing for a resolution at the United Nations Commission on Human Rights. I was delighted yesterday with such an overwhelming vote under the leadership of Senator WELLSTONE from Minnesota and the Senate Foreign Relations Committee, a 16–1 bipartisan vote, that indicated there is a strong bipartisan consensus in the Foreign Relations Committee—and I predict on the floor—that we must send a message to China and that this is the appropriate forum in time to do it.

I strongly commend my friends, the Senator from Minnesota and the Senator from Florida, for their leadership on this terribly important issue.

I yield back the remainder of my time.

Mr. WELLSTONE. How much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes 45 seconds.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I want to thank Debra Ladner, and I ask unanimous consent she be allowed on the floor for the remainder of the debate.

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

Mr. WELLSTONE. Mr. President, let me say to Senator FEINGOLD that I appreciate his remarks. I also love working with him on a lot of issues. I hope we can do a lot of human rights work together. He has been such a very strong voice on human rights in the Senate.

Mr. President, one more time, this is an important statement by the Senate. Sometimes these kinds of votes really matter. I think this is one of those times. I hope the President and the administration will pay attention to what I hope will be a very strong vote. I believe they will. I certainly hope so. I hope that our Government will move on a resolution condemning human rights violations in China. I hope that the administration will do everything possible to exact concession here on behalf of human rights for people in China.

I think it is also very important to a whole lot of people in China who are involved in this struggle and a whole lot of people in Tibet. Sometimes I look at things differently and sometimes what I worry the most about is the effect of inaction over action, noncommitment over commitment on such a question for people who are imprisoned. I have heard stories from my friends in a lot of the human rights organizations, men and women, who have said that the only thing that kept them going while they were in prison was resolutions of this kind. The only thing that kept them going was when our country, our Government, under a President like President Jimmy Carter, who was so focused on human rights, it meant so much to these people. I think this is a terribly important resolution.

I have often thought to myself when I finish on this, whether it be China or whether it be other countries—and the focus can be and should be and must be on China—I have often wondered and I think I might have the courage to challenge a repressive government if I thought that at worst I could be imprisoned. I don't even know if I would have that courage. But I don't know what I would do if I thought maybe my child could be rounded up and my child could be hurt or my wife could be hurt. There are people throughout the world who stand up to these governments. They stand up to these governments even when they know that this might happen. I marvel at their courage. They inspire me as a U.S. Senator.

China is a very large country and a very big country. But that does not mean that China should not be held accountable. This is a very important vote we are about to have.

I will yield back the rest of my time. I thank my colleague from Florida for his leadership and tell him it has been an honor to work with him on this.

Mr. MACK. Mr. President, does Senator ABRAHAM wish to make a statement? I say to the Senator I have slightly over 6 minutes remaining. How much time does the Senator desire?

Mr. ABRAHAM. That is a good question. It will take close to 5 minutes.

Mr. MACK. I ask unanimous consent the Senator be yielded 5 minutes, not off my time.

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

Mr. ABRAHAM. I thank the Senator from Florida. I will try to speak as quickly as possible. It is an important topic. I don't want to in any way have the length of my speech in any sense suggest a lack of interest in this or in any way suggest a diminished interest by this Senator.

Mr. President, I rise to urge my colleagues to support the sense of the Senate resolution, sending a strong message to the Chinese communist government regarding its human rights abuses. As American representatives participate in the annual meeting of the United Nations Commission on Human Rights I believe it is crucial that they state, in the strongest terms possible, the determination of the United States to uphold and defend fundamental human rights. This means, in my view, that our representatives must issue a strong statement criticizing the Chinese government's treatment of minorities and dissidents.

Mr. President, U.S.-China relations are of crucial importance for both countries. But for that very reason I believe it is crucial that we make clear our determination that the rulers in Beijing show greater respect for their people.

Mr. President, China's record of human rights abuses and repression of religious faith is long and disturbing. Peaceful advocates of democracy and political reforms have been sentenced to long terms in prisons where they have been beaten, tortured and denied needed medical care. Women pregnant with their second or third child have been coerced into abortions. Religious meeting places have been forcibly closed. Tibetan monks refusing to condemn their religious leader, the Dalai Lama, have been forced from their monasteries; some of their leaders have disappeared.

And 8 million Catholics loyal to the Pope continue to be harassed, as their non-official churches are closed down

and their religious leaders are arrested and taken to prison camps where they suffer torture and deprivation.

I ask unanimous consent to have a list of findings by the State Department with respect to human rights and the People's Republic of China be printed in the RECORD, outlining the extent to which the problems exist.

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

TITLE II—HUMAN RIGHTS, RELIGIOUS FREEDOM, AND DEMOCRACY IN CHINA

SEC. 201. FINDINGS ON HUMAN RIGHTS ABUSES IN THE PEOPLE'S REPUBLIC OF CHINA

(1) Congress concurs in the following conclusions of the Department of State regarding human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is 'an authoritarian state' in which 'citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government.'

(B) The Government of the People's Republic of China has 'continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms'.

(C) 'Abuses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention'.

(D) 'Prison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights'.

(E) 'Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state' and for peaceful political or religious activities are believed to number in the thousands'.

(F) 'Non-approved religious groups, including Protestant and Catholic groups . . . experienced intensified repression'.

(G) 'Serious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia [, and [c]ontrols on religion and other fundamental freedoms in these areas have also intensified'.

(H) 'Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end'.

Mr. ABRAHAM. These findings make clear, Mr. President, that the government of China has been and continues to intentionally oppress its people. I do not believe that we can stand idly by, without so much as a complaint, as this continues.

I firmly believe that it is America's duty as well as our interest to make the extra effort required to improve overall human rights conditions in China and to integrate her into the community of nations. I urge my colleagues to support this resolution and I call on the President to demand that the Chinese government being itself into compliance with international standards of human rights and decency.

I thank the Senator from Florida. I yield the floor.

Mr. BAUCUS. Mr. President, I rise, with some reservations, in support of the resolution offered by Senator WELLSTONE and Senator MACK.

I have been visiting, debating and studying China for some years. And it is quite clear that human rights conditions in China can and should be far better.

China admits to holding about 3,000 people in prison for ''counter-revolutionary'' offenses. We don't know the exact figure, but Amnesty International's estimate is similar. And political repression, over the past four or five years, has in some ways become more rather than less severe for the nation's most prominent dissidents. Treatment of religious leaders and labor organizers may be even worse. And repression seems to be at its harshest in some minority areas.

Independent reports show that rates of imprisonment are higher in Tibet and Xinjiang, and violent response by the authorities is more common. Having visited Lhasa myself, albeit on a highly controlled visit, my personal impression backs up these reports of very severe policies.

Those things are real. And the UN Human Rights Commission in Geneva is the appropriate place for us, for China, and for the other nations of the world to discuss them.

But we must also recognize something very important. That is, most long-term human rights trends in China are good. The number of people tried for political offenses is down from 350 a year in the mid-1980s to about 200 a year now. If you look further back, you see that during the so-called ''Anti-Rightist'' campaign in 1957, China arrested 500,000 people. The 1960s—the years of the ''Great Leap Forward'' and ''Cultural Revolution''—were even worse.

Other indices also show an improving situation. The number of citizen lawsuits against the government is up from 4,600 in 1987 to approach 100,000 last year, showing that more people feel free to challenge the state. Uncensored news is available on the radio, satellite TV or the Internet. Local elections are becoming more democratic, and the National People's Congress is taking up a more confident role in making law and overseeing ministries.

Likewise, China's economic reforms have created an entirely new world for tens or hundreds of millions of ordinary people. With open trade, they can find their own jobs, choose their own careers, rent their own apartments and listen to foreign news. And if you ask ordinary Chinese, most say without any hesitation that life is better and freer than ever before.

So I think it is appropriate for the Administration to raise human rights, particularly the question of political prisoners, in Geneva. The Human Rights Commission in Geneva is the place to discuss, debate and if necessary, condemn violations of human rights abroad. But it is also the place to note and approve improvements of human rights abroad. And while I will support this resolution, I believe it is imperfect, because it does not call on the Administration to do both.

The most effective approach to human rights will be to tell the truth—to point out areas where the government of China, or any other country, needs reform; but also to draw attention to the areas where life is getting better. We should do that in Geneva, and we should do it when we have occasion to debate human rights on the Senate floor.

Mr. MACK. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes 40 seconds.

Mr. MACK. Mr. President, many times in the past, as I have talked about foreign policy and national defense issues, I have gone back to what I believe is the fundamental principle that has served as the foundation of our Nation, and that is the discussion about freedom. I have said over and over again that I believe freedom is the core of all human progress, that the message of freedom is the message of hope.

Again, thinking of individuals who would find themselves imprisoned in China today, I, too, have heard them say that the knowledge that there are people around the world—particularly people in the United States—who will say it's important enough to confront the leadership in China on the issue of human rights gives them hope that there are people in the world who care about them. So the message of freedom is a message of hope.

I want to quote a comment that was made by Mr. Wei in November of last year when he came to the United States. This is what he had to say:

> Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty, and human rights in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery, and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation, and massacre.

What would it be like to be imprisoned? I have also read some of the writings, such as the book of Harry Wu, for example. I have heard the stories of the conditions in which other human beings have found themselves and I wonder myself, could I survive that? Would I have the human drive, the human will to survive? Probably, if I felt that I was alone, with no concern for me whatsoever, maybe the will would disappear. Maybe the will for Mr. Wu would have disappeared. Maybe the will for Mr. Wei would have disappeared. But there was a belief that there were those out there who cared for them.

Now, the point has been raised several times: Why China? Why only

China? I think the Senator from Minnesota will agree with me that there is a condition that exists now as a result of a decision made by President Clinton not long ago to delink the issue of trade and human rights. Now, there are rational points on both sides of that debate. But the point is, that decision was made. So then the question then comes, if we are not going to engage in a debate over human rights with the issue of trade, where are we going to do it?

It seems to me it is a reasonable, rational position to take that the debate ought to take place in the United Nations about violations of human rights. So we are very simply saying to our colleagues in the U.S. Senate, and to the President of the United States, we believe now is the time to move forward to condemn China for its human rights violations and to make it a cause. I am not shy about saying that. I believe we should do it. I don't think that, in any way, we are going to make things tougher for the people of China as a result of it. In fact, everyone we have had the opportunity to talk with has indicated to us that their treatment improves when the United States raises these concerns. So, Mr. President, I hope we do have a strong vote for this resolution, and I believe we will.

I yield back the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask unanimous consent that I may speak for 1 minute.

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

Mr. WELLSTONE. Mr. President, I was remiss in not mentioning earlier that Senator HELMS absolutely lived up to his commitment to make sure that the Senate Foreign Relations Committee took up this matter. I thank him for that.

Finally, I just want to say to my colleague from Florida that I very much appreciate his eloquence. I think he really feels these issues. I think it was more than a scripted speech. I think what he said was powerful, and I hope, too, that we will get a very, very strong, resounding vote.

I yield my time.

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

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

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 5, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—95

| | | |
|---|---|---|
| Abraham | Ashcroft | Biden |
| Akaka | Baucus | Bingaman |
| Allard | Bennett | Bond |
| Boxer | Graham | McCain |
| Breaux | Gramm | McConnell |
| Brownback | Grassley | Mikulski |
| Bryan | Gregg | Moseley-Braun |
| Bumpers | Hagel | Moynihan |
| Burns | Harkin | Murkowski |
| Byrd | Hatch | Murray |
| Campbell | Helms | Nickles |
| Cleland | Hollings | Reed |
| Coats | Hutchinson | Reid |
| Cochran | Hutchison | Robb |
| Collins | Inhofe | Roberts |
| Conrad | Inouye | Rockefeller |
| Coverdell | Jeffords | Roth |
| Craig | Johnson | Santorum |
| D'Amato | Kempthorne | Sarbanes |
| Daschle | Kennedy | Sessions |
| DeWine | Kerrey | Shelby |
| Dodd | Kerry | Smith (NH) |
| Domenici | Kohl | Smith (OR) |
| Dorgan | Kyl | Snowe |
| Durbin | Landrieu | Specter |
| Enzi | Lautenberg | Thomas |
| Faircloth | Leahy | Thompson |
| Feingold | Levin | Torricelli |
| Feinstein | Lieberman | Warner |
| Ford | Lott | Wellstone |
| Frist | Lugar | Wyden |
| Gorton | Mack | |

NAYS—5

| | | |
|---|---|---|
| Chafee | Grams | Thurmond |
| Glenn | Stevens | |

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 187), with its preamble, was agreed to, as follows:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Pennsylvania.

## INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

Mr. SPECTER. Mr. President, I have been asked by our distinguished majority leader to request that we now proceed to Calendar No. 322, relative to the war crimes, under the provisions of the consent agreement entered into on March 9, 1998.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate proceeded to consider the concurrent resolution.

Mr. SPECTER. Mr. President, the majority leader has asked me to express his intention to have a vote on this resolution occur tomorrow at around 9:30 a.m. and the majority leader notes that he will inform all Members as to when that vote is set by unanimous consent.

The majority leader has also asked me to announce—if I may have the attention of the majority leader on this part—the majority leader has asked me to announce that there will be no further rollcall votes this afternoon. I hesitate to do that on my own, but, with Senator LOTT here—and he says, now, the vote will be fixed with precision at 9:30 in the morning.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this resolution has been offered by Senator DORGAN and myself. The most expeditious way to move to the import of the resolution is to read the ''resolved'' clause. It is as follows:

That the President should:

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein, and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

This move to try Saddam Hussein as a war criminal is the most recent in a series of moves to establish the international rule of law with an international criminal court. The antecedent for this activity lay in the international military tribunal at Nuremberg, which was convened to try individuals for crimes against international law committed during World War II. The Nuremberg tribunal provisions stated that:

Crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.

That statement is as valid today as it was in 1946. For more than a decade, many of us in the Congress of the United States have sought to create an international criminal court to deal with crimes against humanity and other international crimes. Senator DODD and I have authored a series of resolutions in the U.S. Senate. In the House of Representatives, under the leadership of Congressman JIM LEACH, a number of resolutions have been offered. The international criminal court is moving forward, with a realistic likelihood of the establishment of such an international criminal court in the not too far distant future. And, in the interim, the War Crimes Tribunal has

been established by the United Nations to try crimes against humanity from the former Yugoslavia, the offenses committed in Bosnia and related territories, and for crimes against humanity committed in Rwanda.

The War Crimes Tribunal is in existence. I have had the opportunity to visit it on three occasions to see the operation of the Tribunal. It would be merely an extension of the War Crimes Tribunal to include the import of the current resolution so that Saddam Hussein could be tried as a war criminal.

The specifics are that in 1988 the Iraqi Government, under the direction of Saddam Hussein, carried out a systematic campaign to destroy the Kurdish population in Iraq. Kurdish leaders estimated the death toll of this campaign at between 50,000 and 182,000.

On March 16, 1988, Iraqi aircraft bombed the city of Halabja, then in the hands of Iranian-supported Kurdish rebels. That bombing was with chemical weapons, and more than 5,000 women and children died in that attack.

Iraqi chemical weapons were used in 1982 to 1984 in the Iran-Iraq war. The Iraqis developed their proficiency in chemical weapons gradually during the war with Iran. The Iraqis initially used chemical weapons against the Iranians in 1982, and the next recorded deployment was in July 1983, when the Iraqis used mustard gas against an Iranian force. Large quantities of mustard gas were used in November 1983 and February 1984. They may also have used a nerve agent in the February 1984 attack.

With respect to the Iraq-Kuwait crisis, from January 18, 1991, to February 25, 1991, Iraq fired 39 Scud conventional warhead missiles at Israel in 18 separate attacks, killing 2 persons directly, killing 12 people indirectly, and injuring more than 200 persons.

On December 18, 1990, Amnesty International issued a report that stated Iraq tortured or executed hundreds of Kuwaitis suspected of conducting guerrilla warfare against Iraqi forces. Thousands of Kuwaitis were arrested for resisting Iraqi orders. Amnesty International also reported that some 312 premature babies died after the Iraqi troops stole their incubators.

Iraq committed deliberate and calculated crimes of environmental terrorism in the region by its willful ignition of more than 700 Kuwaiti oil wells in February 1991.

In the spring of 1993, the Government of Kuwait informed the U.S. administration that it had discovered evidence that Iraq sponsored an attempt to assassinate former President Bush and destabilize Kuwait during his April 14, 15, and 16 visit to Kuwait. The Federal Bureau of Investigation and other U.S. intelligence agencies were sent to Kuwait to conduct their own investigation and reported back to the President on June 24, 1993, that their findings confirmed the view that Iraq was behind the plot.

Iraq denied that it attempted to assassinate the President. But the proof, being overwhelming, led the United States, on June 26, 1993, to launch 23 Tomahawk missiles at Iraqi intelligence headquarters.

On June 28, 1993, President Clinton sent the Congress a letter describing the missile attack on Iraq being ''consistent with the War Powers Resolution.''

This is a very brief summary of the war crimes committed by Saddam Hussein and others. We have found on the international scene the conduct of Saddam Hussein to be reprehensible in many other respects. Saddam Hussein has flagrantly violated the U.N. resolutions, carrying the world to the brink of conflict and then backing down at the last minute. It would be a very salutary matter to have Saddam Hussein indicted and tried as a war criminal. It is obvious that taking Saddam Hussein into custody is a very complex matter and perhaps impossible without an enormous military force. By 20/20 hindsight, Saddam Hussein should have been taken into custody in the 1991 Persian Gulf war, but that is 20/20 hindsight.

There have been a number of calls to have Saddam Hussein toppled. It is not beyond the realm of possibility that insurgent forces within Iraq could lead a revolution. The United States could lend the Voice of America to those efforts. The United States could, consistent with international practices, support those who would move against Saddam Hussein, and in the context where action is contemplated against Saddam Hussein, a resolution for the trial of Saddam Hussein as a war criminal, the indictment itself, the trial, even if in absentia, could give the United States a high moral ground and warrant our action in toppling Saddam Hussein.

I am joined at this time by my distinguished colleague, Senator DORGAN, who is a cosponsor of the resolution. I yield the floor to Senator DORGAN.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I compliment Senator SPECTER from Pennsylvania, since he is the original author of this resolution on an international criminal tribunal for Iraq. I very much appreciate his leadership, and I know the Senate appreciates that leadership as well.

This is the right subject. It is something the Senate needs to be discussing. I hope very much that tomorrow, when we vote on this resolution, the Senate will overwhelmingly approve it.

Recently, in the country of Iraq, a state-controlled newspaper proposed that Saddam Hussein be given the Nobel Peace Prize. I doubt whether many Americans would believe that Saddam Hussein would qualify for the Nobel Peace Prize. The only ceremony I believe Saddam Hussein ought to attend in the near future is a war crimes trial. And I expect, in the future, if there were a war crimes trial to be held—and I hope this legislation will be the catalyst to make that happen—I expect in the future no one will again suggest a Nobel Peace Prize for a convicted war criminal.

Why do we say there should be an international tribunal to try Saddam Hussein and other leaders of Iraq for war crimes?

First of all, there is precedent for it, as Senator SPECTER indicated. In Nuremberg, at the end of World War II, over 200 Nazi leaders were tried between 1945 and 1949. Thirty-seven of them were sentenced to death, 23 to life in prison, and 101 to shorter prison terms.

There is an international tribunal for Rwanda at work right now. Three trials are underway. Thirty-one suspects have been indicted, and nearly all of them are in custody.

The international tribunal for the former Yugoslavia has indicted 79 suspects, of whom 24 are now in custody.

I believe that an international tribunal to try Saddam Hussein and other Iraqi leaders for war crimes should follow on these models. A tribunal for Iraq should be constituted by the United Nations, and war crimes trials should begin.

Iraq's crimes against peace include two wars of aggression: the Iran-Iraq war in which Iraq invaded Iran, and the Persian Gulf war, in which Iraq invaded its southern neighbor, Kuwait.

War crimes committed by Iraqi forces against civilians in Kuwait include extrajudicial and political killings, acts of torture, rapes of civilian women, pillage and looting—all crimes under the Fourth Geneva Convention, which requires wartime protections for civilians.

Iraqi troops committed crimes against third country nationals. They prevented Western and Arab refugees from leaving Iraq and Kuwait. They carried out arbitrary arrests and detentions. Iraq even resorted to hostage taking and use of hostages as human shields.

The Iraqi government committed crimes against prisoners of war. It used physical and mental torture to coerce POWs to reveal information. It used prisoners of war as human shields, and it displayed injured prisoners of war on Iraqi TV.

Iraq committed crimes against diplomats and embassies: it abducted people with diplomatic immunity, and it seized and blockaded embassies in Kuwait.

So Mr. President, the list of war crimes during the Persian Gulf War is a lengthy one. However, Iraq's criminal record goes back further than that.

Human Rights Watch has written extensively about the Anfal campaign against the Kurds living in northern Iraq. This campaign was a policy of systematic and deliberate murder. Human Rights Watch concluded that the Iraqi government killed at least 50,000 and perhaps as many as 100,000 Kurds.

The Anfal campaign involved the destruction of thousands of Kurdish villages and the murder, disappearance, and extermination by chemical weapons or the forcible resettlement of hundreds of thousands of Kurds. This was ethnic cleansing before the term was invented.

Even worse, the Anfal campaign included chemical weapons. A U.S. Government white paper says there were ''numerous Iraqi chemical attacks against civilian villages in 1987 and 1988.'' The white paper lists 10 instances of Iraqi chemical attacks and says that Iraq ''delivered. . .Mustard 5 agent and the nerve gases Sarin and Tabun in aerial bombs, spray dispensers, 120-mm rockets and several types of artillery.''

Iraq possesses a chemical weapons program and a biological weapons program. Its chemical stockpile contained 40,000 chemical weapons munitions; 480,000 liters of chemical weapons agents; and 8 delivery systems.

Iraq's biological weapons arsenal included 8,500 liters of anthrax; 19,000 liters of botulinum toxin; and 2,200 liters of alfatoxin. This program was in violation of the Biological Weapons Convention, to which Iraq is a party.

And the list of Iraqi crimes and treaty violations goes on at some length. I ask unanimous consent to have the list printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. DORGAN. Mr. President, let us look at the behavior and the actions of Saddam Hussein and the regime in Iraq through the horror of what happened to a young boy, now dead, named Dejwar, 5 years of age. In reading Dejwar's story, I am relying on the wonderful reporting work done by Middle East Watch and the Physicians for Human Rights. Human Rights Watch has published this work in a book called, ''The Anfal Campaign in Iraqi Kurdistan.''

This book tells a terrible story about happened to Dejwar.

On August 25, 1988, at dawn, this 5-year-old boy, with his father, a farmer, was awake inside their house in Birjinni. Hassan, the boy's father, lived there with his father and mother, his four brothers, his wife and four children, of whom Dejwar was one.

Hassan, Dejwar's father, was preparing to go to the orchards that morning. Then the bombs began to drop. The father said that the explosions that morning were not as strong as other bombs that had been dropped on their village by the Government of Iraq.

The surviving villagers described the smoke that morning rising from the bombs as ''white, black and then yellow'' smoke. Those columns of smoke from the bombs rose 50 to 60 meters in the air.

The smell of gas was ''pleasant, at first'' that morning. ''It smelled of apples,'' they said, smelled of ''something sweet.'' Several men said it smelled like ''pesticides in the fields.'' Shortly after that, they said ''it became bitter. It affected our eyes, and our mouths, and our skin. All of a sudden,'' they said, ''it was hard to breathe. Your breath wouldn't come. You couldn't breathe'' at all.

The people of that village—and this is one study of one village, one attack on one morning by the Iraqi Government—did not know what to do when those bombs fell. They began to understand these were not usual bombs, these were chemical bombs.

As the smoke from the chemical bombs settled into the lower land, they said ''it drifted down the valley toward the fields and the orchards.'' The father said, ''I took my family, three of my children and my wife, and we ran to higher ground. We went the other direction from the smoke.'' There was complete panic; people ran in all directions. Families were separated, children lost from their parents. Everyone ''was trying to save themselves, each one himself, even the mothers of children, because they couldn't breathe.''

But Hassan's father and other family members at first stayed in the house because ''they didn't know what the smoke could do.'' When they realized they were under gas attack, many of them ran down from the village to an orchard in a ravine. The smoke followed them into the ravine.

Hassan and his wife realized that one of their four children was also separated from them, and that was the 5-year-old boy I mentioned, Dejwar. He was missing. He had gone with his grandfather to the orchard in the ravine and stayed there.

When some of the smoke lifted, after about a half an hour, Hassan and other survivors thought it was safe to come to the village. He found his mother and sister ''lying on the ground, overcome by the gas.'' Symptoms: Hands, legs paralyzed, trembling, shaking. They tried to swallow water and couldn't. Their throats were burning. They were vomiting. Hassan later said, ''My mother whispered, 'I think there's a hole in my head.'" Within several hours after exposure to the smoke, both mother and sister went blind, according to family members.

Hassan went down from the village and found his father and his son Dejwar lying dead outside the orchard. There were no marks on them. ''It was like they were sleeping,'' he said, ''except their faces were blue.'' Then he found his two brothers dead in a small cave where they had taken refuge.

Mr. President, these are just a few paragraphs in a book describing the experience of one village under attack with chemical weapons by the country of Iraq.

Name another leader on the face of this Earth who has decided, not once but on numerous occasions, to use weapons of mass destruction against his own people and his neighbors. Name one other country. Only Iraq, only Saddam Hussein.

The Senator from Pennsylvania and I and others say it is time, long past the time, when there should be constituted an international tribunal to try these people, who have committed such atrocities, for war crimes. That tribunal will give a much longer presentation of evidence than the Senator from Pennsylvania or I will give today. Maybe then, maybe all of the world will see the systematic presentation of evidence, and hear of the unspeakable horrors that have been visited upon innocent men, women and children. Not just tens of thousands, but hundreds of thousands of people, who have disappeared and been killed and murdered. Some of them were killed by poison gas.

Maybe then the rest of the people in the world will understand this is not just a foreign leader, this is not just the leader of Iraq, this is a convicted war criminal.

A war crimes trial should have happened after the Gulf War. Whether Saddam Hussein is tried in absentia or not is irrelevant to me. The fact that he is tried is very important. We must, as a world, come together and judge actions of this type.

The unspeakable horrors that have been visited upon so many innocent people by this government must not go unnoticed and must not remain unprosecuted. We can, we should, and we will convene an international tribunal. We have done that in the past, and there are two such tribunals ongoing right now.

With the leadership of the Senator from Pennsylvania, we can and will and should convene that international tribunal for Iraq and do the right thing.

This resolution may be controversial for some, who say that the foggy world of diplomacy does not accommodate this kind of decisive and important action. I think the foggy world of diplomacy demands this kind of action.

When diplomatic initiatives occur in the Persian Gulf in the future, it ought not occur between respectable diplomats on one side and Saddam Hussein as a national leader on the other side. It ought to be Saddam Hussein, a convicted war criminal, on the other side, a war criminal convicted by evidence all the world will have seen. That is the purpose of this resolution.

Mr. President, I yield the floor.

EXHIBIT 1

CRIMES OF SADDAM HUSSEIN AND IRAQI LEADERS

The first category of crimes is crimes against peace. It has been said that to wage a war of aggression is the worst of all war crimes, because from it other war crimes flow. In fact, the Nuremberg and Tokyo war crimes tribunals both said that to unleash a war of aggression ''is the supreme international crime.'' In international legal terms, a war of aggression is a crime against peace, and the leaders of a government that wages an aggressive war are culpable for their country's aggression.

The regime of Saddam Hussein is guilty of perpetrating this crime not once but twice.

Often overlooked is the fact that Saddam Hussein invaded Iran in September of 1980, thinking that a weakened and isolated Iran would not be able to fend off what was essentially an Iraqi land grab. The Iran-Iraq War lasted until a cease-fire in 1988. It is estimated that the war left 1 million dead and 1.7 million wounded. Iraq repeatedly resorted to using chemical weapons during this war.

Iraq's second war of aggression was the attempted annexation of Kuwait, which began with an unprovoked Iraqi invasion on August 2, 1990. This was an attempt by Iraq to annex Kuwait, to obliterate Kuwait as an independent state, which is a violation of Chapter I, Article 2, sections (1) and (4) of the United Nations Charter, of which Iraq is a signatory. In addition, it was a violation of Article 25 of the UN Charter for Iraq to refuse to accept and carry out 12 specific UN resolutions ordering Iraq to withdraw from Kuwait and to permit the restoration of Kuwait's lawful government.

During their illegal occupation of Kuwait, Iraqi forces occupying Kuwait committed many war crimes. The scope of Iraq's guilt is suggested by a Defense Department report that states that Iraq's war crimes included:

Taking hostages, torture and murder of civilians, looting civilian property, looting cultural property, indiscriminate attacks on noncombatants by the launching of Scud missiles against cities rather than specific military objectives, illegal employment of sea mines, mistreatment of prisoners of war, and unnecessary destruction of property, as evidenced by the release of oil into the Persian Gulf and the destruction of hundreds of Kuwaiti oil wells.

Iraq's crimes against the people of Kuwait included extrajudicial and political killings of hundreds of Kuwaiti civilians, rapes of civilian women, collective punishment of neighborhoods where resistance was strong, and pillage and looting of nearly everything of value.

According to an article in the Denver Journal of International Law and Policy, the acts of torture committed by Iraqi troops in Kuwait included:

Beatings, the use of fists, belts, hot metal rods and hot skewers, kicking, burning of the skin with fire and acid, sexual torture, mock execution, electric shocks, shootings, knife slashes, exposure to extreme heat and cold for long periods of time, pulling out fingernails and forcing victims to watch relatives being tortured.

All of these actions against the population of Kuwait were war crimes under relevant international law, especially the Fourth Geneva Convention, which describes obligations to protect civilians in time of war. Both Iraq and Kuwait are parties to this convention.

International law also protects citizens of other countries in Iraq or Kuwait. However, despite being a party to the Fourth Geneva Convention and to the International Covenant on Civil and Political Rights, Iraq committed many crimes against third country nationals. These crimes included preventing Western and Arab refugees from leaving Iraq and Kuwait, subjecting third country nationals to arbitrary arrest and detention, taking some of them hostage and using them as human shields, and murdering Egyptians, Iranians, Pakistanis and others in Kuwait.

Iraq is also a party to the Geneva Convention Relative to the Treatment of Prisoners of War, which requires good treatment and protection of POWs. However, during the occupation of Kuwait, Iraqi forces committed war crimes against POWs, including physical and mental torture to coerce POWs to reveal information, using POWs as human shields, and displaying injured POWs on Iraqi television.

One of the oldest obligations in international law requires that countries immunity to diplomats and respect the integrity of embassies and their archives and documents. Iraq and Kuwait are parties to 2 conventions on this subject, the Vienna Conventions on Diplomatic and Consular Relations. Nevertheless, Iraqi troops violated these conventions by denying diplomatic immunity to those diplomats whose nations refused to shut down their embassies (as demanded by Iraq), seizing and blockading embassies in Kuwait, and abducting people with diplomatic immunity.

During the Persian Gulf War, Iraq launched surface-to-surface missiles at populated cities in Israel and Saudi Arabia. These were among Iraq's more blatant and dramatic crimes. Who can forget the TV footage of Scud missile fragments falling on Tel Aviv? In the case of Israel, these were attacks upon a neutral state. In the case of Saudi Arabia, the attacks served no military purpose. In both cases, missile bombardments were willful and wanton attacks on civilian populations, in violation of the 1907 Hague Convention respecting the Laws and Customs of War on Land.

During and after its occupation of Kuwait, Iraq took extreme steps to destroy Kuwaiti property—steps that were well beyond what military necessity required. Iraq released millions of gallons of crude oil into the Persian Gulf to gain military advantage, at great environmental cost. Retreating Iraqi forces also set fire to over 700 Kuwaiti oil wells. International law has a convention against such environmental crimes: the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Iraq signed this Convention on August 15, 1977 and violated it less than 15 years later.

Perhaps Iraq's most fundamental war crime was its refusal to honor its Charter commitment, as a member of the United Nations, to ''accept and carry out the decisions of the Security Council.'' The Security Council adopted 12 resolutions after Iraq's invasion of Kuwait. They called on Iraq to cease its war crimes and to withdraw from Kuwait. We all know that Iraq refused to comply, and had to be routed from Kuwait by force.

GENOCIDE AND CRIMES AGAINST HUMANITY

The violations of international law in Kuwait were systematic and widespread. But the international tribunal should not confine itself simply to the Persian Gulf War—to do so would be to ignore the larger pattern of Saddam Hussein's crimes, of which the invasion of Kuwait was only a part. Criminals, after all, have records—and the criminal record of Saddam Hussein is a long one. It goes back to before the Persian Gulf War, and it continued after the war.

The most enormous crime that Iraqi leaders have committed was the genocidal Anfal campaign against Kurds in rural areas of northern Iraq. Relying on over 300 interviews, field work in Iraqi Kurdistan, and forensic material, and using a captured cache of official Iraqi documents, Human Rights Watch has concluded that the Anfal campaign against Iraqi Kurds involved the ''systematic, deliberate murder of at least 50,000, and possibly as many as 100,000, Kurds.'' The campaign involved the destruction of thousands of Kurdish villages, and the murder, disappearance, extermination by chemical weapons, or forcible resettlement of hundreds of thousands of Kurds.

A Human Rights Watch report describes how this campaign of genocide worked, village by village. ''A village was often first shelled or bombed, sometimes with chemical weapons, evidently of the type used in the Iran-Iraq war. The inhabitants, attempting to flee, were trapped by troops enveloping the village.'' Iraqi security forces would cull out the men and the boys, who disappeared. Eyewitness reports suggest that they were taken south by truck, killed, and buried in mass graves.

These acts against its own Kurdish population make the Iraqi government guilty of genocide, as that crime is defined by the Genocide Convention, to which Iraq became a party in 1959. The Convention prohibits the mass murder of people based on their ethnicity. It is clear from Iraq's own documents that on a mass scale, the Government of Iraq attempted to eliminate Kurds simply because they were Kurds. This is the definition of genocide.

In its campaign against its own Kurdish population, the Iraqi government used chemical weapons left over from its wartime stockpile. A U.S. government white paper on Iraqi weapons of mass destruction says that there were ''numerous Iraqi chemical attacks against civilian villages in the 1987 and 1988 time frames . . . in areas close to both the Iranian and Turkish borders.'' That same white paper also lists 10 instances of Iraqi chemical attacks against Iranian troops or Kurdish civilians. To quote the report:

''Iraq had an advanced chemical warfare capability that it used extensively against Iran and against its own Kurdish population during the 1980s. Iraqi forces delivered chemical agents (including Mustard 5 agent and the nerve agents Sarin and Tabun 6) in aerial bombs, aerial spray dispensers, 120-mm rockets, and several types of artillery both for tactical military purposes and to terrorize rebellious segments of the population.''

IRAQI VIOLATIONS OF TREATIES AND UN RESOLUTIONS

These chemical weapons attacks, both in the war against Iran and internally against the people of Kurdistan, raise the issue of Iraq's entire program to develop weapons of mass destruction—chemical, biological and nuclear weapons—and the means to deliver them. These weapons programs were not war crimes that an international tribunal could prosecute, but they are further evidence by which to judge Saddam Hussein. Most importantly, they show a continuing pattern of treaty violations and disregard for Security Council resolutions.

For example, Iraq's use of chemical weapons against Iranian troops was a violation of the Geneva Protocol of 1925, to which Iraq is a party. While most of Iraq's chemical attacks were in the 1980s, it is only since the Persian Gulf War that the full extent of Iraq's chemical arsenal has become apparent. UN inspectors have supervised the destruction of 40,000 chemical weapons munitions (of which 12,000 were filled), 480,000 liters of chemical weapons agents, and 8 types of chemical weapons delivery systems, including ballistic missile warheads.

Despite Iraq's commitment to the UN to destroy its chemical weapons and production facilities, Iraq is poised to resume its production. According to the white paper, ''UNSCOM believes Iraq continues to conceal a small stockpile of chemical weapons agents, munitions and production equipment.'' If this is the case, it is a direct violation of the United Nations cease-fire resolutions, which, under the UN Charter, Iraq has an obligation to obey. Ominously, the white paper notes that ''Since the Gulf War, Iraq has rebuilt two facilities it once used to produce chemical agents and has the capability to shift smaller civilian facilities to chemical weapons production.''

Iraq's record is even worse with respect to biological weapons. Despite Iraq's commitment to reveal all of its weapons of mass destruction programs, and despite the demands

of the UN that it do so, it was only after the defection in August 1995 of Saddam Hussein's son-in-law Husayn Kamil, the former head of Iraqi military industries, that Iraq owned up to its biological weapons program.

According to the Administration white paper, Iraq's biological weapons activities included producing 8,500 liters of anthrax, 19,000 liters of botulinum toxin and 2,200 liters of alfatoxin. Iraq also prepared biological weapons munitions, including 25 Scud missile warheads (5 anthrax, 16 botulinum toxin, 4 alfatoxin), 157 aerial bombs, and aerial dispensers. Iraq researched other ways of using biological weapons, including 155mm artillery shells, artillery rockets, a MiG–21 drone, and aerosol generators.

The Iraqi biological weapons program was a clear violation of the Biological Weapons Convention, which Iraq signed, incredibly enough, in 1991. Is there any greater indication of Saddam Hussein's criminality than his legal commitment in that year to destroy his stockpile of biological weapons—a pledge that he clearly never intended to fulfill?

Lastly, Iraq has confessed to a nuclear weapons development program, but again only after Husayn Kamil's defection in 1995. According to the white paper, ''Iraq has admitted experimenting with 7 uranium enrichment techniques. . . . Iraq planned to build a nuclear device in 1991.''

Since the Gulf War, Iraq has violated the safeguards and inspection agreement that it signed with the International Atomic Energy Agency, which is attempting to monitor Iraq's nuclear program. The United Nations Security Council, in several resolutions, has denounced Iraq's failure to comply with the cease-fire resolution (#687) and with Iraq's obligations under international law, including treaties—the Nonproliferation Treaty, the Geneva Protocol of 1925 and the Biological Weapons Convention. The Security Council has concluded that:

Iraq is ''in flagrant violation of [the cease-fire] resolution'';

Iraq's weapons development activities are ''material breaches of its obligations'' under the cease-fire resolution; and

Iraq's failure to comply with the safeguards agreement ''constitutes a breach of its international obligations'' under the Nonproliferation Treaty.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains under the agreement?

The PRESIDING OFFICER. The Senator from Pennsylvania holds 49 minutes 7 seconds; the other side holds 47 minutes 37 seconds.

Mr. SPECTER. Mr. President, I urge any of my colleagues who wish to speak on this resolution to come forth at this time.

In the absence of any Senator seeking recognition, 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. MURKOWSKI. 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. 1933

Mr. MURKOWSKI. Mr. President, on behalf of the leader and on behalf of Senator SPECTER, I call up amendment numbered 1933 to the pending resolution

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SPECTER and Mr. DORGAN, proposes an amendment numbered 1933.

Mr. MURKOWSKI. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. MURKOWSKI. I ask unanimous consent the amendment be considered as read and agreed to.

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

The amendment (No. 1933) was agreed to.

Mr. MURKOWSKI. I rise in support of Senator SPECTER's resolution which calls for the establishment of a war crimes tribunal to bring Saddam Hussein to justice. I agree that it is justifiable that Saddam Hussein be prosecuted as an international war criminal, thereby removing him from power. Such an action would eliminate the problem facing the United States and a good part of the free world today.

Certainly with his systematic action to destroy the population of the civilian Kurds in Iraq through the use of chemical weapons in 1988, his war of aggression against Kuwait in 1990, his missile attacks on Israel in 1991, and his involvement in the attempt to assassinate former President Bush in 1993, there is no doubt in my mind that there is sufficient evidence to pursue him as a war criminal.

Mr. President, I think this resolution is only one of the policies that this administration should pursue to shut down Iraq's terrorist regime. I propose one more, one that I raised earlier in this body this week. I think we must go back to the original purpose of the economic sanctions against Iraq and shut down Saddam Hussein's ability to fund his programs for weapons of mass destruction.

In other words, Mr. President, cut off his cash flow, which comes from illegal oil sales. Mr. President, this is the only way we can bring Saddam to his knees. We must effectively cut off the flow of oil from Iraq.

I would like to share a few facts that my colleagues may not be aware of but that are critical to the issue of how Saddam Hussein maintains his current grip on power.

Revenue from oil exports have historically represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.4 billion, with 95 percent of that attributed to petroleum exports. So make no mistake about where the revenue comes from. It comes from his oil. Iraq's imports during the same year, 1990, totaled only $6.6 billion.

U.N. Security Council Resolution 687, passed in 1991 at the end of the Gulf war, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until—I emphasize ''until''—Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

Well, where are we? The teeth in Resolution 687 have effectively been removed with the expansion of the so-called oil-for-food exception to the sanctions. The first loosening of the sanctions occurred in 1995 when Security Council Resolution 986 allowed Iraq to export $1 billion in oil every 90 days, which is $4 billion over a year.

Most recently, during the period when Saddam was again violating Security Council resolutions by refusing to allow international inspectors to conduct their work, the United Nations voted to more than double the amount of oil Iraq can export next year.

On February 20, the U.N. Security Council, with the Clinton administration's support, adopted Resolution 1153, which will allow Iraq to export $10.52 billion in oil sales per year. That is $5.256 billion every 6 months. In other words, Iraq is now authorized to export nearly as much oil, in today's dollars, as it did before it invaded Kuwait.

So what are we doing, Mr. President? We are obviously increasing Saddam Hussein's ability to generate a greater cash flow to fund his purposes, that are certainly suspect, to say the least.

The question is, Will the United States force Iraq to wait to rebuild its oil production capability until it meets the conditions imposed at the end of the Gulf war? We clearly have that answer: It is quite the contrary. In fact, paragraph 12 of Resolution 1153 directs the Secretary General to establish a group of experts to determine whether Iraq has the production and transportation capacity to export the full amount allowed. Well, the resolution goes on to say that the Security Council ''expresses its readiness'' to authorize ''the export of necessary equipment to enable Iraq to increase the export of petroleum or petroleum products.''

Clearly, we are giving him the green light to increase his production capabilities.

Nowhere does the resolution mention the potential arms control problems presented by allowing Iraq to resume the import of petroleum equipment, some of which is dual-use and some of which can easily be disguised.

We witnessed his efforts in the early 1980s to disguise shipments into Iraq that, at that time, were explained to the United States as ''parts for his refineries,'' when in fact they turned out to be parts for his huge cannon or pipe gun.

Even as President Clinton vowed to ''keep the sanctions on'' Iraq until the regime lives up to most of its commitments, we are obviously creating a giant loophole for Iraq's most important commodity—and that is oil—to find its way out into the markets of the world.

Mr. President, I recommend to my colleagues an excellent analysis of the problems with the expansion of the oil program by Patrick Clawson, which came out of the Washington Institute for Near East Policy, entitled ''Oil for Food Or the End of Sanctions.'' I ask unanimous consent that the text of this article be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. MURKOWSKI. Further, it should be noted that using this program to feed his people and to provide medicine frees up other resources that can be used to finance his factories of death.

Moreover, the increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this oil is moving via truck across the Turkey-Iraq border. A more significant amount is moving by sea vessel through the Persian Gulf. Exports of contraband Iraqi oil through the Gulf have jumped seven-fold in the past year, from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Furthermore, Iraq has been steadily increasing exports of oil to Jordan, from 60,000 barrels per day at the end of Operation Desert Storm to an expected 96,000 barrels per day this year. An ABC News report in December of 1997 cited the Center for Global Energy Studies' estimate that Saddam Hussein was generating $300 million to $400 million a year from contraband oil sales.

Mr. President, I have absolutely no doubt that allowing Saddam to increase his oil production under the new resolution means that contraband oil exports will increase proportionately. It is this illegal flow of oil that is the lifeline that keeps his Republican Guards well fed and his weapons of mass destruction program on track.

Finally, Mr. President, Resolution 1153 does more than address humanitarian imports; it finances almost the full range of imports that Iraq would make were it not under the sanctions. The resolution provides for infrastructure improvements, such as sewers and electricity—all activities that would normally be undertaken by the Iraqi Government.

I have a few theories about the motivation of the interested parties. From the standpoint of the Clinton administration, this may have been viewed as a counterbalance to the call for military action. I think it was certainly counterproductive. But in any event, that was their decision.

But for the other members of the Security Council, particularly those who oppose the use of military force—Russia, France, and China—the motivation is clear. The motivation is economic. As a recent Wall Street Journal article observed:

> For Kremlin envoys, more than $10 billion in contracts and debt is at stake in bringing an end to the United Nations economic sanctions against one of Russia's biggest trading partners.
>
> Indeed, even under the U.N. embargo, Russian oil companies have been the prime beneficiaries of the oil-for-food program. It is reported that Russia signed and delivered 36 contracts to supply pharmaceuticals worth $100 million to Iraqi hospitals under the U.N. deal.

Russia's heavy industry would also benefit by supplying oil equipment, such as platforms and rigs, to Iraq, as would Russian arms makers. Of course, some Russian companies have not waited for the end of the sanctions. Iraq obtained several Russian gyroscopes used for aiming Scuds back in 1995. We know that. And just last week, U.N. inspectors accused Russia of selling Iraq huge steel drums that can be used to produce biological warfare agents.

I should note that both China and France have similar conflicts of interest in that their close economic ties to Iraq and their desire for Iraqi oil have made them hard set against any military action.

With the United Nations having now negotiated a deal with Saddam Hussein that appears, in the short term at least, to have sidetracked military options, and with members of the Security Council actively working to let Saddam off the hook, what can the United States do unilaterally to advance our national security interests?

I am pleased to announce that Senator HELMS and the Foreign Relations Committee and, in my capacity as chairman of the Energy and Natural Resources Committee, will be holding hearings on this matter in the very near future. Our Committees will look specifically at enforcement and monitoring of the oil-for-food program, the flow of contraband oil out of Iraq, the effect of the lifting of the sanctions on Iraq by the United Nations, and the beneficiaries of that change of policy.

I believe Congress should instruct the administration to pursue means to tighten the oil-for-food monitoring program so that we are assured that we have the accountability—and the United Nations has never been particularly adept at accountability—and to develop measures that will prevent the illegal leakage of oil into the world marketplace.

I introduced a resolution 2 weeks ago—Senate Concurrent Resolution No. 76—which would send that message to this administration. I plan to amend the resolution to reflect what is learned in the congressional hearings, and will ask the Senate to take action on it in the near future.

My resolution will call on the administration to consider a few options. The first would be expanding the Multinational Interdiction Force, MIF, in the Gulf of Arabia and ensuring that the rules of engagement allow MIF forces to effectively interdict vessels containing contraband oil.

Second, using all diplomatic means available to ensure that other countries in the region are not aiding illegal oil exports in violation of the U.N. resolution.

Third, inspecting all vessels leaving the Iraqi Port of Basra to ensure that the economic sanctions are not being circumvented. This type of blockade is justified under existing U.N. resolutions implementing economic sanctions. We maintain in the skies, in effect, what amounts to a blockade, and we certainly have the right to enforce the movement of illegal oil that is coming out of Iraq.

And, fourth, entering into negotiations with oil-producing nations to encourage them to make subsidized sales of oil to Jordan so that Iraqi-Jordanian oil-flows can simply be shut off.

Mr. President, oil is the key to controlling the future of the military capacity of Iraq. We have to control it if we are ever going to control Saddam Hussein.

This concludes my remarks. Mr. President, I thank the Chair. I thank the Senator from Pennsylvania for yielding me time to talk on this Iraqi issue.

EXHIBIT 1

[From Policywatch, Feb. 26, 1998]

'OIL FOR FOOD' OR THE END OF SANCTIONS?

(By Patrick Clawson)

While Kofi Annan's diplomacy has received headlines, another Security Council action last week—approval of United Nations Security Council Resolution (UNSCR) 1153 on February 20—was subject to remarkably little scrutiny. This resolution, designed to expand the existing oil-for-food program with Iraq, was intended to blunt criticism from Arab and others as the way was prepared for a military option. However, in vastly expanding the amount of oil Iraq can export and loosening the restrictions on what it can import, this U.S.-backed measure went a long way towards undermining the existing sanctions regime and removing much of the incentive for Iraq to fulfill its arms inspection obligations.

No Effective Limits on Iraqi Oil Exports: UNSCR 1153 authorizes oil exports of $10.66 billion per year ($5.256 billion per 180 days). By contrast, Iraqi oil exports in 1981–89 averaged $9.54 billion per annum; adjusting for inflation, that would be the equivalent of about $11.5 billion now. In other words, Iraq is now authorized to export nearly as much

oil as it did before it invaded Kuwait. Indeed, the Iraqi government actually complained to the UN that the oil export level authorized by UNSCR 1153 is too high. In his letter, Tariq Aziz said Iraq's operational capacity was limited to $8 billion a year in exports and that any higher target was ''unrealistic and unfeasible'' (Security Council Press Release 6478). The UN-authorized limit translates into 2.25 million barrels per day (MBD), if the price averages $13 per barrel. In addition, Iraq produces .4 mbd for domestic use and .2 mbd for export to Jordan and smuggling out the Gulf or to Turkey. That means Iraq would have to produce 2.85 mbd to make use of the full UN quota. In fact, it is unlikely that Iraq could produce more than 2.5 mbd today and it may take Iraq until the end of 1999 before it could reach a production level that takes full advantage of the UN-authorized exports. In short, Iraq faces no effective limit on its oil exports, because it is now permitted to export all the oil it is now capable of pumping.

To assist Iraq in expanding its oil production, the Security Council (in UNSCR 1153 para. 12) ''expresses its readiness [to] authoriz[e] the export of the necessary equipment to enable to increase the export of petroleum'' if the Secretary-General reports this is necessary after consulting experts. Were Iraq to resume large-scale imports of oil-field equipment, that would pose serious arms control problems. Not only is some equipment dual-use (e.g., heavy trucks), but it is important to remember that Iraq disguised its ''super gun'' barrel as an oil pipeline, convincingly enough to mislead some of the ''pipe'' producers.

Imports at Half of Pre-War Level: UNSCR 1153 does more than provide humanitarian imports: it finances almost the full range of imports that Iraq would make were it not under sanctions. (One remaining exception are consumer durables, like automobiles.) In fact, UNSCR 1153 provides imports at about half the pre-war level, putting the lie to the idea that Saddam is stuck in an ever-constricting ''box.''

Here, the numbers are instructive. Of the $10.66 billion a year in UN-authorized exports, $3.20 billion (30 percent) will be withheld as compensation payment for war losses, to be distributed by the Geneva-based UN committee handling such claims. After deducting for UN operations in Iraq, about $7.1 billion will remain for imports ($3.5 billion each 180 days). Iraq will also have about $.5 billion a year from its non-1153 oil sales, mostly to Jordan. In total, then, Iraq will have about $7.6 billion a year for imports. By contrast, Iraqi non-arms imports in 1981–89 averaged $12.1 billion per year; adjusting for inflation, that would be about $14.5 billion per year now. In other words, Iraq will be authorized to import goods at about half the pre-war level.

Another wrinkle in UNSCR 1153 is that it allocates large sums to items other than food, the main focus of the original oil-for-food resolution (UNSCR 986). Of the initial 180-day imports of $3.5 billion, the plan includes $1.1 billion for investment (non-recurrent costs). That includes $449 million for the rehabilitation of hospitals and clinics, $305 million in water sanitation, $143 million in agriculture, $77 million in electricity, $30 million in resettlement, and $92 million in education. This is far more than humanitarian relief; it is a significant investment program. Furthermore, the large authorized imports of agricultural and sanitation chemicals, including dual-use precursors for chemical weapons, will provide Iraq many opportunities to divert part of this incoming stream. (And it will not be practical to post UN monitors at every Iraqi farm, barn or field to ensure that all the agricultural chemicals are being used as claimed.) Another component of UNSCR is its authorization for the import of medicine and other recurrent health costs. In fact, this resolution permits Iraq to import $117 million of such goods, an amount that exceeds the health-related imports its neighbors Iran or Turkey, each with populations three times Iraq's.

More than Sufficient Food: If the principal international concern is to alleviate malnutrition, the food imports under the original oil-for-food program were already sufficient. UNSCR 1153 will take the average Iraqi's intake to levels far beyond which the U.S. government recommends for the average America.

While the food distribution program under the original oil-for-food resolution began, the situation improved markedly after the arrival in Baghdad last September of Dennis Halliday, an Irish public administration expert. Three million tons of food has arrived in country, more than 90 percent of which has been distributed. This has amounted to regular distribution of a ration of 2,030 calories per Iraqi day from flours, rice, legumes, sugar, cooking oil, and baby milk. In addition, tea, salt, soap, and detergent are also distributed. UNSCR 1153's new distribution plan envisages increasing Iraqi rations to 2,463 calories a day. In addition, Iraq produces fruits, vegetables, and lamb—none of which are in the rations—sufficient to provide on average an extra 500 calories per day. That means the Iraqi diet will rise to an average 2,950 calories per day, a level that equals almost 95 percent of the Iraqis' pre-1990 intake of 3,100 calories per day. To put this in context, the U.S. Department of Agriculture recommends that a healthy diet for an adult American is 2,200–2,400 calories per day.

Furthermore, the money authorized for food imports is well above that needed to produce this diet. The UNSCR 1153 plan allocates $1.4 billion for food imports for 180 days. That works out to $129 per person per year, which is way out of line with the cost of other international relief efforts. Perhaps the UN plan is to provide Iraqis with a more tasty and varied diet. But the possibility remains that Iraqis will find ways to divert funds, for instance, by over-invoicing (claiming goods cost more than they actually do).

Humanitarian Crisis? The Iraqi government makes lurid claims about hundreds of thousands of infants dying because of the sanctions. These claims are parroted by international organizations, like UNICEF, which release reports based entirely on Iraqi-provided data. However, there is no reason to expect Iraqi data about malnutrition to be any more accurate than Iraqi data about weapons of mass destruction. Yet even if one were to take Iraqi data at face value, without the international inspection of Saddam's humanitarian situation that Baghdad prevents, then some Iraqi statistics suggest there may not be as acute a humanitarian problem as Iraq contends. Iraq's 1997 census showed a population increase of 3.5 million since 1990's 18.5 million. As even the official newspaper Al-Jumhurriyah admitted (October 18, 1997), ''This is an unusual increase for a people who have been exposed to embargo, starvation, and disease and who have consistently lost 20,000 persons per month.''

To have the increase shown in the census (500,000 a year) and allowing for deaths, there must have been each year 700,000 infants who survived. Iraqi pre-war data on births show that 700,000 births a year is about what could have been expected in Iraq in the mid-1990s, given the past pattern. That does not leave room for the claimed 100,000-plus deaths a year of infants due to sanctions. In other words, unless there was some unusual increase in the birth rate, the Iraqi census data are consistent with a normal level of births and a normal level of infant mortality and inconsistent with Iraq's claim of a high infant mortality rate.

Implications: UNSCR 1153 is a big victory for Saddam. He has come a long way towards his goal of the lifting of sanctions. He is now authorized to export oil effectively without limit and to import nearly all types of civilian goods at about half the pre-war level, which is about all his war-ravaged country could absorb in any case. This effectively eviscerates one of the main incentives for Iraqi cooperation with UNSCOM—i.e., the prospect that sanctions would be lifted once UNSCOM certifies Iraqi compliance on weapons of mass destruction, as outlined in UNSCR 678 paragraph 22. By going much of the way towards lifting sanctions, UNSCR 1153 gives Saddam less reason to cooperate with UNSCOM than ever before.

Mr. HELMS. Mr. President, I confess a measure of regret that it has taken the Congress this long to state the obvious in a clear and formal way that Saddam Hussein is a murderer, and should be brought to justice. I recall the occasion almost 10 years ago, when I stood on this Senate floor and condemned Saddam Hussein's crimes against his own people. Senator Pell, then the distinguished chairman of the Foreign Relations Committee, and I joined in offering amendment after amendment on various bills then being considered by the Senate. Senator Pell and I were dismayed that there seemed so little interest in calling the world's attention to the sadistic tyranny of Saddam Hussein.

Mr. President, anyone who believes that Saddam is a man who ''can be trusted'', a man with whom we can ''do business'' and have a ''human relationship'' (I am quoting the Secretary General of the United Nations on these points), needs to be reminded not only of the 148 lives lost in combat in Desert Storm or of the 37 lives lost on the U.S.S. Stark, but also of those pitiful women and children of Iraqi Kurdistan who were deliberately burned beyond recognition by Saddam's chemical weapons. I remind them of the Anfal campaign and the city of Halabja, and the hideous deaths of tens of thousands of innocent people.

Let's face it, Mr. President, Saddam Hussein is the world's worst and most treacherous nightmare. He is a brutal and totally unremorseful killer with weapons of mass destruction and he is willing to use them at the slightest provocation.

Mr. President, we must not be deceived. Should Saddam Hussein escape the yoke of sanctions, he once again will begin to amass weapons. He will be a threat to the United States and the American people, and to our allies in the Middle East, and the people of Iraq. The Clinton Administration pretense that all that is needed are sanctions in order to face up to Saddam's threat is dangerous nonsense. Sanctions deal with weapons—but the question is, who is going to deal with Saddam—and how?

It is past time to set in motion a process of gathering evidence, forming

a tribunal, indicting and prosecuting Saddam Hussein. He is a war criminal. He is a murderer. Let there be an end to the pretense that installing cameras and finding biological weapons toxins will end our problems with Iraq.

We need to get the weapons, yes. We also need, one way or another, to get Saddam.

## VISIT TO THE SENATE BY THE PRIME MINISTER OF THAILAND, CHUAN LEEKPAI

RECESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of receiving the Prime Minister of Thailand.

There being no objection, the Senate, at 5:22 p.m., recessed until 5:27 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period of morning business.

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

## ADMINISTRATION'S RECORD ALLOWS CHINA TO GET BY WITH WHOLESALE MURDER

Mr. HELMS. Mr. President, the Foreign Relations Committee recently received an alarming letter—which the State Department was required to send pursuant to Title IV of public law 105–118—explaining that the United Nations Population Fund (known as UNFPA) is renewing its highly controversial population control program in communist China.

Surely, the most inhumane human rights abuses in China occur in the name of reducing its birth rate. Under Red China's population control regime, women who already have one child are forced to abort their babies, and forced to undergo sterilization procedures. Nazi Germany could not have designed a system more brutally efficient than China's—which systematically kills all but firstborn babies. And from the beginning, UNFPA has worked hand-in-glove with communist Chinese authorities.

In fact, Presidents Reagan and Bush suspended funding for UNFPA precisely because of its activities in China, and it was not until President Clinton was sworn in (promising to keep abortions ''safe, legal and rare'') that UNFPA begin receiving U.S. taxpayer funds again. President Clinton's support for UNFPA has never wavered, even though China never backed off its forced abortion policy.

So now you know, Mr. President, why the Administration occasionally gives lip service to the critics of China's brutal population control program, and why it occasionally assures Congress that it really does not want UNFPA in China. In fact, the Administration went so far as to put this in writing.

I have at hand a letter from AID's Administrator, Brian Atwood, dated September 10, 1993, promising that, ''. . . if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.'' The same promise was made to other members of Congress.

Mr. President, this promise is significant because decisions about UNFPA's programs are made by consensus by its Executive Board. In other words, as a leading contributor to UNFPA, and a member of its Executive Board, the United States had the opportunity and the wherewithal to veto a renewal of China's program. But the Clinton Administration refused to do so, despite promises made to Congress, and despite their own admission that China's population program has not made ''significant improvements''.

Consider the U.S. statement at UNFPA's Board meeting: ''We believe that this program may have the potential to demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning.'' Mr. President, this is cheerleading. It is an endorsement rather than opposition, as promised.

It is curious, Mr. President, that UNFPA's previous 15 year program in China failed to ''demonstrate clearly the efficacy and sustainability of volunteer, non-coercive family planning''. Clearly, communist China sees nothing wrong with its policy of forced abortion. UNFPA's Executive Director actually praised communist China for ''achievements'' in controlling its population growth. For the State Department to pretend that UNFPA now cares whether China's program is coercive or not is dishonest.

Mr. President, apparently the Administration cannot or will not keep its word when it comes to this issue. Therefore, I intend to make every effort to see that Congress cuts off funding for UNFPA once and for all. I therefore ask unanimous consent that the following letters be printed in the RECORD at the conclusion of my remarks: (1) a February 13, 1997, letter to me from Barbara Larkin, Assistant Secretary of State for Legislative Affairs; (2) a September 10, 1993, letter to me from AID Administrator Brian Atwood; and (3) a May 18, 1994, letter to Rep. SMITH from AID Administrator Brian Atwood.

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

U.S. DEPARTMENT OF STATE,
*Washington, DC, February 13, 1998.*

Hon. JESSE HELMS,
*Chairman, Committee on Foreign Relations, U.S. Senate.*

DEAR MR. CHAIRMAN: Pursuant to Title IV (Multilateral Economic Assistance) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, (H.R. 2159), as enacted by P.L. 105–118, we are writing to inform you that the United Nations Population Fund (UNFPA) will begin a new program in the People's Republic of China this year. UNFPA has budgeted $5 million for the China program in 1998, out of a total four-year program budget of $20 million. UNFPA's previous program in China ended in 1995. UNFPA reported to the Department of State, as we in turn reported to you, that no funds were spent in China in 1996 or 1997.

As you know, the U.S. has long opposed plans for a new China program. While we continue to have concerns regarding renewed UNFPA assistance to China, support for a new program has been strong among every other member country represented on the UNFPA Executive Board. Consequently, on January 19, 1998, the Executive Board approved a new program for China. This new four-year program is the result of more than two years of extensive negotiations between UNFPA and Chinese government officials. It involves activities in 32 counties designed to improve the delivery of voluntary family planning and related health services. The program is an attempt to demonstrate that couples, given the family planning and related health services they need, will freely and responsibly plan their families and help the Chinese fulfill their stated intention of eliminating incentives and disincentives from their nation's family planning program. A key element of this new program is a commitment by the Chinese to suspend or remove birth quotas and targets in project counties. As such, the program reflects the principles of voluntarism and non-coercion which we and the international community have been asking China to adopt and begins to address many of the concerns we have about China's family planning policy. We will be monitoring this new program closely.

As Title IV requires, the $5 million that UNFPA plans to spend in China in 1998 will be deducted from the $25 million appropriated in the law for the U.S. contribution to UNFPA.

If you would like further information on the UNFPA program in China, we would be pleased to arrange a briefing.

Sincerely,

BARBARA LARKIN,
*Assistant Secretary, Legislative Affairs.*

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THE ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT,
*Washington, DC, September 10, 1993.*

Hon. JESSE HELMS,
*Committee on Foreign Relations, Washington, DC.*

DEAR SENATOR HELMS: Thank you for your letter of August 16, 1993, requesting additional information about the Administration's decision to provide assistance to the United Nations Population Fund (UNFPA) and the Human Reproduction Program of the World Health Organization (WHO/HRP).

UNFPA POLICY DETERMINATION

Rapid population growth presents enormous problems for developing and developed countries in the immediate future. This Administration is acting to establish a role for the United States as a world leader to meet this challenge. President Clinton invited the Executive Director of UNFPA to a White House ceremony on January 22, 1993, when he ordered A.I.D. to stop implementing the Mexico City Policy; he has directed a reorganization of the State Department to reflect the greater priority placed on population as a global issue; and in May, State Department Counselor Wirth reconfirmed the Clinton Administration's intention to resume funding

for UNFPA during his remarks to the Second Preparatory Committee for the International Conference on Population and Development.

The United States strongly opposes coercion in family planning programs, and State Department representatives to the UNFPA Governing Council meeting in June expressed our dismay about reported continued abuses in China. In deciding to resume assistance for UNFPA, this Administration did not determine that China's population control program is not coercive, but rather that UNFPA does not support or participate in the management of a program of coercive abortion or involuntary sterilization.

This Administration does not believe it should attribute to UNFPA human rights violations in a government's population program unless there is clear evidence that UNFPA knowingly and intentionally provides direct funding or other support for those abuses. The Kemp-Kasten amendment is an ambiguous provision, and Congress did not indicate an intention to apply this restriction automatically and more broadly to an organization which provides assistance to a country that has a program of coercive abortion or involuntary sterilization. We also do not consider it appropriate to withhold funding when UNFPA is not directly involved with these abuses because the nation-members of the Governing Council, rather than UNFPA, decide whether UNFPA will assist a country that requests it.

During the June Governing Council meeting, the Executive Director of UNFPA likewise condemned coercion in family planning programs. She explained that UNFPA has had a constant dialogue with Chinese officials about reproductive freedom and monitors its projects carefully to ensure adherence to universally accepted standards of human rights. Several other country members of the Governing Council repeated their longstanding belief that UNFPA's presence in China is a moderating influence and a catalyst for change there. More recently, UNFPA reported that the Government of China has agreed to keep UNFPA informed about the action it takes to correct abuses identified in the China population program.

UNFPA also has ceased providing computer equipment for China. UNFPA's current program focuses primarily on improving the quality and safety of contraceptives and providing assistance for safe motherhood, infant care, nutrition, breastfeeding and family planning. It supports efforts to raise the status of women and enhance reproductive choice through improved literacy, skills training and income generation.

Nevertheless, we remain concerned about coercion in China, and UNFPA has agreed to the following conditions: United States funds must be kept in a separate, segregated account; No United States funds may be used in China; and UNFPA will report about where United States funds are used and provide adequate documentation to describe and support the stated expenditures.

The United States will ensure that UNFPA reviews, during each annual Governing Council meeting, progress made toward improving reproductive freedom in China. In addition, if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.

WHO/HRP LEGAL ANALYSIS

This letter describes the reasons for A.I.D.'s decision that Sections 104(f) (1) and (3) of the Foreign Assistance Act of 1961, as amended (the FAA), do not bar support for WHO/HRP. There is no separate legal memorandum on this subject.

These sections state: ''(f) PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.—(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

* * * * *

''(3) None of the funds made available to carry out this part may be used for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.''

It is clear from the words of this statute that Congress intended to prevent the use of appropriated dollars to pay for the abortion activity described in these sections. The restriction does not make an organization ineligible for assistance, however, if it uses its own money, or funds from other sources, to finance abortions or research about abortion as a method of family planning as long as it agrees not to use United States funds for those purposes.

Since Sections 104(f) (1) and (3) were enacted in 1973 and 1981, respectively, A.I.D. has implemented these limitations by a provision in its population assistance agreements in which the recipient agrees not to use grant funds for the proscribed actions. As indicated in my letter of August 6, 1993, the arrangement with WHO/HRP goes further than is standard practice and requires WHO/HRP to maintain the A.I.D. contribution in a separate suballotment to ensure that no United States funds are used for the purposes prohibited by Sections 104(f) (1) and (3) of the FAA, including tests of RU–486. In addition WHO/HRP will report to A.I.D. about where United States funds are used and provide adequate documentation to describe and support the stated expenditures. Under these circumstances, Sections 104(f) (1) and (3) do not bar United States support for WHO/HRP.

I hope this information answers your questions about assistance for UNFPA and WHO/HRP.

Sincerely,

J. BRIAN ATWOOD.

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U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT,
*Washington, DC, May 18, 1994.*

Hon. CHRISTOPHER H. SMITH,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN SMITH: Thank you for your letter of April 26, 1994, concerning the United Nations Population Fund (UNFPA) and China's population program.

Among the issues raised in your letter are those related to the conclusion of UNFPA's current five-year program in China and the expenditure of funds pursuant to this program. The UNFPA has an agreement with China to provide $57 million in assistance for voluntary family planning programs from 1990–1994. Our understanding is that UNFPA will not have completed $57 million worth of projects before the end of 1994 and will, therefore, carry over unexpended funds into the 1995 calendar year. UNFPA has assured us that they will not spend more than $10 million during 1994 and not more than $57 million for the currently approved program in China. Of course, it will not be possible to confirm actual 1994 expenditures until the end of this year.

In my letter to Chairman Obey dated August 6, 1993, I stated that ''... if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.'' Our position has not changed.

The United States, pursuant to law and Administration policy, insists that no U.S. funds be used by UNFPA in China and we have established mechanisms to ensure that UNFPA abides by its commitment not to use U.S. funds in China or to free up resources for use in that country.

Beyond the question of U.S. funds, as a member of UNFPA's Executive Board, the United States will not support a renewal of UNFPA's program in China unless there are significant improvements in reproductive freedom there. We take this position not because UNFPA condones or supports programs in China to which we object; UNFPA emphatically rejects such strategies and has stated its policy of not participating in such efforts. Our objection is with Chinese practices, and the U.S. will review conditions in China carefully if it requests another new UNFPA assistance program. It is important to note, however, that the ultimate decision about whether to renew UNFPA's program will be made by UNFPA's Executive Board, comprised of donors, of which the U.S. represents only one vote, albeit an important one.

Finally, with respect to the fiscal year 1995 budget request, the Executive Branch routinely has included funding for UNFPA in the foreign assistance budget every year, even during the period 1986–1992 when USAID did not make a contribution to UNFPA.

If I can provide you with further information, please let me know.

Sincerely,

J. BRIAN ATWOOD,
*Administrator.*

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## FIRST MEETING OF THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Mr. BREAUX. Mr. President, last Friday, March 6, the newly appointed National Bipartisan Commission on the Future of Medicare held its first meeting. Chaired by myself and Congressman BILL THOMAS, Administrative Chairman, the commission was established by last year's balanced budget agreement to thoroughly study and assess the entire program—top to bottom—and make specific recommendations to Congress and the Administration for fundamental Medicare reform. Our target deadline for getting these bipartisan, consensus recommendations in your hands is March 1, 1999.

When I say consensus here, I mean that any recommendation we put forward will have received 11 votes—a super majority of the 17 commission members. I remain optimistic that our recommendations will receive an even higher level of support than that required under the statute. Every member of the commission recognizes how very important it is for us to succeed in coming up with something that can be passed by Congress and signed into law.

I think we got the commission's work off to a very good start. We are just beginning what promises to be an exciting year as we come together to protect and preserve a program that we all agree has served us well over the last 33 years. But we also have to face the reality that if Medicare is to be there for another 33 years and beyond,

we must look beyond the program's financial solvency and address issues like quality, equity, and efficiency as well.

I ask unanimous consent that the text of my opening statement from the first commission meeting on March 6 be printed in the RECORD.

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

OPENING STATEMENT BY SENATOR BREAUX, MEDICARE COMMISSION MEETING, MARCH 6, 1998

I am very pleased to bring to order the first meeting of the National Bipartisan Commission on the Future of Medicare. I am honored to be chairing a group of such knowledgeable and well-respected people for the important task of making recommendations to preserve and improve the Medicare program. That doesn't mean looking at the program only in economic terms or in terms of solvency. It also means looking at the fundamental question of what we want Medicare to do and what kind of health care system we want for our elderly while addressing issues such as quality, equity, and efficiency.

I was appointed chairman of this commission 7 weeks ago today and in that time I have worked closely with Congressman Bill Thomas to establish an operational framework for the commission. I am pleased to be working with Congressman Thomas and I think that our working together testifies to the bipartisan nature of this commission. Let me say from the outset that I am firmly committed to having this whole group work together in a bipartisan, inclusive fashion. That is the only way we are going to have an end-product that enjoys widespread support in the Congress, in the Administration and across this nation.

I am also very pleased that one of the first orders of business was asking Bobby Jindal to serve as our Executive Director. He was an asset to Louisiana as Secretary of the Department of Health and Hospitals and I know he will be an asset to this Commission. Congressman Thomas will be introducing Bobby shortly.

I have said before that everything will be on the table. We shouldn't begin our work by excluding or endorsing any options. Every member of this commission should know that his or her views are going to be considered. The statute creating the commission requires 11 of 17 votes in order to issue a report so this is not going to be a report that is supported only by Democrats or Republicans. In fact, I don't think we will be truly successful unless we have agreement among an overwhelming majority of the commission members. As President Clinton said to the commission members yesterday, if there is not a consensus—don't let it be your fault.

The process we are suggesting for the work of the commission is designed to be inclusive and to build the consensus we need to be successful. The suggested task forces are designed to help gather information and develop a range of options for consideration by the full commission. Congressman Thomas and I sent out a survey to the membership about how to structure this process, including the task forces, and many of the comments and suggestions we received are reflected in the documents you have in front of you. You should look at these documents as a conceptual outline of the Commission's goals throughout the year. As we have stated—the timeline we have presented to you is designed to be a tool, not a work plan or a final product, to help focus the Commission's decision-making and to measure its progress. We may find that it is necessary to change the agenda and have more meetings as we go through the year. We may also expand or delete topics depending on the Commission's interest.

No one would dispute that we have a very difficult task ahead of us. We have been charged by the Congress and the Administration with making recommendations on ways to preserve and improve the Medicare program. In order to do that, we must first come to an agreement on the scope of the problem facing Medicare. There will be some disagreement on this issue as there probably will be on most issues presented to the commission. But I am convinced that if we work together in a bipartisan way and lay all the facts and suggestions on the table, we can have a constructive debate on this issue.

We can't afford to let these issues be politicized any longer. There is just too much at stake for the health security of our senior citizens and the fiscal well-being of this country. We must put aside the old ways of dealing with Medicare—do away with ''Medagoguery''—do away with the blame game where everyone scrambles to pin the blame for failure on the other party—do away with the shortsighted SOS approach which is woefully inadequate when you look at the demographic realities facing this program.

I believe that there is no greater challenge facing this country right now than how to preserve Medicare for future generations. While we added a few years to the life of the trust fund in last year's balanced budget agreement, we did nothing to prepare for the 77 million baby boomers who will depend upon Medicare for their health care beginning in 2010.

In the context of overall entitlement reform, how to go about fixing Medicare is very complex. Unlike Social Security, which promises specific levels of income, Medicare promises specific health benefits which are susceptible to volatile increases in medical inflation and the high cost of advances in medical technology. Part of the problem with getting a handle on the scope of the problem is the unpredictability in estimates regarding such things as health spending and economic growth. But the demographic realities will not change.

We all know how politically sensitive the issue of Medicare is. That is why the Congress and the Administration created this Commission—to make the tough recommendations for fixing the program and to make it easier for elected officials to take the tough political step of enacting these recommendations into law.

For most of the things we do in Congress, the most important objective is to craft legislation that can pass. There are some people who would rather stand for what they believe is the ideal solution and never compromise, even if that means nothing gets done. The primary objective of this Commission should be to come up with the best proposal possible and then worry about how we're going to get it passed by the Congress and signed into law by the President.

Let me assure my fellow commission members that my previous positions and efforts on Medicare are not going to dictate this Commission's agenda. I hope you all make the same commitment.

I know there has been a lot of attention given recently to the issue of expanding Medicare and allowing certain groups to ''buy in'' early. First, let me reiterate that this commission has been specifically charged by statute with making ''recommendations on modifying age-based eligibility to correspond to changes in age-based eligibility under the OASDI (Social Security) program and on the feasibility of allowing individuals between the age of 62 and the Medicare eligibility age to buy into the Medicare program.'' This language is explicit and this Commission will be thoroughly exploring this idea. As I've said several times in the past few months, I think that Congress will let the Commission do its work and study the impact of this policy on the Medicare program before moving ahead in Congress. However, having said that, I certainly wouldn't oppose legislation if it is offered and if it is the will of this Congress to move forward with legislation of this nature. There are an estimated 41 million uninsured people in this country and that is a serious problem that affects everyone—not just those who don't have insurance. Any efforts to decrease the number of uninsured people in this country (such as the children's health bill last year) should be given careful consideration.

We have a huge challenge of trying to help educate the American people about the seriousness of the problems facing Medicare but we must realize that nothing is going to pass the Congress and signed into law that doesn't enjoy their support.

I am hopeful that the Congress and the Administration will act on whatever recommendations this commission puts forward. We as elected officials have a responsibility to future generations to fix this program so that our children and grandchildren can enjoy the same guarantee of health insurance that their parents did. I don't want the report of this Commission to simply gather dust on a library shelf.

Let me close by saying that I am optimistic. I know there are a lot of people ''inside the Beltway'' who think that this issue is too politically sensitive to inspire meaningful debate. That it is unrealistic to think that such a diverse group of people representing such a wide range of opinion can reach a consensus. But I believe that this Commission faces a unique and critical opportunity that cannot be squandered. Medicare has been a success for 33 years and is a vital part of our national fabric. We have an obligation to ensure that the success of this program continues for the next 33 years and beyond. Our parents and grandparents have reaped the benefits of health security afforded by Medicare since 1965—our children and grandchildren deserve no less. If we make this a truly bipartisan process, hear from everyone who has a stake in preserving this program for future generations, and focus on our similarities and not our differences, we will succeed.

## RUSSIAN BW PROGRAM

Mr. KYL. Mr President, I call to the attention of my colleagues an article appearing in the March 9 edition of The New Yorker magazine that offers a chilling account of Russia's offensive biological weapons program. This article is based on an extensive interview with Mr. Ken Alibek, a Russian defector who was once second in command of the Russian offensive biological weapons program. Alibek's description of the Russian BW program is generally considered authoritative by a wide range of U.S. experts.

The article provides a number of startling details about the Russian offensive BW program, also known as Biopreparat. Most startling of all is just how little we in the United States knew about this program. Despite the fact that Biopreparat was established in 1973—the year after the Soviet

Union signed the 1972 Biological Weapons Convention and pledged to forego an offensive BW program—and despite intelligence to the contrary, some in the U.S. scientific and arms control communities continued to maintain that Russia was not violating the treaty up to the moment that President Yeltsin admitted otherwise in 1992.

Mr. President, what the Russians had accomplished by 1991 is frightening. According to Alibek, the Soviet Union had warheads for carrying biological weapons on intercontinental missiles that were aimed at the United States. These warheads could carry smallpox, plague and anthrax. The Soviets had apparently weaponized the Marburg virus—a hemorrhagic virus as gruesome as the Ebola virus—and were ready to begin large scale manufacture of the weapon as the Soviet Union was crumbling apart. Alibek is concerned that scientists may have left Russia with samples of this virus and other deadly bacteria. The possibility that Russian scientists, know-how and biological materials are available to rogue states and terrorists underscores the critical importance of improving our domestic preparedness to respond to BW attacks against the United States.

We do not know the extent of the Russian biological weapons program today. There is evidence to suggest that a clandestine program continues, hidden away in military facilities run by the Ministry of Defense, which are off-limits to the West. The trilateral process, which was set up by the United States, United Kingdom, and Russia in 1992 and calls for inspections of Russian biological-related facilities, has broken down. It has been years since an inspection took place. The Russians have objected to visits to military facilities. And where inspections occurred, the inspectors faced the same obstacles as U.N. inspectors face in Iraq.

Mr. President, The New Yorker article should be required reading for all Senators. I ask unanimous consent that this article be printed in the RECORD. I understand from the Government Printing Office that it will cost approximately $2504 to include this article in the RECORD.

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

[From the New Yorker, Mar. 9, 1998]

ANNALS OF WARFARE—THE BIOWEAPONEERS

IN THE LAST FEW YEARS, RUSSIAN SCIENTISTS HAVE INVENTED THE WORLD'S DEADLIEST PLAGUES. HAVE WE LEARNED ABOUT THIS TOO LATE TO STOP IT?

(By Richard Preston)

Ken Alibek is a quiet man, forty-seven years old, with youthful looks and an attractive, open face. He lives in a rented condominium in Arlington, Virginia, a five-minute walk from his office at a private consulting firm. Alibek has dark hair and Asian features, and a dimpled scar on his nose, which he got in an accident that was ''not heroic,'' he says, involving a machine in a biowarfare plant.

Before he arrived in the United States, in 1992, Ken Alibek was Dr. Kanatjan Alibekov, the first deputy chief of research and production for the Soviet biological-weapons program. He was the top scientist in the program, a sprawling, clandestine enterprise known as Biopreparat, or The System, by the scientists who worked in it. Biopreparat research-and-production facilities were flung all across the Soviet Union. As Dr. Alibekov, Ken Alibek had thirty-two thousand scientists and staff people working under him.

Alibek has a Doctor of Sciences degree in anthrax. It is a kind of super-degree, which he received in 1988, at the age of thirty-seven, for directing the research team that developed the Soviet Union's most powerful weapons-grade anthrax. He did this research as head of the Stepnagorsk bioweapons facility, in what is now Kazakhstan, which was once the largest biowarfare production facility in the world. The Alibekov anthrax became fully operational in 1989. It is an amber-gray powder, finer than bath talc, with smooth, creamy particles that tend to fly apart and vanish in the air, becoming invisible and drifting for miles. The Alibekov anthrax is four times more efficient than the standard product.

Ken Alibek is part of a diaspora of biologists who came out of Russia following the breakup of the Soviet Union. Government funding for research decreased dramatically, and scientists who were working in the biowarfare program found themselves without jobs. Some of them went looking abroad. A few have come to the United States or Great Britain, but most went elsewhere. ''No one knows where they are,'' Alibek says. One can guess that they've ended up in Iraq, Syria, Libya, China, Iran, perhaps Israel, perhaps India—but no one really knows, probably not even the Russian government. No doubt some of these biologists have carried the Alibekov formula in their heads, if not master seed strains of the anthrax and samples of the finished product in containers. The Alibekov anthrax may be one of the more common bioweapons in the world today. It seems plausible that Iraqi biologists, for instance, know the Alibekov formula by now.

One day, Ken Alibek and I were sitting in a conference room near his office talking about the anthrax he and his research team had developed. ''It's very difficult to say if I felt a sense of excitement over this. It's very difficult to say what I felt like,'' he said. ''It wouldn't be true to say that I thought I was doing something wrong. I thought I had done something very important. The anthrax was one of my scientific results—my personal result.''

I asked him if he'd tell me the formula for his anthrax.

''I can't say this,'' he answered.

''I won't publish it. I'm just curious,'' I said.

''Look, you must understand, this is unbelievably serious. You can't publish this formula,'' he said. When I assured him I wouldn't, he told me the formula for the Alibekov anthrax. He uttered just one sentence. The Alibekov anthrax is simple, and the formula is somewhat surprising, not quite what you'd expect. Two unrelated materials are mixed with pure powdered anthrax spores. It took a lot of research and testing to get the trick right, and Alibek must have driven his research group hard and skillfully to arrive at it. ''There are many countries that would like to know how to do this,'' he said.

Until last week, when Ken Alibek was interviewed on ''PrimeTime Live,'' he was known in this country only to a few government officials and intelligence experts and defense-industry figures. What he told the C.I.A. and other people with national-security clearances was usually classified. Sometimes the information was so secret that even he couldn't look at his reports once they were issued. ''The first report I wrote, I only saw it once from across a room. It was sitting on a table. They wouldn't let me go any closer to it,'' Alibek says, with a tiny smile.

What Alibek describes is shocking, even to those who thought they had a pretty good idea of what bioweapons are out there and who has them. But it is particularly timely now that the public's attention has suddenly focussed on the possibility of biological terrorism, which gained a peculiar intensity in late February, when Larry Wayne Harris and William Leavitt, Jr., were arrested by the F.B.I. outside Las Vegas with what was thought to be weapons-grade anthrax in the trunk of a car. The repeated news reports—which turned out to be a false alarm—that they were planning a terrorist attack on the New York City subway system clarified what had seemed to be a vague threat hidden in Iraq. Bioterror had come home.

I first heard about Ken Alibek in 1995, although at that time none of my contacts would tell me his name. He was referred to only as No. 2. (Biodefector No. 1 had come out in 1989.) Last fall, when I finally figured out that No. 2 was Alibekov, I called up a source who has connections to British intelligence and told him I thought I knew who No. 2 was. He cut me off. ''Don't say a name,'' he said. ''I can't confirm anything. Have you forgotten that we are talking on a open telephone line?'' That source went nowhere, but then I had an idea. For several years, I have known a man named William C. Patrick III, who in certain important respects is the leading American expert on biological weapons. Before 1969, when President Richard Nixon shut down the American biowarfare program, Bill Patrick was the chief of product development for the United States Army's biological-warfare laboratories at Fort Detrick, Maryland. The ''products'' that Patrick and his research group developed were powdered spores and viruses that were loaded into bombs and sophisticated delivery systems. Patrick was arguably the top bioweaponeer in the United States. He and several hundred other scientists and research-staff members lost their jobs when the biowarfare facilities at Fort Detrick were closed down. (Today, to the best of my knowledge, the scientists at the United States Army Medical Research Institute of Infectious Diseases, or USAMRIID, at Fort Detrick don't make offensive bioweapons. They develop vaccines and treatments to defend against them. As far as I can tell, the United States has no bioweapons, and one piece of evidence for this is that government officials today are remarkably ignorant of them.)

Bill Patrick, who is now seventy-one years old, is one of only two or three scientists still alive and active in the United States who have a hands-on technical understanding of bioweapons. As he explained to me, ''There's a hell of a disconnect between us fossils who know about biological weapons and the younger generation.'' In 1991, on the eve of the Gulf War, he was summoned to the Pentagon to take part in a discussion of anthrax. Patrick sat in silence while a group of intelligence analysts, young men and women dressed in suits, discussed anthrax in knowledgeable-sounding voices. ''I reached the conclusion that these people didn't know what the hell they were talking about,'' Patrick recalls. He said, ''Have any of you fellows actually seen anthrax?'' and he reached into his pocket and pulled out a small jar of amber-brown powder, and hucked it across the table. It rattled and bounced toward the analysts. They jerked away, some leaping to their feet. The jar contained anthrax simulant, a biopowder that is essentially

identical to anthrax except that it doesn't kill. It is used for experiments in which properties other than infectivity are being tested. ''I got that through security, by the way,'' Patrick observed.

Later, Bill Patrick was the oldest United Nations weapons inspector in Iraq. The Iraqis knew exactly who he was—the former top scientist in the former American bioweapons program. Iraqi intelligence people started calling his hotel room in Baghdad at night, hissing, ''You son of bitch, Patrick,'' and then hanging up. ''It was kind of an honor, but it kept me awake,'' he says.

Today, Bill Patrick is a consultant to many government agencies—the C.I.A., the F.B.I., the Defense Intelligence Agency, the City of New York—on the use of biological weapons in a terrorist attack. Jerome Hauer, who is the head of Mayor Rudolph Giuliani's Office of Emergency Management—the group that would handle a bioterror event in New York, should one ever happen—said to me once, ''Bill Patrick is one of the only guys who can tell us about some of these biological agents. We all wonder what we're going to do when he decides to light up a cigar and go sailing.'' Patrick is able to tell emergency planners what will happen if a biological weapon is released in an American city—how many people will die, where they'll die, what the deaths will look like. His reports are classified.

Bill Patrick and Ken Alibek were counterparts. They had been two of the top scientists in what had been the best biowarfare programs on the planet. I speculated that Patrick might know Alibek.

''Do I know Ken?'' Patrick boomed over the telephone. ''We're close friends! My wife and I had Ken over for Christmas this year with our family, because we think he's kind of lonely.''

Then I thought I understood: Patrick must have participated in the long government discussions with Alibek—the debriefing—that would have taken place after his arrival in the United States. No one else in the U.S. government, not a single soul, would have understood so clearly what Alibek was talking about. The two scientists had become friends during the process.

I drove down to Bill Patrick's house in Maryland, on a misty day in winter, when leafless white-oak trees and poplars lay in a haze across the slopes of Catoctin Mountain. The clouds pulled apart and the sun appeared, gleaming through cirrus like a nickel. Patrick's house is a modern version of a Swiss chalet, with a view of Fort Detrick and rolling countryside.

''Come in, young man,'' Patrick said genially. A small dog was yapping around his feet. Patrick has a gentlemanly manner, a rather blocky face, with hair combed over a bald head, and penetrating greenish eyes. He glanced at the sky and seemed to sniff the air before ushering me into the house. He is exquisitely sensitive to weather.

Alibek arrived a short while later, driving a silver BMW. After lunch, we settled down around the kitchen table. Patrick brought out a bottle of Glenmorangie Scotch whiskey, and we poured ourselves a round. It seemed a very Russian thing to do. The whiskey was smoky and golden, and it moved the talk forward.

''You know, I'm disappointed the agency didn't do better by you, Ken,'' Patrick remarked. He turned to me. ''They let him sign up for all these credit cards.''

Alibek smiled wryly. ''This was a problem.'' The C.I.A. had introduced him to Visa. ''I could buy things with the cards, but it didn't seem like money. Then I found out you have to pay for it later.''

Alibek speaks English with a mild Russian accent that makes his serious manner seem almost gloomy. He often has a cigarette smoldering between is fingertips, but he works out at a health club, and he has broad, firm shoulders. His brown eyes seem sombre, and he wears black wire-rimmed eyeglasses. He favors linen shirts with band collars, and soft wool-piqué jackets in dark, muted colors. He has a calm expression, with a downward-glancing gaze, and he looks vaguely Chinese. Ethnically, he is a Kazakh. He was born and raised in Kazakhstan. In Russia, he was twenty-five pounds heavier, really quite stout, but he says that he is a different person now, even physically.

I asked Alibek how he feels about living here. ''I'm happy I'm not doing the work,'' he said. He paused. ''I'm not one hundred per cent happy. I know how people feel about me in Russia. Some of my scientific colleagues feel I am a betrayer.'' Alibek keeps his emotions well hidden, perhaps even from himself. He does not laugh easily. When he does laugh, he is clearly enjoying himself, but his body is slightly rigid. He quit Biopreparat in 1991, left Russia with his family, and abruptly ended up in the United States. According to Alibek, some of his former colleagues at Biopreparat—which was privatized—sent word through intermediaries that ''if you ever come to Russia you can expect some problems.''

''I've got no desire to go to Russia,'' Alibek said, shrugging. He recently separated from his wife, although they enjoy a cordial relationship. She lives near him with their two boys, whom he sees almost every day. His oldest child, a daughter, is studying architecture at an Ivy League university. At times, Alibek has suffered from loneliness and a sense of dislocation, and he has had some concerns about how he will support his wife and children in the United States. The Alibeks had a privileged life in Russia, with drivers to take them everywhere and all the money they could use. The United States Government paid him consulting fees while he was briefing scientists and officials, but now he is on his own.

Ken Alibek was raised in Alma-Ata, then the capital of Kazakhstan. Alma-Ata is in central Asia, not far from the Chinese border, on the medieval silk route. His first language was Kazakh, and he learned Russian at school. He got a medical degree at the military medical institute at Tomsk. His special interest was infectious-disease epidemiology. At some point while he was still in medical school, he was chosen to work for Biopreparat. Since it was a secret system, you didn't really apply; you were approached and brought in. He rose fast. In 1982, at the age of thirty-one, he became the acting director of the Omutninsk bioweapons-production plant, a major facility in the Kirov region of Russia. Eventually, he ended up working in Biopreparat's headquarters, a large building in Moscow—the same building where Biopreparat is situated today.

In early April of 1988, Ken Alibek received a telephone call in his office in Moscow. It came from his friend and colleague Lev Sandakhchiev, the director of a Biopreparat facility called Vector, a huge, isolated virology-research campus in the larch forests outside Novosibirsk, a city in western Siberia. In the late nineteen-eighties, Vector was devoted largely to the development and production of virus weapons (Dr. Sandakhchiev denies this.) Dr. Sandakhchiev reported that there had been an accident. He was reluctant to discuss it on the telephone.

''Send me the details in a cryptogram,'' Alibek said. Once a day for the next fourteen days, Alibek received a new cryptogram about the victim of the accident, Dr. Nikolai Ustinov.

Dr. Ustinov was forty-four years old. Alibek recalls him as a fair-skinned man with light-brown hair, ethnically a Russian. He had a wife and children. Alibek thought of him as a good guy and a talented scientist, easy to talk with, receptive to new ideas. Ustinov had been doing basic military research on the Marburg virus, studying its potential as a weapon. The long-term goal was to see if it could be loaded into special biological warheads on the MIRV missiles that were aimed at the United States. (A MIRV has multiple warheads, which are directed at different targets.) At the time, the Soviet biological missile warheads were designed to be loaded with strategic/operational smallpox virus, Black Death, and anthrax. The Marburg virus had potential for weaponization, too. Marburg is a close cousin to the Ebola virus, and is extremely lethal. Dr. Ustinov had been wearing a spacesuit in a Level 4 hot lab, injecting guinea pigs with Marburg virus. He pricked himself in the finger with a needle, and it penetrated two layers of rubber globes.

Nikolai Ustinov exited through an air lock and a chemical decon shower to Level 3, and used an emergency telephone to call his supervisor. The supervisor decided to put Ustinov into a biocontainment hospital, a twenty-bed unit with steel air-lock doors, like the doors of a submarine, where nurses and doctors wearing spacesuits could monitor him. He was not allowed to speak with his wife and children. Ustinov did not seem to be afraid of dying, but, separated from his family, he became deeply depressed.

On about the fourth day, Ustinov developed a headache, and his eyes turned red. Tiny hemorrhages were occurring in them. He requested a laboratory notebook, and he began writing a diary in it, every day. He was a scientist, and he was determined to explain how he was dying. What does it feel like to die of Marburg virus? What are the psychological effects? For a while, he maintained a small hope that he wouldn't die, but when his skin developed spontaneous bruises he understood what the future held. Dr. Sandakhchiev's cryptograms to Alibek were dry and factual, and didn't include the human details. Alibek would later learn that perhaps twice Ustinov had broken down and wept.

Alibek was frantic to get help to Ustinov. He begged the Ministry of Defense for a special immune serum, but bureaucratic delays prevented its arrival in Siberia until it was too late. When Ustinov began to vomit blood and pass bloody black diarrhea, the doctor gave him transfusions, but as they put the blood into him it came out of his mouth and rectum. Ustinov was in prostration. They debated replacing all the blood in his body with fresh new blood—a so-called whole-body transfusion. They were afraid that that might trigger a total flooding hemorrhage, which would kill him, so they didn't do it.

Alibek did not know exactly which strain of Marburg had infected his colleague. It had been obtained by Soviet intelligence somewhere, but the scientists were never told where strains came from. The Marburg virus seems to live in an unknown animal host in East Africa. It has been associated with Kitum Cave, near Mt. Elgon, so the Soviet strain could have been obtained around there, but Alibek suspected that it came from Germany. In 1967, the virus had broken out at a vaccine factory in Marburg, a small city in central Germany, and had killed a number of people who were working with monkeys that were being used to produce vaccine. One of the survivors was a man named Popp, and Alibek thought that Ustinov was probably dying of the strain that had come from him.

I have seen a photograph of a Marburg monkey worker taken shortly before his death, in late summer, 1967. He is a stout

man, lying on a hospital bed without a shirt. His mouth is slack, his teeth are covered with blood. He is hemorrhaging from the mouth and nose. The blood has run down his neck and pooled in the hollow of his throat. It looks spidery, because it's unable to clot. He also seems to be leaking blood from his nipples.

The final pages of Dr. Nikolai Ustinov's scientific journal are smeared with unclotted blood. His skin developed starlike hemorrhages in the underlayer. Incredibly—the Vector scientists had never seen this—he sweated blood directly from the pores of his skin, and left bloody fingerprints on the pages of his diary. He wept again before he died.

Ken Alibek is nearly hypnotic when he speaks of these things in his flat voice. We sat around the kitchen table as if we were old friends sharing a story. A gray light shone through the kitchen window, and I saw the red flash of a cardinal near the Patricks' bird feeder, almost a flicker of blood. The dog noticed a squirrel, and started barking. ''Go get him, Billy,'' Patrick said, rising to let the dog out.

Dr. Ustinov died on April 30, 1988. An autopsy was performed in the spacesuit morgue of the biocontainment hospital. If this was indeed the Popp strain of Marburg virus—and who could say?—it was incredibly lethal. It produced effects in the human body that were stunning, terrifying. Alibek says that a pathology team removed Ustinov's liver and his spleen. They sucked a quantity of his destroyed blood out of a leg vein using large syringes.

They froze the blood and the body parts. They kept the Ustinov strain alive and continually replicating in the laboratories at Vector. They named the strain Variant U, after Ustinov, and they learned how to mass-produce it in simple bioreactors, flasks used for growing viruses. They dried Variant U, and processed it into an inhalable dust. The particles of Variant U were coated to protect them in the air so that they would drift for many miles.

In late 1990, Biopreparat researchers tested airborne Variant U on monkeys and other small animals in special explosion-test chambers at the Stepnagorsk plant. Marburg Variant U proved to be extremely potent in airborne form. They found that just one to five microscopic particles of Variant U lodged in the lungs of a monkey were almost guaranteed to make the animal crash, bleed, and die. With normal weapons-grade anthrax, in comparison, it takes about eight thousand spores lodged in the lungs to pretty much guarantee infection and death.

Alibek said that by the fall of 1991, just before Boris Yeltsin came to power, Marburg Variant U was on the verge of becoming a strategic/operational biological weapon, ready to be manufactured in large quantities and loaded into warheads on MIRVs. These warheads are sinister things. Ten separate cone-shaped warheads, each targeted on a different location, sit atop a missile. Special cooling systems inside each warhead keep the virus alive during the heat of reentry through the earth's atmosphere. ''If we can land a cosmonaut to earth alive, we can do the same with a virus,'' Alibek explained. ''We use parachutes.'' The biowarheads are parachuted over a city, and at a certain altitude they break apart. Out of each warhead bursts a spray of more than a hundred oval bomblets the size of small cantaloupes. The cantaloupes fly out a distance and then split in overlapping patterns, releasing a haze of bioparticles that quickly becomes invisible.

Variant U never became part of the Soviets' strategic arsenal, which was stocked with Black Death, Alibekov anthrax, and powdered smallpox. (Never less than twenty tons of weapons-grade dry smallpox was stockpiled in bunkers.) But it seems quite possible that when the Russian biowarfare facilities fell on hard times and biologists began leaving Russia to work in other countries, some of them carried freeze-dried Variant U with them, ready for further experimentation. Variant U started, perhaps, with a monkey worker named Popp, but its end in the human species is yet to be seen.

A generation ago, biological weapons were called germ-warfare weapons. Biological weapons are very different from chemical weapons. A chemical weapon is a poison that kills upon contact with the skin. Bioweapons are microorganisms, bacteria or viruses, that invade the body, multiply inside it, and destroy it. Bioweapons can be used as strategic weapons. That is, they are incredibly powerful and dangerous. They can kill huge numbers of people if they are used properly, and their effects are not limited to one place or a small target. Chemical weapons, on the other hand, can be used only tactically. It is virtually impossible to put enough of a chemical in the air in a high enough concentration to wipe out a large number of people over a large territory. And chemicals aren't alive and can't spread through an infectious process.

There are two basic types of biological weapons, those that are contagious and those that are not. Anthrax is not contagious: people don't spread it among themselves; you can't catch anthrax from someone who is dying of it. Smallpox is contagious. It spreads rapidly, magnifying itself, causing mortality and chaos on a large scale.

Like any weapon, a biological weapon can be released accidentally, but when a biological accident happens, the consequences can be particularly insidious. I talked about this with Ken Alibek that day in Bill Patrick's kitchen, while we drank whiskey in the soft light of a winter afternoon. Alibek spoke about how bioweapons have a disturbing tendency to invade nonhuman populations of living creatures—thus finding a new niche in the ecosystems of the earth, apart from the human species. When he was the acting director of the biowarfare facility at Omutninsk, his safety officers discovered that wild rodents living in the woods outside the factory had become chronically infected with the Schu-4 military strain of tularemia—a bacterium that causes a type of pneumonia—which was being made in the plant. It was a hot, lethal strain that came from the United States: an American biological weapon that the Soviets had managed to obtain during the nineteen-fifties. Now, unexpectedly, the wild rodents were spreading Schu-4 among themselves in the forests around Omutninsk. The rodents were not the natural host of tularemia, but it had apparently established itself in them as new hosts. People catch tularemia easily from rodents, and it can be fatal. Alibek mounted an investigation and found that a pipe running through a basement area had a small leak and was dripping a suspension of tularemia cells into the ground. The rodents may have come in contact with the contaminated soil in that one spot.

The staff tried to sterilize the frost of rodents near the plant. That didn't work, because rodents are impossible to eradicate. ''We could not get rid of the rodents. We tried everything,'' Alibek said. ''Nobody knows today, but we can assume that the tularemia is still there in the rodents.'' Nobody knows if anyone has died of the American-Russian tularemia around the Kirov region.

''Could it have spread across Russia in rodents?'' I asked.

''This I don't know.''

Biopreparat, or The System, was set up in 1973, just a year after the Soviet Union signed the Biological and Toxin Weapons Convention, an agreement banning the development, use, and stockpiling of biological weapons. The United States, which had ended its offensive-bioweapons program in 1969, also signed the treaty, as did Great Britain. (Some hundred and forty nations have signed the convention by now.) The Soviets continued to believe, however, that the United States had not ended its bioweapons program but simply hidden it away, turning it into a ''black''weapons program. ''The notion that the Americans had given up their biological weapons was thought of as the great American lie,'' a British intelligence officer recalls. ''In fact, most of the Biopreparat scientists had never even heard of the Biological Weapons Convention.''

Biopreparat consisted of some forty research-and-production facilities. About a dozen of them were enormous. Perhaps half of the employees developed weapons and the other half made medicines. Biopreparat worked both sides of the street: it cured diseases and invented new ones. An island in the Aral Sea, curiously named Rebirth Island, was used for open-air weapons testing. Large numbers of animals, and perhaps some humans, died there. Biopreparat was modelled to some extent on the Manhattan Project, the program that led to the first atomic bomb. Military people administered the program and scientists did the research-and-development work.

Somehow, Biopreparat's weapons program remained invisible to the American scientific community. There was a commonly held belief among many American scientists, supported by the strong, even passionate views of a handful of experts in biological weapons, that the Soviet Union was not violating the treaty. This view persisted, despite reports to the contrary from intelligence agencies, which were often viewed as being driven by right-wing ideology.

One of the side effects of the closing of the American bioweapons program was that the United States lost its technical understanding of biological weapons. There has long been a general feeling among American scientists—it's hard to say just how widespread it is, but it is definitely there—that biological weapons don't work. They are said to be uncontrollable, liable to infect their users, or unworkable in any practical sense. A generation ago, leading physicists in this country understood nuclear weapons because they had built them, and they had observed their effects in field tests and in war. The current generation of American molecular biologists has been spared the agony of having created weapons of mass destruction, but, since these biologists haven't built them, or tested them, they don't know much about their real performance characteristics.

Sitting in Bill Patrick's kitchen, I said to Alibek, ''There seems to be a common belief among American scientists that biological weapons aren't effective as weapons. You see these views quoted occasionally in newspapers and magazines.''

Alibek looked disturbed, then annoyed. ''You test them to find out. You learn how to make them work,'' he said to me. ''I had a meeting yesterday at a defense agency. They knew absolutely nothing about biological weapons. They want to develop protection against them, but all their expertise is in nuclear weapons. I can say I don't believe that nuclear weapons work. Nuclear weapons destroy everthing. Biological weapons are more . . . beneficial. They don't destroy buildings, they only destroy vital activity.''

''Vital activity?''

''People,'' he said.

The first defector to emerge from Biopreparat was Vladimir Pasechnik, a microbiologist, who arrived in Great Britain

in 1989, just as the Soviet Union was beginning to crumble. (He was No. 1 to Alibek's No. 2.) Pasechnik frightened British intelligence, and later the C.I.A., when he told them that his work as director of the Institute of Ultra-pure Biopreparations, in Leningrad, had involved offensive-biowarfare research into Yersinia pestis, a pestilential microbe that causes plague, or Black Death—an airborne contagious bacterial organism that wiped out a third of the population of Europe around the year 1348. Natural plague is curable with antibiotics. After listening to Dr. Pasechnik, the British concluded that the Soviet Union had developed a genetically engineered strain of plague that was resistant to antibiotics. Because the Black Death can travel through the air in a cough from person to person, a strain of multi-drug-resistant Black Death might be able to amplify itself through a human population in ever-widening chains of infection, culminating in a biological crown fire in the human species. No nuclear weapon could do that. What was the Soviet Union doing developing strategic contagious biological weapons? ''I couldn't sleep at night, thinking about what we were doing,'' Pasechnik told his British handlers. Even though Western intelligence agencies had known that the Russians had a bioweapons program, they had not known what was being developed, and that the United States was a so-called deep target, far enough away so that the Soviet Union wouldn't be contaminated.

President George Bush and Prime Minister Margaret Thatcher were briefed on Pasechnik's revelations, and they put direct personal pressure on Mikhail Gorbachev to open up the biowarfare facilities in the U.S.S.R. to a team of outside inspectors. Eventually, he agreed, and a joint British-American weapons-inspection team toured four of the main Biopreparat facilities in January, 1991. The inspectors visited Vector (the virology complex outside Novosibirsk, where Ustinov died) and a giant, high-security facility south of Moscow called the State Research Center for Applied Microbiology at Obolensk, where they found fermenter tanks—forty of them, each two stories tall. They were maintained at Biosafety Level 4, inside huge ring-shaped biocontainment zones, in a building called Corpus One. The facility was dedicated to research on a variety of bacterial microbes, especially Yersinia pestis. The Level 4 production tanks were obviously intended for making enormous quantities of something deadly, but when the inspectors arrived the tanks were sparkling clean and sterile.

As the British and American weapons inspectors toured the Biopreparat facilities, they ran into the same problems that recently faced the United Nations Special Commission inspectors in Iraq. They were met with denials, evasions, and large rooms that had been stripped of equipment and cleaned up. A British inspector said to me, ''This was clearly the most successful biological-weapons program on earth. These people just sat there and lied to us, and lied, and lied.''

The deal was that after the Americans and the British had peeked at Biopreparat a team of Soviet inspectors was to visit the United States. In December, 1991, Ken Alibek and a number of leading Biopreparat scientists and military people visited USAMRIID, at Fort Detrick, the Army's Dugway Proving Ground, in Utah, and the Army's old bioweapons-production facility in Pine Bluff, Arkansas, which had been abandoned and partly dismantled in 1969. The Russians stumbled around the weeds in Pine Bluff and saw rusting railroad tracks, buildings with their roofs falling in, and nothing that worked. Alibek was pretty well convinced by the time he got home that the United States did not have a bioweapons program. But when the final report was issued by the inspectors to the government of Boris Yeltsin it stated that they had found plenty of evidence for a program. Alibek refused to participate in the writing of that report, and he decided to quit Biopreparat.

''It was a confused situation,'' he said. ''It was at the exact time when the Soviet Union collapsed. I told all these people I didn't agree with their politics.'' For a few months, he hung on in Moscow, supporting his family by trading—''It was easy to make money in those days, you could trade anything''—but he found that his telephone was tapped, and that the K.G.B. had set up a so-called gray unit to watch him, a surveillance team stationed near his apartment. He decided to move his family to Alma-Ata, in Kazakhstan. What happened next Alibek refuses to talk about. He will not tell me how he got his family to the United States. Once here, he dropped completely out of sight. It is pretty obvious that he was holed up with American intelligence people, discussing his scientific and technical knowledge with them. Several years went by and Dr. Alibekov morphed into Ken Alibek.

The most powerful bioweapons are dry powders formed of tiny particles that are designed to lodge in the human lung. The particles are amber or pink. They have a strong tendency to fly apart from one another, so that if you throw them in the air they disperse like a crowd leaving Yankee Stadium. As they disperse, they become invisible to the human eye, normally within five seconds after the release. You can't see a bioweapon, you can't smell it, you can't taste it, and you don't know it was there until days later, when you start to cough and bleed, and by that time you may be spreading it around. Bill Patrick holds five patents on special processes for making biodusts that will disperse rapidly in the air and form an invisible sea of particles. His patents are classified. The U.S. government does not want anyone to obtain Patrick's research.

The particles of a bioweapon are exceedingly small, about one to five microns in diameter. You could imagine the size this way: around fifty to a hundred bioparticles lined up in a row would span the thickness of a human hair. The particles are light and fluffy, and don't fall to earth. You can imagine motes of dust dancing in a shaft of sunlight. Dust motes are mostly bits of hair and fuzz. They are much larger than weaponized bioparticles. If a dust mote were as thick as a log, then a weaponized bioparticle would resemble a child's marble. The tiny size of a weaponized bioparticle allows it to be sucked into the deepest sacs of the lung, where it sticks to the membrane, and enters the bloodstream, and begins to replicate. A bioweapon can kill you with just one particle in the lung. If the weapon is contagious in human-to-human transmission, you will kill a lot of other people, too. So much death emergent from one particle. Given the right weather conditions, a bioweapon will drift in the air for up to a hundred miles.

Sunlight kills a bioweapon. That is, a bioweapon biodegrades in sunlight. It has a ''half-life,'' like nuclear radiation. This is known as the decay time of the bioweapon. Anthrax has a long decay time—it has a tough spore. Tularemia has a decay time of only a few minutes in sunlight. Therefore, tularemia should always be released at night.

For many years during the nineteen-fifties and sixties, Bill Patrick had his doubts that bioweapons work. Those doubts were removed decisively during the summer of 1968, when one of the biggest of a long series of open-air biological tests was conducted over the Pacific Ocean downwind of Johnston Atoll, a thousand miles southwest of Hawaii. There, in reaches of open sea, American strategic tests of bioweapons had been conducted secretly for four years. Until very recently, these tests remained unknown to people without security clearances.

''We tested certain real agents, and some of them were lethal,'' Patrick said. The American strategic tests of bioweapons were as expensive and elaborate as the tests of the first hydrogen bombs at Eniwetok Atoll. They involved enough ships to have made the world's fifth-largest independent navy. The ships were positioned around Johnston Atoll, upwind from a number of barges loaded with hundreds of rhesus monkeys.

Late one afternoon, Bill Patrick went out to Johnston Atoll and stood on the beach to watch a test. At sunset, just as the sun touched the horizon, a Marine Phantom jet flew in low, heading on a straight line parallel to the beach, and then continued over the horizon. Meanwhile, a single pod under is wings released a weaponized powder. The powder trailed into the air like a whiff of smoke and disappeared completely. This was visual evidence that the particles were flying away from one another. Patrick's patents worked.

The scientists call this a line-source laydown. The jet was disseminating a small amount of biopowder for every mile of flight (the exact amount is still classified). One can imagine a jet doing a line-source laydown over Los Angeles, flying from the San Fernando Valley to Long Beach, releasing dust from a single pod under the wing. It would take a few minutes. The jet would appear on radar, but the trail of bioweapon would be invisible. In Iraq, United Nations inspectors found a videotape of an Iraqi Phantom jet doing a line-source laydown over the desert. The techniques looked precisely like the American laydowns, even to the Iraqis' use of a Phantom jet. The one difference was that the Iraqi Phantom had no pilot: it was a remote-controlled drone.

At Johnston Atoll, the line of particles moved with the wind over the sea, somewhat like a windshield wiper sweeping over glass. Stationed in the path of the particles, at intervals extending many miles away, were the barges full of monkeys, manned by nervous Navy crews wearing biohazard spacesuits. The line of bioparticles passed over the barges one by one. Then the monkeys were taken back to Johnston Atoll, and over the next few days half of the died. Half of the monkeys survived, and were fine. Patrick could see, clearly enough, that a jet that did a laydown of a modest amount of military bioweapon over Los Angeles could kill half the city. It would probably be more efficient at causing human deaths than a ten-megaton hydrogen bomb.

''What was the agent you used?'' I asked Patrick.

''I don't want to tell you. It may still be classified. The real reason is that a lot of countries would like to know what we used, and not just the Iraqis. When we saw those test results, we knew beyond a doubt that biological weapons are strategic weapons. We were surprised. Even we didn't think they would work that well.''

''But the agent you used was curable with antibiotics, right?'' I said.

''Sure.''

''So people could be cured—''

''Well, think about it. Let's say you hit the city of Frederick, right here. That's a small city, with a population of about fifty thousand. You could cause thirty thousand infections. To treat the infections, you'd need—let me see.'' He calculated quickly: ''Eighty-four grams of antibiotic per person . . . that's . . . oh, my heavens, you'd need more

than two tons of antibiotic, delivered overnight! There isn't that much antibiotic stored anywhere in the United States. Now think about New York City. It doesn't take a mathematician to see that if you hit New York with a biological weapon you are gonna tie things up for a while.''

Today, Biopreparat is a much smaller organization than it was during the Soviet years, and it is ostensibly dedicated entirely to peaceful research and production. You can buy face cream and vodka made by Biopreparat. Vector, where Variant U was developed, is no longer part of Biopreparat. The Vector laboratories are undergoing an extremely painful and perhaps incomplete conversion to peaceful use, and the Vector scientists are secretive about some of their work. Dr. Frank Malinoski, who was a member of the British-American team that inspected Vector in the early nineteen-nineties, told me that it is now generally believed that the weapons program has been taken over by the Russian Ministry of Defense. ''If Biopreparat was once an egg, then the weapons program was the yolk of the egg,'' he said. ''They've hard-boiled the egg, and taken out the yolk and hidden it.''

If, in fact, the yolk exists, what can Western governments do about it? After years of avoiding confrontation with the Russians over bioweapons, American officials are still uncertain how to proceed. Twenty million dollars or so—no one seems sure of the amount—has been budgeted by a hodgepodge of agencies to offer financial support to Russian biologists for peaceful research (so they won't go abroad). The National Academy of Sciences, for example, spent a million and a half dollars on research funding for the Russians this past year. But the agencies are in a quandary, and fear the scandal that would ensue if it turned out that their funds had been diverted for weapons research.

The yolk of the bioweapons program may now be hidden away in military facilities run by the Russian Ministry of Defense, which are off limits to Americans. The largest of these is a complex near Sergiyev Posad, and old town about thirty miles northeast of Moscow. It's not clear how much real control Boris Yeltsin has over the Russian military. If the Ministry of Defense wanted to have a bioweapons program, could anyone tell it to stop? One prominent American scientist said to me, ''All of our efforts in touchy-feely relationships have certainly engaged the former Biopreparat people, but we've been turned down flat by the military people. No doubt they're hiding something at Sergiyev Posad, but what are they hiding? Is it a weapons program? Or is it a shadow that doesn't mean anything, like the shadow on the shade in 'Home Alone'? We just don't know.''

Meanwhile, there is strong suspicion that at some of the more visible laboratories weapons-related genetic engineering is being conducted. Genetic engineering, in military terms, is the creation of genetically altered viruses and bacteria in order to enhance their power as weapons. This work can be done by altering an organism's DNA, which is the ribbon-like molecule that contains the organism's genetic code and is found in every cell and in every virus particle. Three months ago, researchers at the Center for Applied Microbiology at Obolensk—the place south of Moscow where Biopreparat once developed and mass-produced hot strains of Black Death for Soviet missiles and weapons systems—published a paper in the British medical journal *Vaccine* describing how they'd created a genetically engineered anthrax. The Obolensk anthrax, they reported, was resistant to the standard anthrax vaccine.

Ken Alibek thinks that the Russians published information about their research because ''they are trying to get some kind of 'legalization' of military genetic engineering,'' and because they are proud of their work. The Biological Weapons Convention is vague on exactly what constitutes research into an offensive weapon. Alibek said that the Russian biologists are trying to push the envelope of what is permissible. Then, ''if someone other than Boris Yeltsin was in power, they could re-create their entire biological-weapons program quickly.''

Western biowarfare experts don't know if the new engineered anthrax is as deadly as normal anthrax, but it my be, and it could fall into the wrong hands, such as Iraq or Iran. The real problem may lie in those countries. Genetic-engineering work can be done in a small building by a few Ph.D. researchers, using tabletop machines that are available anywhere in the world at no great cost. In high schools in the United States today, students are taught how to do genetic engineering. The learn how to create new variants of (safe) bacteria which are resistant to antibiotics. One genetic-engineering kit for high-school students costs forty-two dollars and is sold through the mail.

A virus that seems particularly amendable to engineering is smallpox. According to Alibek and others, it is possible that smallpox has left Russia for parts unknown, travelling in the pockets of mercenary biologist. ''Iran, Iraq, probably Libya, probably Syria, and North Korea could have smallpox,'' Alibek said. He bases his list partly on what Russian intelligence told him while he was in the program, for the Russians were very sensitive to other countries' bioweapons programs, and watched carefully. Bioweapons programs may exist in Israel (which has never signed the bioweapons treaty) and Pakistan. Alibek is convinced that India has a program. He says that when he was in Biopreparat, Russian intelligence showed him evidence that China has a large bioweapons program.

The deadliest natural smallpox virus is known as *Variola major*. Natural smallpox was eradicated from the earth in 1997, when the last human case of it appeared, in Somalia. Since then, the virus has lived only in laboratories. Smallpox is an extremely lethal virus, and it is highly contagious in the air. When a child with chicken pox appears in a school classroom, many or most of the children in the class may go on to catch chicken pox. Smallpox is as contagious as chicken pox. One case of smallpox can give rise to twenty new cases. Each of those cases can start twenty more. In 1970, when a man infected with smallpox appeared in an emergency room in Germany, seventeen cases of smallpox appeared in the hospital on the floors above. Ultimately, the German government vaccinated a hundred thousand people to stop the outbreak. Two years later in Yugoslavia, a man with a severe case of smallpox visited several hospitals before dying in an intensive-case unit. To stop the resulting outbreak, which forced twenty thousand people into isolation. Yugoslav health authorities had to vaccinate virtually the entire population of the country within three weeks. Smallpox can start the biological equivalent of a runaway chain reaction. About a third of the people who get a hot strain of smallpox die of it. The skin puffs up with blisters the size of hazelnuts, especially over the face. A severe case of small pox can essentially burn the skin off one's body.

The smallpox vaccine wears off after ten to twenty years. None of us are immune any longer, unless we've had a recent shot. There are currently seven million usable does of smallpox vaccine stored in the United States, in one location in Pennsylvania. If an outbreak occurred here, it might be necessary to vaccinate all two hundred and seventy million people in the United States in a matter of weeks. There would be not way to meet such a demand.

''Russia has researched the genetic alternation of smallpox,'' Alibek told me. ''In 1990 and 1991, we engineered a smallpox at Vector. It was found that several areas the smallpox genome''—the DNA—''can be used for the introduction of some foreign genetic material. The first development was smallpox, and VEE.'' VEE, or Venezuelan equine encephalitis, is brain virus. It causes a severe headache and near-coma, but it is generally not lethal. Alibek said that the researchers spliced VEE into smallpox. The result was a recombinant chimera virus. In ancient Greek myth, the chimera was a monster made from parts of different animals. Recombination means the mixing of genes from different organisms. ''It is called smallpox-VEE chimera,'' Alibek said. It could also be called Vee-pox. Under a microscope, Alibek said, the Veepox looks like smallpox, but it isn't.

According to Alibek, there was one major technical hurdle to clear in the creation of a workable Veepox chimera, and he says that it took the Vector researchers years to solve the problem. They solved it by finding more than one place in the smallpox DNA where you could insert new genes without decreasing smallpox's ability to cause disease. Many researchers feel that the smallpox virus doesn't cause disease in animals in any way that is useful for understanding its effects on humans. Alibek says that the Russians tested Veepox in monkeys, but he says that he doesn't know the results.

More recently, Alibek claims, the Vector researchers may have created a recombinant Ebola-smallpox chimera. One could call it Ebolapox. Ebola virus uses the molecule RNA for its genetic code, whereas smallpox uses DNA. Alibek believes that the Russian researchers made a DNA copy of the disease-causing parts of Ebola, then grafted them into smallpox. Alibek said he thinks that the Ebolapox virus is stable—that is, that it will replicate successfully in a test tube or in animals—which means that, once created, Ebolapox will live forever in a laboratory, and will not uncreate itself. Thus a new form of life may have been brought into the world.

''The Ebolapox could produce the form of smallpox called blackpox,'' Alibek says. Blackpox, sometimes known as hemorrhagic smallpox, is the most severe type of smallpox disease. In a blackpox infection, the skin does not develop blisters. Instead, the skin becomes dark all over. Blood vessels leak, resulting in severe internal hemorrhaging. Blackpox is invariably fatal. ''As a weapon, the Ebolapox would give the hemorrhages and high mortality rate of Ebola virus, which would give you a blackpox, plus the very high contagiousness of smallpox,'' Alibek said.

Bill Patrick became exasperated. ''Ken! Ken! I think you've got overkill here. What is the point of creating an Ebola smallpox? I mean, it would be nice to do this from a scientific point of view, sure. But with old-fashioned natural smallpox you can bring a society to its knees. You don't need any Ebolapox, Ken. Why, you're just gonna kill everybody.''

''I suspect that this research has been done,'' Alibek said calmly.

Lev Sandakhchiev, the head of Vector, strongly denies this. ''In our center we developed vaccinia-virus recombinants with VEE viruses and some others,'' he says. Vaccinia is a harmless virus related to smallpox. It is used for making vaccines.

''How much do you think it would cost to create genetically engineered smallpox?'' I asked Alibek.

''This is not expensive.'' He paused, thinking. ''A few million dollars. This is what it

cost us for making the smallpox-VEE chimera at Vector in 1990 and 1991.

Ken Alibek's statements about the genetic engineering of smallpox are disturbing. I felt a need to hear some perspective from senior scientists who are close to the situation. Dr. Peter Jahrling is the chief scientist at USAMRIID, and he has visited Russia four times in recent months. (''It seems as if all I do these days is visit Russia,'' he said to me.) He knows the scientists at Vector pretty well. He has listened to Alibek and questioned him carefully, and he doesn't believe him about the Ebola-smallpox chimera. ''His talk about chimeras of Ebola is sheer fantasy, in my opinion,'' Jahrling said. ''This would be technically formidable. We have seen zero evidence of the Vector scientists doing that. But a smallpox chimera—is it plausible? Yes, it is, and I think that's scary. The truth is, I'm not so worried about governments anymore. I think genetic engineering has been reduced to simple enough principles so that any reasonably equipped group of reasonably good scientists would be able to construct a credible threat using genetic engineering. I don't think anyone could knock out New York City with a genetically engineered bug, but someone might be able to knock out a few people and thereby make an incredible panic.''

Joshua Lederberg is a member of a working group of scientists at the National Academy of Sciences who advice the government on biological weapons and the potential for bioterrorism. He is a professor at Rockefeller University, in Manhattan, and is considered to be one of the founders of the biotechnology revolution. He received the Nobel Prize for discovering—in 1946, when he was a young man—that bacteria can swap genes with each other. It was apparent to him even back then that people would soon be moving genes around, for evil as well as good.

I found Lederberg in his office, in a modest building covered with vines, in a green island of grass and trees on Manhattan's East Side. He is in his seventies, a man of modest size and modest girth, with a trim white beard, glasses, intelligent hazel eyes, and careful sentences. Lederberg knows Alibek and Pasechnik. He said to me, ''They are offering very important evidence. You have to look carefully at what they're saying, but I offer high credibility to their remarks in general.'' He seemed to be choosing his words. As far as what was going on at Vector, he says that ''with smallpox, anything could have happened. Lev Sandakhchiev is one of the world's authorities on the smallpox genome. But there are all kinds of reasons you'd want to introduce modifications into smallpox.'' He said that you might, for example, alter smallpox in order to make a vaccine. ''You have to prove intent to make a weapon,'' he said.

Researchers normally introduce new genes into the vaccinia virus. Vaccinia doesn't cause major illness in humans, but if you're infected with it you become immune to smallpox. When the new genes are introduced into vaccinia, they tend to make the virus even weaker, even less able to trigger disease. Putting new genes into smallpox presumably might make it weaker, too. Alibek insisted that the Russians have found places in the genome of smallpox where you can insert new genes, yet the virus remains deadly.

I said to Lederberg, ''If someone is adding genes from Ebola to smallpox virus, and it's making the smallpox more deadly, as Alibek says is happening in Russia, isn't that evidence of intent to make a weapon?''

''No,'' he said firmly. ''You can't prove intent by the experiment itself. It's not even clear to me that adding Ebola genes to smallpox would make it more deadly. What troubles me is that this kind of work is being done in a clandestine way. They are not telling us what is going on. To be doing such potentially evil research without telling us what they are doing is a provocation. To do an experiment of this kind in the United States would be almost impossible. There would be an extensive review, and it might well not be allowed for safety reasons. The experiment is extremely dangerous, because things could get out of hand.''

Lederberg agreed that Russia does have a clandestine biological-weapons program today, though it's not at all clear how much Vector and Biopreparat have to do with it, since they are independent entities. As for the biological missiles once aimed at the U.S., it doesn't surprise him: ''You can put anything in a ballistic missile.''

Lederberg seems to be a man who has looked into the face of evil for a long time and hasn't blinked. He is part of a group of scientists and government officials who are trying to maintain a dialogue with Russian biologists and bring them into the international community of science. ''Our best hope is to have a dialogue with Sandakhchiev,'' he said quietly. ''There is no technical solution to the problem of biological weapons. It needs an ethical, human, and moral solution if it's going to happen at all. Don't ask me what the odds are for an ethical solution, but there is no other solution.'' He paused, considering his words. ''But would an ethical solution appeal to a sociopath?''

Terrorism is the uncontrolled part of the equation. A while ago, Richard Butler, who is the head of the United Nations Special Commission weapons-inspection teams in Iraq, remarked to me, ''Everyone wonders what kinds of delivery systems Iraq may have for biological weapons, but it seems to me that the best delivery system would be a suitcase left in the Washington subway.''

Could something like that happen? What would it be like? The truth is that no one really knows, because lethal bioterror on a major scale has not occurred. At one point in my talk with Ken Alibek in Bill Patrick's kitchen that winter afternoon, we took a break, and the former master bioweaponeers stood on the lawn outside the house, looking down on the city of Frederick. The view reaches to the Mt. Airy Ridge, a blue line in the distance. Clouds had covered the sun again.

Patrick was squinting east, with a professional need to understand the nuances of wind and cloud. ''The wind is ten to twelve miles an hour, gusting a bit.'' He pointed to smoke coming from a building in the valley. ''See the smoke there? It's drifting up a little, but see how it hangs? We have sort of an inversion today, not a good one. I'd say it's a good day for anthrax or Q fever.''

Alibek lit a cigarette and watched the sky. He appraises weather the same way Patrick does.

Suddenly Patrick turned on his heel and went into his garage. He returned in a few moments carrying a large mayonnaise jar. He unscrewed the cap. The jar contained a fine, creamy, fluffy powder, with a mottled pink tinge. The pink was the dried blood of chicken embryos, he explained. ''This is a simulant for VEE.'' It was a fake version of the weaponized brain virus. It was sterile, and had no living organisms in it. It was harmless.

The VEE virus can be grown in weapons-grade concentration in live chicken embryos. When the embryos are swimming with virus particles, you break open the eggs (you had better be wearing a spacesuit), and you harvest the sick embryos. You freeze-dry them and process them into a powder using one of Patrick's secret methods.

He shook the jar under my face. The blood-tinged powder climbed the sides of the jar. A tendril of simulated bioweapon reached for my nose.

Instinctively, I jerked my head back.

Patrick walked across the lawn and stood by an oak tree. Suddenly he extended his arm and heaved the contents of the jar into the air. His simulated brain-virus weapon blasted through the branches of a dogwood tree and took off in the wind heading straight down a meadow and across the street, booming with celerity toward Frederick. Within seconds, the aerosol cloud had become invisible. But the particles were there, moving with the breeze at a steady ten to twelve miles an hour.

Alibek watched, tugging at his cigarette, nonchalant, mildly amused. ''Yeah. You won't see the cloud now.''

''Some of those particles'll go eighteen to twenty miles, maybe to the Mt. Airy Ridge,'' Patrick remarked. The simulated brain virus would arrive in Mt. Airy in less than two hours. He walked back and put his hand on Alibek's shoulder, and smiled.

Alibek nodded.

''What are you thinking?'' I asked Alibek.

He pursed his lips and shrugged. ''This is not exciting for me.''

Patrick went on, ''Say you wanted to hit Frederick today, Ken, what would you use?''

Alibek glanced at the sky, weighing the weather and his options. ''I'd use anthrax mixed with smallpox.''

## SENATE RESOLUTION 174

The text of the resolution (S. Res. 174) as agreed to by the Senate on March 11, 1998, is as follows:

S. RES. 174

Whereas the United States maintains a close bilateral partnership with Thailand and has a profound interest in furthering that relationship;

Whereas the friendship between our two countries goes back farther than that with any other Asian nation dating back to the Treaty of Amity and Commerce and Navigation of 1833;

Whereas the bilateral trade relationship is robust and promises to grow even more so in time;

Whereas the United States security relationship with Thailand is one of our most critical, and it is in both countries' interest to maintain and strengthen that relationship;

Whereas the new Government in Thailand has committed itself to making significant structural reforms to its economy in line with the conditions placed upon it by the International Monetary Fund, including improving financial and economic transparency and cutting its budget;

Whereas the conditions imposed on Thailand by the International Monetary Fund were developed in August of 1997, when the economic environment in Asia was vastly different from that existing today;

Whereas an example of those changed circumstances is the fact that both Korea and Indonesia provided second line of defense contingency loans to Thailand in August 1997, amounting to US$500 million each; and

Whereas Thailand's democratic reforms have advanced with that country's economic growth and development: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States should enhance the close political and security relationship between Thailand and the United States and strengthen economic ties and cooperation

with Thailand to ensure that Thailand's economic recovery continues uninterrupted; and

(2) Thailand deserves praise and commendation from the United States for the measures it has implemented to resolve its financial problems.

## CORRECTION TO THE RECORD

Rollcall Vote No. 26 on page S1752 of the March 11, 1998, edition of the RECORD has been corrected to reflect the following:

The result was announced—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

| | | |
|---|---|---|
| Abraham | Hutchinson | Mack |
| Ashcroft | Hutchison | McCain |
| Brownback | Inhofe | Nickles |
| Coats | Kyl | Smith (NH) |
| Coverdell | Levin | Thompson |
| Graham | Lugar | Thurmond |

NAYS—80

| | | |
|---|---|---|
| Akaka | Enzi | Leahy |
| Allard | Faircloth | Lieberman |
| Baucus | Feingold | Lott |
| Bennett | Feinstein | McConnell |
| Biden | Ford | Mikulski |
| Bingaman | Frist | Moseley-Braun |
| Bond | Glenn | Moynihan |
| Boxer | Gorton | Murkowski |
| Breaux | Gramm | Murray |
| Bryan | Grams | Reed |
| Bumpers | Grassley | Reid |
| Burns | Gregg | Robb |
| Byrd | Hagel | Roberts |
| Campbell | Harkin | Rockefeller |
| Chafee | Hatch | Roth |
| Cleland | Helms | Santorum |
| Cochran | Hollings | Sarbanes |
| Collins | Inouye | Smith (OR) |
| Conrad | Jeffords | Snowe |
| Craig | Johnson | Specter |
| D'Amato | Kempthorne | Stevens |
| Daschle | Kennedy | Thomas |
| DeWine | Kerrey | Torricelli |
| Dodd | Kerry | Warner |
| Domenici | Kohl | Wellstone |
| Dorgan | Landrieu | Wyden |
| Durbin | Lautenberg | |

NOT VOTING—2

| | |
|---|---|
| Sessions | Shelby |

## MESSAGES FROM THE HOUSE

At 4:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 992. An act to end the Tucker Act shuffle, and for other purposes.

H.R. 1432. An act to authorize a new trade and invest policy for sub-Saharan Africa.

H.R. 2883. An act to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 992. An act to end the Tucker Act shuffle, and for other purposes; to the Committee on the Judiciary.

H.R. 2883. An act to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports; to the Committee on Governmental Affairs.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation.

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of two years. (Reappointment)

Orson Swindle, of Hawaii, to be a Federal Trade Commissioner for the term of seven years from September 26, 1997, term expired, to which position he was appointed during the last recess of the Senate.

Mozelle Willmont Thompson, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 1996, to which position he was appointed during the last recess of the Senate.

Winter D. Horton, Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002, term expired.

Christy Carpenter, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002, term expired.

The following-named officers for appointment in the U.S. Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral*

Rear Adm. (lh) Joseph J. McClelland, Jr., 1599
Rear Adm. (lh) John L. Parker, 7443
Rear Adm. (lh) Paul J. Pluta, 4222
Rear Adm. (lh) Thad W. Allen, 3199

The following-named officers for appointment in the U.S. Coast Guard to the grade indicated under title 14 U.S.C., section 271:

*To be rear admiral (lower half)*

Capt. David S. Belz, 7006
Capt. James S. Carmichael, 7926
Capt. Roy J. Casto, 8656
Capt. James A. Kinghorn, 8699
Capt. Erroll M. Brown, 1778

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably seven nominations lists in the Coast Guard and National Oceanic and Atmospheric Administration, which were printed in full in the CONGRESSIONAL RECORD on November 6, 1997, January 29, 1998 and March 3, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of November 6, 1997, January 29, 1998 and March 3, 1998, at the end of the Senate proceedings.)

In the Coast Guard nominations beginning Cdr. Claudio R. Azzaro, and ending Cdr. Jerry J. Saulter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 6, 1997.

In the Coast Guard nominations beginning Stephen W. Rochon, and ending Louis M. Farrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Robert L. Clarke, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Kerstin B. Rhinehart, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nomination of Maury M. Mcfadden, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the National Oceanic and Atmospheric Administration nominations beginning James A. Illg, and ending Jennifer D. Garte, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Coast Guard nominations beginning William J. Shelton, and ending Keith O. Pelletier, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998.

## 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. MACK (for himself, Mr. BREAUX, Mr. TORRICELLI, Mr. LOTT, Mr. HATCH, Mr. MURKOWSKI, Mr. DEWINE, Mr. HAGEL, Mr. KYL, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COCHRAN, and Mr. HELMS):

S. 1748. A bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period; to the Committee on Finance.

By Mr. ALLARD (by request):

S. 1749. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself and Mr. DOMENICI):

S. 1750. A bill to amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SPECTER:

S. 1751. A bill to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction; to the Select Committee on Intelligence.

By Mr. KYL:

S. 1752. A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1753. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. BINGAMAN, Mr. COCHRAN, and Mr. INOUYE):

S. 1754. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. BREAUX, Mr. TORRICELLI, Mr. LOTT, Mr. HATCH, Mr. MURKOWSKI, Mr. DEWINE, Mr. HAGEL, Mr. KYL, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COCHRAN, and Mr. HELMS):

S. 1748. A bill to amend the Internal Revenue Code of 1986 to provide that the reduced capital gains tax rates apply to long-term capital gain from property with at least a 1-year holding period; to the Committee on Finance.

THE CAPITAL GAINS SIMPLIFICATION ACT OF 1998

Mr. MACK. Mr. President, today I am introducing the Capital Gains Simplification Act of 1998. This legislation will significantly improve the tax treatment of capital gains and would benefit all Americans. It would restore the one-year holding period (from the current 18 month requirement) to qualify for the lower capital gains tax rates the Republican Congress enacted last year. This simple change would dramatically reduce tax compliance costs, lessen the punitive lock-in effect on capital, and yield additional federal revenue in the first two years.

Capital investment is the key to economic growth and our future standard of living. That's why we successfully fought to give the American people significant tax relief on their savings and investments last year. We reduced the top rate on capital gains from 28 percent to 20 percent. Typical taxpayers in the 15 percent tax bracket had their capital gains tax rate lowered even more—to 10 percent.

Unfortunately, in order for taxpayers to qualify for lower capital gains tax rates, the Clinton Administration dictated an increase in the holding period from one year to 18 months when the Taxpayer Relief Act of 1997 was in conference. This arbitrary new holding period creates an awkward rate structure in which gains held between 12 and 18 months are taxed at higher rates. This dramatically and unnecessarily complicates tax calculations and compliance costs for taxpayers, investment firms, and the IRS.

For most Americans, their tax accounting and investment changes are timed on a one year basis, thus making the new 18-month holding period out of sync with investment and tax filing standards. This longer holding period also reduces economic efficiency and the flow of capital by artificially locking-in investments for longer durations. Additionally, Americans who may need to sell an investment before holding it 18 months—for instance, to pay a tuition bill or medial expense—are punished with higher tax rates under current law. This makes little sense and must be corrected.

My bill would restore a straightforward one-year holding period for capital gains. It would greatly simplify the tax compliance burden, reduce punitive taxation, and improve economic efficiency. Simply stated, it would make it easier and more rewarding for Americans to save and invest for their futures.

New entrepreneurial activity that boosts economic growth takes money, and the demands for capital are the greatest they have been in decades. New technologies are opening the door to greater productivity gains and new products. We must ensure that the adequate savings and investment needed to fuel new technologies and productivity gains are available.

Any tax on capital gains represents punitive double taxation, and often taxes illusory gains due simply to inflation. And capital gains are not just for the ''rich.'' According to IRS tax return data, 54 percent of taxpayers reporting capital gains have incomes below $50,000—meaning more than 8 million households earning less than $50,000 can benefit from the capital gains tax relief Congress provided last year. Many senior citizens depend on cashing in their capital gains as their major source of income during retirement. More than 80 percent of capital gains are reported by households with less than $100,000 in income.

It's no secret that a large and growing number of ordinary middle-income Americans are directly or indirectly invested in the stock market. They invest directly by buying shares themselves or indirectly through savings in mutual funds, IRA accounts, or pension plans at work. The proportion of families who own stocks has increased dramatically. By simplifying the tax treatment of capital gains, this legislation would encourage families to save even more and would make it easier for them to buy a home, prepare for retirement, or pay for their children's education.

Let's not forget that capital gains taxes are largely a voluntary tax, since investors decide when they sell their assets. Investors should be allowed to freely move their money into new investments without paying punitive tax rates due to arbitrary holding periods. Locking up capital with longer holding periods can only diminish our chances of achieving our greatest growth potential.

By returning the capital gains holding period to one year, the Capital Gains Simplification Act would cut tax compliance costs, but more importantly, it would help unleash greater investment opportunities, create jobs, and boost growth to the benefit of all Americans.

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

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

S. 1748

*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 ''Capital Gains Simplification Act of 1998''.

**SEC. 2. 1-YEAR HOLDING PERIOD FOR ANY LONG-TERM CAPITAL GAIN.**

(a) IN GENERAL.—Section 1(h)(4) of the Internal Revenue Code of 1986 (defining adjusted net capital gain) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) CONFORMING AMENDMENTS.—Section 1(h) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (6), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The term 'unrecaptured section 1250 gain' means the amount of long-term capital gain which would be treated as ordinary income if section 1250(b)(1) included all depreciation and the applicable percentage under section 1250(a) were 100 percent.'',

(2) by striking paragraphs (8), (10), and (11),

(3) in paragraph (9), by striking ''section 1202 gain, or mid-term gain'' and inserting ''or section 1202 gain'',

(4) by redesignating paragraph (9) as paragraph (8), and

(5) by adding at the end the following:

''(8) TREATMENT OF PASS-THRU ENTITIES.—

''(A) IN GENERAL.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this subsection in the case of sales and exchanges by pass-thru entities and of interests in such entities.

''(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

''(i) a regulated investment company,

''(ii) a real estate investment trust,

''(iii) an S corporation,

''(iv) a partnership,

''(v) an estate or trust, and

''(vi) a common trust fund.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. ALLARD (by request):

S. 1749. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fist recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Environment and Public Works.

THE UPPER COLORADO RIVER AND SAN JUAN RIVER ENDANGERED FISH RECOVERY ACT OF 1998

Mr. ALLARD. Mr. President, today I am introducing the Upper Colorado River and San Juan River Endangered Fish Recovery Act of 1998, legislation that is designed to authorize activities taking place on the Upper Colorado River Basin and the San Juan River Basins to protect various endangered fish species.

The legislation is the product of meetings between water districts,

power users, state and federal governments, and environmental groups and by no means reflects consensus. What it does reflect is a bargaining point that all agree is the proper place to begin. At the request of these groups I am introducing this legislation. I would also like to include in the RECORD letters requesting that I introduce this legislation.

I want my position to be clear, it is my view that authorizing legislation should provide certainty to water users in Colorado under the Endangered Species Act and should also allow Coloradans a greater ability to develop their full allotment of the Colorado River. It's also my view that the Fish & Wildlife Service, who are preparing a biological opinion on the program, should reach the conclusion that the program meets the criteria necessary to reach that goal.

So while at this point I am only introducing this legislation upon request, I hope that after further negotiations among all parties and the biological opinion issued by the FWS all parties involved will support this, or subsequent, legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SOUTHEASTERN COLORADO
WATER CONSERVANCY DISTRICT,
*Pueblo CO, February 24, 1998.*

Re Upper Colorado River Endangered Fish Recovery Program—Authorizing Legislation.

Hon. WAYNE ALLARD,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ALLARD: As we discussed during your visit to Pueblo last week (February 19th), the Southeastern District did not join other water users in signing the Upper Colorado River Basin Water Users February 13th letter supporting the introduction of authorizing legislation for the long-term funding of the Colorado River Endangered Fish Recovery Program. We now wish to voice our support for introduction of the proposed legislation, but ask that you consider the Southeastern District's concerns while moving the bill through the process.

While we are supporting introduction at this time, we do so with some measure of concern. Prior to our February 19th meeting, the Board of the District has held the position that before authorizing legislation is introduced the fish and Wildlife Service should first issue a favorable biological opinion (BO) stating that the Recovery Program does indeed serve as the reasonable and prudent alternative for all water projects diverting above the upper Colorado River 15-mile reach. That BO is not yet complete, so uncertainty still exists. In addition, the District has been cautious in our support for the Recovery Program because one of the key elements of the Program requires a commitment of water from Ruedi Reservoir, which is a component of the Fryingpan-Arkansas Project.

The commitment of water from Ruedi Reservoir to augment flows in the 15-mile reach for endangered fish has not yet been positively resolved, which is the major reason why the Southeastern District has resisted the introduction of Recovery Program legislation. The Fish & Wildlife Service has made it clear that they want a permanent allocation of Ruedi Water, or water from another source, to meet the objectives under the Recovery Program. Such a re-allocation of water may mean that the original authorizing legislation from the Fry-Ark Project (Public Law 87–590, August 16, 1962) would need to be reopened in order to forgive the costs of construction associated with the Ruedi water, and possibly to authorize the transfer of the water from the intended irrigation and M&I use to endangered fish use.

As you will understand, the Southeastern District is concerned with re-opening our Fry-Ark Project authorizing legislation without some guarantee that our full entitlements for irrigation and M&I water deliveries, and other benefits under the Project, will be protected.

Given these concerns, the District had heretofore withheld our support for the introduction of Recovery Program long-term funding authorization legislation. We now ask that the legislation move forward under your leadership. However, our continued support for the legislation in the months to come will in part be contingent upon the positive resolution of the Ruedi Reservoir water commitment element of the Recovery Program, and the issuance of a favorable programmatic biological opinion.

Thank you for considering our concerns as a part of your work on this important piece of legislation.

Sincerely,

STEVEN ARYESCHOUG,
*General Manager.*

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STATE OF COLORADO,
OFFICE OF THE EXECUTIVE DIRECTOR,
DEPARTMENT OF NATURAL RESOURCES,
*Denver, CO, February 25, 1998.*

Hon. WAYNE ALLARD,
*Hart Building, Washington, DC.*

DEAR SEN. ALLARD: I am writing to ask you to introduce legislation to statutorily authorize the federal government's participation in the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Recovery Implementation Program (Recovery Programs).

These programs allow water development to proceed while states, water users, environmental groups and Indian tribes work with federal agencies to recover four endangered fish species. However, if the recovery programs are really to achieve their intended purposes, clear statutory authority is needed to help ensure that funds will continue to be requested by the Department of the Interior and appropriated by Congress.

Water users have assisted officials from Colorado, New Mexico, Utah and Wyoming to draft legislation that will provide the needed authority.

However, Colorado water users recognize that statutory authority alone will not make the programs successful. As a result, they have been working with me to clarify how the Upper Colorado River program and the U.S. Fish and Wildlife Service will address future depletions in the 15-mile reach of the Colorado River near Grand Junction.

It is my understanding that water users support the introduction of legislation while these negotiations continue and may withdraw their support at any time. Introducing legislation now would also allow Congress to exercise some programmatic oversight and tailor the legislation to reflect agreements reached through the 15-mile reach discussions.

I hope that you will introduce this legislation and continue to support the efforts of water users to ensure the recovery program continues to offer the best opportunity to address water needs and environmental obligations to the arid West.

Very truly yours,

JAMES. S. LOCHHEAD,
*Executive Director.*

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UPPER COLORADO RIVER
BASIN WATER USERS,
*Loveland, CO, February 13, 1998.*

Hon. WAYNE ALLARD,
*U.S. Senate, Washington, DC.*

DEAR SENATOR ALLARD: Thank you for circulating a draft legislation that would authorize long-term funding for the Colorado River Endangered Fish Recovery Program. We have reviewed the draft that was attached to your letter of November 14, 1997, and believe that this legislation should receive further consideration by all interested parties. As is often the case with legislation, of this nature, none of the organizations that we represent are prepared to endorse this particular draft, and all of the interested parties have served their right to suggest amendments to or withdraw support for legislation. However, we support the introduction of this legislation at this time, as we believe that the hearing and markup process will provide the best way to resolve the remaining issues.

Thank you for taking the time to work on this important issue.

Sincerely,

H.J. Barry, Denver Water Department; Eric W. Wilkinson, Northern Colorado Water Conservancy, Resources District; Larry W. Clever, Ute Water Conservancy District; Cliff Inbau, City of Aurora Utilities; Gregory Trainor, Utility Manager, City of Grand Junction; Dale Tooker, Manager, Clifton Water District; Richard E. Kuhn, Colorado River Conservation District; Philip Saletta, Colorado Springs Utilities, Water Department; Richard Proctor, Manager, Grand Valley Water Users' Association; James D. Rooks, Orchard Mesa Irrigation District; John R. Fetcher, Upper Yampa Water Conservation District; and Alan C. Hamel, Board of Water Works of Pueblo.

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By Mrs. HUTCHISON (for herself and Mr. DOMENICI):

S. 1750. A bill to amend section 490 of the Foreign Assistance Act of 1961 to establish an additional certification with respect to major drug-producing and drug-transit countries, and for other purposes; to the Committee on Foreign Relations.

MEXICO AND THE DRUG CERTIFICATION PROCESS LEGISLATION

Mr. DOMENICI. Mr. President, I am pleased to rise today with the distinguished junior Senator from Texas (Mrs. HUTCHISON) to introduce a bill to bring some much needed credibility and flexibility to the drug certification process.

As my colleagues are aware, the President recently announced his annual decision regarding which countries would be certified as ''fully cooperating'' with the United States in the drug war. Once again, in the face of overwhelming evidence that full certification was unwarranted, the President found that Mexico has fully cooperated. This decision essentially means that the President has announced to the American people and

the world that Mexico is a full partner in our anti-narcotics efforts.

Mr. President, I understand that Mexico has made some progress in recent years in combating the drug cartels. And for that, the Mexican government deserves some credit. But, I simply cannot accept the Administration's flawed decision that Mexico has fully cooperated with the United States. There were too many instances of drug-related corruption and violence in the past year which support the opposite conclusion—that Mexico deserves something less than full certification.

Mr. President, I could take all day to explain to my colleagues in the Senate why I believe that Mexico does not deserve full certification this year. Instead, I would like to point out a just few facts which lead me to that conclusion.

First, I would direct my colleagues to a Washington Post article dated March 9th—just this week—entitled ''2,000 Miles of Disarray in the Drug War—U.S./Mexico Border Effort 'A Shambles.'" The article points out what I think everyone, including the President of the United States, knows about our border drug effort with Mexico: it simply has been a failure.

The article notes that despite the official rhetoric from Washington praising Mexico's cooperation, U.S. law enforcement officials on the ground are saying that the joint U.S.-Mexico effort to establish Bilateral Border Task Forces to combat the drug cartels has been a disaster. I think the time has come for Congress and the President to pay more attention to what our law enforcement officials at the front lines of the drug war are saying about Mexico and its level of cooperation. It's clear the views of law enforcement are far different than those of the diplomats at the State Department and the embassies.

According to the news article, for the past 14 months, DEA, FBI and Customs agents have refused to cross the border into Mexico because Mexico will not allow them to carry weapons to protect themselves. These agents were supposed to be the front line in the U.S. contribution to the joint border effort, but Mexico's unwillingness to allow them even the most basic protections has rendered our agreement to work together meaningless.

The news story also states that corruption has almost completely eroded the trust and confidence of U.S. officials in the integrity of Mexican law enforcement. The report notes that at least five senior Mexican officers involved in the Border Task Force program have been arrested on suspicion of taking bribes from the drug cartels, participating in the kidnaping of key witnesses or stealing confiscated cocaine.

One former Mexican federal police commander in charge of intelligence gathering for the Border Task Forces was fired last year for taking bribes from the cartels. U.S. and Mexican law enforcement officials now have identified this individual as a suspected drug trafficker in Arizona, but U.S. requests for information from Mexico about his activities have gone unanswered. How is that ''full cooperation?'' I can tell you that U.S. law enforcement officials do not think this is full cooperation—Tom Constantine, the head of the DEA said as much in a recent Senate hearing.

Mexico also has failed to cooperate in another key area: extradition. Once again, the Administration claims that Mexico has increased its willingness to cooperate with the United States on extradition. Yet, once again, there is no evidence that Mexico has made efforts to capture and extradite to the U.S. for trial any high-ranking Mexican national drug lords. Our law enforcement officials risk their lives gathering information to obtain indictments against Mexican drug traffickers, yet very few are ever captured and sent here for trial. In fact, the President's own 1998 International Narcotics Control Strategy Report, which is full of information which is supposed to justify the President's decision, states that ''to date, no major Mexican drug traffickers have been extradited to the United States.'' To this Senator, that is unacceptable.

Mr. President, I realize that drug related violence has become an epidemic in Mexico. The recent death of Amado Carillo Fuentes, the cartel kingpin known as ''the Lord of the Skies,'' has lead to increased violence as the other cartels work to realign themselves in an attempt to take over Carillo's turf. In fact, recent reports are that two of the largest remaining Mexican cartels (the Caro Quintero and Arellano Felix organizations) have joined together to form ''The Federation''—the largest drug cartel in Mexico. This presents new and more difficult law enforcement questions for the United States and Mexico.

But until recently, I did not realize how deeply the drug cartels have become embedded in Mexican and even parts of U.S. popular culture. Then I read a March story in the Washington Post about ''narcocorridos,'' Mexican folk ballads which tell stories about the violent exploits of drug smugglers. Narcocorridos glamorize drug-related shootouts with the police, betrayals, paid executions and the wealth associated with narcotics trafficking. There apparently are hundreds of music groups recording and singing these songs, which are wildly popular in Mexico and parts of southern California. That is a disturbing comment on the power the drug cartels possess.

Mr. President, I have not sought recognition today simply to talk about Mexico's shortcomings and what I believe are the flaws in the President's certification decision. I realize that the certification statute itself is flawed. It's too inflexible and is written in a way which leads to the absurd results we have seen with respect to Mexico in the last several years. We in Congress have a duty to take a look at this law and figure out a way to fix it.

So today with my colleagues from other border states, we have introduced a bill which I believe is a good starting point in the debate about the certification process. Our bill would take what I think are two important steps in improving the certification statute. The bill: (1) provides the President with a new option, called ''qualified certification''; and (2) emphasizes the important contribution our drug-fighting U.S. law enforcement agencies make by giving them a greater role in the certification process.

Under our bill, the President would no longer be forced to make the decision between ''full certification'' or de-certification, as is the case under current law. The fatal flaw of the certification statute is that it rigidly requires the President to make a choice between ''full cooperation'' and ''no cooperation'', when in reality many countries fall somewhere in between.

Our bill allows the President to make a ''qualified certification'' of countries which have cooperated with the United States, but have failed to make adequate progress in certain areas. Countries which receive a designation of qualified certification would continue to be eligible for the full spectrum of multilateral and bilateral assistance—they would not be penalized as they are if they are de-certified.

Instead, qualified certification would trigger the creation of a high-level contact group headed by the Attorney General and consisting of the Secretary of State, the heads of the DEA and FBI, the Drug Czar and others. The members of the contact group would be tasked with meeting with their high ranking counterparts in other countries to set measurable goals relating to law enforcement matters like extradition, eradication, money laundering or other appropriate counter-narcotics concerns.

The President then would consult with the Attorney General and issue a report to Congress setting forth the goals established by the high-level contact group and report back the following year on the progress made in meeting those goals. The President also would be required to take a country's progress into consideration when making the certification decision the following year.

Mr. President, I have long believed that law enforcement agencies are capable of providing the most accurate picture of whether a country has fully cooperated with our anti-drug efforts. I also have felt that the certification statute is too rigid, too punitive and fails to recognize the critical role U.S. law enforcement plays in our counter-narcotics strategy. I think this bill is a step in the right direction, a step towards fixing the certification process. I thank my colleague from Texas.

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By Mr. KYL:

S. 1752. A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Energy and Natural Resources.

FOREST SERVICES LEGISLATION

MR. KYL. Mr. President, the U.S. Forest Service is interested in exchanging or selling six unmanageable, undesirable and/or excess parcels of land in the Prescott, Tonto, Kaibab and Coconino National Forests. If the parcels are sold, the Forest Service wants to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. Funds generated from the sale of the sixth parcel could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under this bill will be done in accordance with all other applicable laws, including environmental laws.

Mr. President, this bill will enhance customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. It offers a simple and commonsense way to enhance services for national forest users in Arizona, and to facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands.

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. 1752

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

**SECTION 1. DEFINITIONS.**

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

**SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

(a) IN GENERAL.—The Secretary, under such terms and conditions as the Secretary may prescribe, may sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres and the Fredonia Dwelling Site, comprising approximately 1.58 acres, as depicted on the map entitled ''Fredonia Duplex Dwelling, Fredonia Ranger Dwelling'', dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled ''Groom Creek Administrative Site'', dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Ranger Station Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Ranger Station Administrative Site'', dated April 12, 1997.

(b) EXCHANGE ACQUISITIONS.—The Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site under subsection (a).

(c) APPLICABLE AUTHORITIES.—A sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may—

(1) use public or private solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

**SEC. 3. DISPOSITION OF FUNDS.**

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'') and shall be available for expenditure, until expended, for—

(1) the acquisition of land and interests in land for administrative sites; and

(2) the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest.

**SEC. 4. REVOCATIONS.**

(a) PUBLIC LAND ORDERS.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative sites, public land orders withdrawing the administrative sites from all forms of appropriation under the public land laws (including the mining laws but not the mineral leasing laws) are revoked for any portion of the administrative sites conveyed by the Secretary.

(b) EFFECTIVE DATE.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site.

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By Mrs. FEINSTEIN:

S. 1173. A bill to amend the Internal Revenue Code of 1986 to encourage school construction and rehabilitation through the creation of a new class of bond, and for other purposes; to the Committee on Finance.

THE EXPAND AND REBUILD AMERICA'S SCHOOLS ACT OF 1998

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to help our public schools reduce overcrowding. The bill is the companion of H.R. 2695, a bill introduced by my California colleague, Representative LORETTA SANCHEZ, a member of the House Education and Workforce Committee.

THE LEGISLATION

This legislation has several major provisions:

It provides a tax credit for the bond holders of school construction bonds. Under the 1997 Taxpayer Relief Act, schools which meet specific criteria can issue ''qualified zone academy bonds.'' The bonds generate a tax credit, rather than interest, for the bond holder, but can only be used to rehabilitate existing schools, not construct new facilities. Our bill allows the credit for school construction, as well.

It revises the criteria to address high growth areas and increase the number of schools who qualify. Under current law, only school districts with a poverty rate of 35 percent or more (as measured by participation in the school lunch program) and can demonstrate public support by raising at least 10 percent of the bond amount from private individuals or companies could take advantage of the credit. State education officials indicate schools, particularly small districts who need federal assistance, have difficulty reaching the private support requirement. This bill deletes the private support requirement of current law.

To qualify to use the bonds, the bill requires schools to meet state academic achievement standards and to have an average student-teacher ratio of 28 to one. Clear student achievement standards are essential to make schools accountable for learning and many states are developing those standards. California, for example, has adopted math and language content standards. Research shows that smaller classes improve learning and teaching and California is now implementing a class size reduction program in grades K–3.

Under the bill, bonds may be used if school districts meet one of three criteria:

The school is over 30 years old or the bonds will be used to install advanced or improved telecommunications equipment;

The student growth rate will be at least 10 percent over the nest 5 years; and

The construction or rehabilitation is needed to meet natural disaster requirements.

The legislation focuses the tax credit assistance on our most serious construction needs. In my State, for example, 60 percent of our schools are over 30 years old and our schools must be built to withstand earthquakes, floods, El Nino and other natural disasters. California's State earthquake building standards can add 3 to 4 percent to construction costs.

The bond program will provide important assistance for school districts across America. Because the bonds provide a tax credit to the bond holder, the bond is supported by the Federal treasury, not the local school district. This helps small and low-income area school districts, because low-income communities with the highest school rehabilitation/construction needs may have to pay the highest interest rates in order to issue the bonds, if they can be issued at all.

SCHOOL ENROLLMENT IS SOARING

Our public schools face a daunting challenge for the 21st century. This year, a record 52.2 million children will attend America's schools, a growth trend that will continue, reaching more than 54 million by 2007.

Growth over the next decade will be most severe at the secondary school level, with enrollment growth expected to grow by 1.7 million or more than 13 percent.

Nearly one-half of all states will experience a 15 percent growth in the number of public high school graduates by 2007.

More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced.

Unlike the previous baby boom, there will be no sharp decline in enrollment after 2007; enrollment will maintain a stable level afterwards. Thus, school districts face escalating long-term needs.

Schools are costly. Modern schools are a significant investment for even the wealthiest of communities. Average elementary school construction costs are $6.3 million, while average high school construction costs exceed $15 million. School facilities can be well beyond the reach of many local communities. The federal government should become a partner by providing targeted assistance for high growth areas.

THE CALIFORNIA CHALLENGE

In California, construction needs are soaring. My state will have the nation's largest enrollment increases of all states during the next ten years.

California's 18.3 percent school enrollment rate will triple the U.S. rate of 5.7 percent between 1996 and 2006.

Each year between 160,000 and 190,000 new students enter California classrooms.

California's high school enrollment is projected to increase by 35.3 percent by 2007. Approximately 920,000 students are expected to be admitted to schools in the State during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 12 new classrooms a day until 2001 just to keep up with the growth in student population.

The California Department of Finance forecasts that the State must spend $22 billion on schools during the next decade to keep pace with growth and to modernize and repair schools that have been allowed to deteriorate.

Based on growth forecasts, California would need to add about 327 schools over the next three years just to keep pace with the projected growth. Yet these phenomenal construction rates would only maintain current use and would not even begin to relieve current overcrowding.

In addition to new facilities, existing education facilities need to be renovated to meet today's learning needs. Today's schools require a modern infrastructure, with wiring capable of meeting today's computer needs. However, more than 60 percent of California's schools were built over 30 years ago. According to the General Accounting Office, 87 percent of the public schools in California indicate they need to upgrade and repair buildings.

The burden on local school districts is overwhelming school districts and local taxpayers. As an example, in order to build it's way out of overcrowding, Oceanside School District in San Diego, would need to build four elementary schools, two middle schools, and a high school at an estimated cost of $110 to $140 million.

In addition to these pressures, our state, commendably, is reducing class sizes in grades K through 3 because smaller classes improve teaching and learning. We have the largest pupil-teacher ratios on the country and fortunately, are beginning to address what is a most serious education problem. But smaller classes mean more classrooms.

In short, California's needs are immense and States and local communities need the federal partner.

IMPORTANT TO EDUCATION

School overcrowding places a heavy burden on teachers and students. Studies show that the test scores of students in schools in poor condition can fall as much as 11 percentage points behind scores of students in good buildings. Other studies show improvements of up to 20 percent in test scores when students move to a new facility.

Here are several examples of the toll that crowding is taking in my State.

At Horace Mann Year-round School in Oakland, increasing enrollment and class size reductions require some teachers and students to pack up and move to a new classroom every month.

At John Muir Elementary School in San Bruno, one class spent much of the year on the stage of the school's multipurpose room as it waited for portables to arrive.

Anaheim City School District has a 6% enrollment growth rate, double the state average and recently approved the purchase of 10 portable buildings, at a cost of $235,000 to relieve overcrowding.

This bill will concentrate tax benefits on high growth areas across the country and improve education. Teachers and students must be free to concentrate on learning, yet school overcrowding undermines the health and morale of students and teachers, disrupting the education process. Overcrowded schools prevent both teachers and students from reaching their full potential.

DIFFERENCES FROM THE SANCHEZ BILL

This legislation builds upon existing law, as well as H.R. 2695, legislation proposed by Representative LORETTA SANCHEZ in the House. The legislation differs from H.R. 2695 in the following respects:

(1) It expands the type of school construction for which the bonds can be used. In addition to construction to relieve overcrowding in the Sanchez bill, under this bill bonds may be used to rehabilitate schools over 30 years old, improve the communications infrastructure, make repairs following a natural disaster and retrofit to meet potential disasters.

(2) This bill does not include the requirement of the Sanchez bill that at least 10 percent of the bond proceeds be raised from the private sector. I believe this would be a burdensome hurdle for most school districts.

(3) Under H.R. 2695, bonds could be used only by school districts with 35 percent or more of their students eligible for food stamps. Under this bill, bonds would be available to any district meeting the high growth, aging facilities, telecommunications or disaster criteria.

(4) Representative SANCHEZ's bill allows only financial institutions to claim the tax benefit. Under this bill, any taxpayer as a bond holder could claim the credit.

I believe these changes strengthen the bill and create more financing options for school districts.

CONCLUSION

Our Nation's school districts face huge challenges as we move toward the 21st century, with a record 52.2 million children this year and a growing school population forecast well into the next century. The legislation proposes modest, targeted Federal support for school bonds in growth areas, offering important assistance to school districts, teachers, parents and students. I ask unanimous consent to place the legislation and a legislative summary in the RECORD.

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

S. 1753

*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 ''Expand and Rebuild America's Schools Act of 1998''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Many States and school districts will need to build new schools to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(2) In response to reduced class mandates enforced by State governments and increased enrollment, many school districts have been forced to utilize temporary classrooms and other structures to accommodate increased school populations, along with resorting to year-round schedules for students.

(3) Research has proven a direct correlation between the condition of school facilities and student achievement. Recently, researchers found that the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points behind the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a school with poor facilities to a new facility.

(4) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities, and the poorest communities have had the greatest difficulty meeting this need.

(5) Many local educational agencies have difficulties securing financing for school facility construction and renovation, especially in States that require a ⅔ majority of voter approval for the passage of local bond initiatives.

(6) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for businesses to support local school infrastructure improvement efforts.

(7) The United States competitive position within the world economy is vulnerable if America's future workforce continues to be educated in schools not equipped for the 21st century. America must do everything in its power to properly educate its people to compete in the global marketplace.

**SEC. 3. PURPOSE.**

The purpose of this Act is to help local educational agencies bring all public school facilities up to an acceptable standard and build the additional classrooms needed to educate the growing number of students who will enroll in the next decade.

**SEC. 4. CREDIT TO HOLDERS OF SCHOOL CONSTRUCTION BONDS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

**"SEC. 45D. CREDIT TO HOLDERS OF SCHOOL CONSTRUCTION BONDS.**

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a school construction bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any school construction bond is the amount equal to the product of—

''(1) the credit rate determined by the Secretary under section 1397E(b)(2) for the month in which such bond was issued, multiplied by

''(2) the face amount of the bond held by the taxpayer on the credit allowance date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than under this section and subpart C thereof, relating to refundable credits) and section 1397E.

''(d) SCHOOL CONSTRUCTION BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'school construction bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school established by an eligible local education agency,

''(B) the bond is issued by a State or local government within the jurisdiction of which such school is located,

''(C) the issuer—

''(i) designates such bond for purposes of this section, and

''(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

''(D) the term of each bond which is part of such issue does not exceed the maximum term permitted under section 1397E(d)(3).

''(3) QUALIFIED SCHOOL.—

''(A) IN GENERAL.—The term 'qualified school' means any public school which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(i) such public school is designed to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for postsecondary education and the workforce,

''(ii) students in such public school will be subject to the academic achievement standards and assessments established by the State,

''(iii) a program to alleviate overcrowding and to improve students' education has been constructed,

''(iv) the average student-teacher ratio for the school district in which such school is located as of the date of the issuance of the bonds is at least 28 to 1, and

''(v) at least 1 of the following requirements is met:

''(I) The proceeds from the issuance of the bonds will be used for new school construction, the rehabilitation of school facilities which are more than 30 years old as of the date of such issuance, or the provision of advanced or improved communications infrastructure.

''(II) There is a reasonable expectation (as of the date of issuance of the bonds) that the student growth rate over the next 5 years for the school district in which such public school is to be located will be at least 10 percent.

''(III) Construction or rehabilitation activities are needed as the result of natural disasters or to mitigate the cost of potential disasters.

''(B) ELIGIBLE LOCAL EDUCATION AGENCY.—The term 'eligible local education agency' means any local educational agency as defined in section 14101 of the Elementary and Secondary Education Act of 1965.

''(4) QUALIFIED PURPOSE.—

''(A) IN GENERAL.—The term 'qualified purpose' means, with respect to any qualified school, constructing or rehabilitating a school facility.

''(B) SCHOOL FACILITY.—The term 'school facility' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility whose primary purpose is the instruction of public elementary or secondary students. Such term does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

''(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national school construction bond limitation for each calendar year. Such limitation is $1,400,000,000 for 1999 and 2000, and, except for carryovers as provided under the rules applicable under paragraph (2), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—

''(A) STATE ALLOCATION.—The national school construction bond limitation for a calendar year shall be allocated by the Secretary among the States on the combined basis of the following factors:

''(i) The respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

''(ii) The respective projected growth rates in the number of students over the next 5 years and 10 years (as determined by the Secretary of Education).

''(B) SCHOOL ALLOCATION.—The limitation amount allocated to a State under the subparagraph (A) shall be allocated by the Secretary of Education to qualified schools within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2)(B) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the limitation amount for any State, exceeds

''(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(f) OTHER DEFINITIONS.—The definitions in subsections (d)(6) and (f) of section 1397E shall apply for purposes of this section.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section.''

(b) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45D. Credit to holders of school construction bonds.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1998.

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FEINSTEIN LEGISLATION TO PROVIDE TAX CREDITS FOR SCHOOL CONSTRUCTION BONDS

PROPOSED LEGISLATION

Provides a tax credit for school construction and rehabilitation bonds. Similar to the ''Qualified Zone Academy Bonds'' created by the 1997 Taxpayer Relief Act, bondholders would receive a tax credit, rather than interest.

To qualify to use the bonds, schools must meet state academic achievement standards and have an average student-teacher ratio of 28 to 1.

Bonds may be used if school districts meet one of three criteria:

(1) The school is over 30 years old or the bonds are used to provide advanced or improved telecommunications infrastructure;

(2) Student growth rate will be at least 10 percent over the next 5 years;

(3) School construction or rehabilitation is needed to meet natural disaster requirements.

Bond proceeds could be used for both new construction and rehabilitation of existing school facilities, unlike the QZAB law, which could be used only to rehabilitate existing schools.

Bonds could be used to rebuild following a natural disaster or mitigate the potential cost of future natural disasters. The school bonds can help communities rebuild following a tornado or earthquake, as well as retrofit buildings to reduce the potentially devastating cost of future disasters.

Any bond holder is eligible to claim the credit. While only banks could claim the QZAB bond tax credit, the new bond credit would be available to any purchaser, including other businesses or private citizens.

EDUCATION BACKGROUND

School overcrowding, the challenge for the 21st century: This year, a record 52.2 million children will attend America's schools, rising to more than 54 million by 2007. Secondary school enrollment is expected to grow by 1.7 million, or 13%.

A National Problem: Nearly one-half of all states will experience a 15% growth in the number of public high school graduates by 2007.

Facilities for Today's Needs: More than ⅓ of the nation's existing schools are at least 50 years old and need to be repaired or replaced. The GAO reports fewer than half of the public schools have sufficient technology infrastructure, including phone lines, and wiring for networks.

Addressing a Long Term Need: Unlike the previous ''baby boom,'' school enrollment is not expected to decline after 2007. Communities will face a long-term funding challenge for school construction and rehabilitation.

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By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. BINGAMAN, Mr. COCHRAN, and Mr. INOUYE):

S. 1754. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

Mr. FRIST. Mr. President, I rise to introduce the Health Professions Reauthorization Act. First, I would like to tell you a story illustrating the importance of this legislation, which strives to increase the numbers of health practitioners in rural, underserved areas, to increase the number of underrepresented minorities and focus on primary care. My story is about a young man who dreamed of a career in medicine. Keith Junior, grew up in Nashville. During his high school years, he often visited the Meharry Medical College campus where he was warmly received and encouraged by the health care professionals and staff. Meharry's Health Careers Opportunity Program, (HCOP) helped him develop his academic skills and supplement his undergraduate experiences, in a supportive environment with a rich history and caring spirit.

After completing college, Mr. Junior pursued an application to medical school. However, his undergraduate grades and MCAT scores were considered low. The HCOP program helped him to improve those scores. Because Meharry has a commitment to students who demonstrate a potential for success which might be otherwise overlooked by other institutions he applied there, was accepted and graduated.

Dr. Junior recalls his experiences in the Meharry HCOP as invaluable in helping him to realize his dream of a career in medicine. He is now an internist and Interim Director of the Matthew Walker Health Center in Nashville, Tennessee. More important, he serves as a role model of success for younger generations to emulate.

Mr. President, this story illustrates the many real life successes for individuals who benefit from the Title VII and Title VIII programs, of the Public Health Service Act. I rise today to introduce the Health Professions Reauthorization Act of 1998 which funds those programs. For many years this legislation has helped our nation's schools of health to serve the health needs of their communities better and to prepare the practitioners of the future.

A critical component of the Title VII and VIII programs has been the goal to help students in need. These programs have often represented the assistance of last resort for many disadvantaged students seeking careers in health. I believe several schools in Tennessee tell this story well: in the East Tennessee State University Schools of Medicine, Nursing, Public and Allied Health approximately 89% of their students are deemed disadvantaged by the Free Application for Federal Student Aid. Both East Tennessee State University's College of Nursing and the James Quillen College of Medicine are featured in the ''1998 Best Graduate Schools,'' published by U.S. News and World Report. These schools were praised for their programs in rural medicine. I am extremely proud of these programs because they have been given national recognition for their mission which is to train primary health care professionals and to encourage an interest in serving rural areas.

Equally important is this legislation's goal to fill the health care needs of many underserved communities, often in rural or inner city areas. With the assistance of Title VIII programs, the Vanderbilt School of Nursing reports that 72 percent of its 1997 graduating class is working in medically underserved areas. East Tennessee State University was also able to open the first nurse-managed primary care clinic in rural Appalachia with pretty impressive results: 7,663 primary care visits, 25% of which were preventive services; 51% of the patients were covered by Tennessee's Medicaid Program (TennCare) and 16% of the patients were uninsured; 54% of the visits were care for children under the age of 18.

The examples from my medical colleagues in Tennessee are representative of the needs and results elsewhere in the nation due to the Health Professions Act, and I believe the revisions made in this bill continue to strengthen these programs and prepare us for the next century.

This bill reauthorizes the programs funded through Titles VII and VIII of the Public Health Service Act. They are intended: to improve the distribution of health professions workers to underserved areas; to strengthen the infrastructures of organizations which facilitate their training and performance; to improve accountability for federal dollars used in these processes; and to improve the representation of minorities and disadvantaged individuals in the health professions, better reflecting the communities which they serve.

However, more importantly, this bill represents an opportunity to improve the quality of, and access to, health care for millions of Americans. Why?

It is the only measure to counter the maldistributions caused by current Graduate Medical Education programs and market forces. Patients in underserved areas depend on programs funded by this bill in order to receive their health care. Training providers in these areas greatly increases the likelihood they will work in these areas when they complete their education.

It is an example of our government's ability to act as a catalyst. Too often we, as legislators, are forced to step in and micro manage such health care issues as hospital lengths of stay in order to preserve quality of care.

I believe we are far better served to develop programs that stimulate the types of efforts which create innovative solutions for these problems, and give practitioners/clinicians the tools necessary to make needed changes.

It fosters collaboration. Although foundations are still being laid, the many interest groups involved in this bill are learning to work together. They have discovered that they do have areas of common interest and they are learning to build on those incentives. Within many institutions new interdisciplinary programs are being developed and this legislation further stimulates those activities.

Finally, over time, this bill will streamline care and improve cost-effectiveness.

Although its costs are quite small when compared to other health care measures, we still see it as an opportunity to set an example of efficient, high quality care.

Over the years, there have been many successes among the more than 300 programs funded through this legislation. Thus, clarification of the goals and objectives of these programs is a priority. We had to find ways to function within our budgetary constraints as well.

In 1995, Senators KASSEBAUM, KENNEDY and I attempted to take the 44 programs involved and consolidate them into 6 groups or clusters. Performance outcomes were added. This approach was used to streamline the granting process, and to allow HHS to use budgetary factors: to leverage areas of development; and to align with community workforce needs.

It also provided flexibility for strategic planning of the workforce supply, and insured a greater percentage of program dollars would go directly to grantees versus federal administration. Further, the FY98 Appropriations bill passed by the Senate, also clustered these programs.

After the Act passed in the Senate in 1996 but failed to pass in the House, I re-examined it to identify areas of disagreement. Over the past year, I made a concerted effort to overcome those obstacles. Another hearing was held on

April 25, 1997 because I wanted to be sure that I listened to all parties and that all possibilities for compromise were addressed. My staff has worked very hard to maintain that level of input. We sought to involve the many constituency groups in the preparation of this legislation. The 1998 Health Professions Reauthorization Act accomplishes the goals passed by the Senate last year in several ways:

It still uses only 7 clusters, but has 15 lines of authority as well. This approach, while more complex is also more reflective of both existing and potential alliances. It gives security about funding to groups within these clusters, and in turn, allows them to plan longer range.

Flexibility is built into the bill over time. As funding lines change, the Secretary's authority to move funds across program lines increases. Thus, programs can grow into the cluster concept. This revision will better reflect the constantly changing healthcare needs of communities and more rapidly changing health care delivery system.

Since so much of the Act's flexibility is based on the discretion of the Secretary, we have added advisory councils to insure that the view points of those on the front lines are heard. This will restore confidence among the grantees and encourage positive collaboration between agency officers and the programs they manage. In addition, these councils will report back to Congress to assure oversight of these programs.

To encourage independence from federal funding, matching requirements for non-federal funds are required wherever appropriate. Federal dollars provide the seed money necessary for many health clinics to get on their feet, and in turn secure other financing mechanisms.

Programs which attempt to resolve cultural barriers, especially those related to language, are restored.

Community-based organizations are empowered so that the patient's voice can be heard.

Geriatric initiatives have been strengthened and expanded to train health care personnel as we promote and integrate geriatrics into American medicine. Today there are 33 million older Americans, and by 2030 it is expected that the elderly population will reach 66 million strong, when 1 of every 5 Americans will be 65 years of age or older.

Mr. President, I am proud of our work. In fact, I would like to take this opportunity to specifically thank, Senators KENNEDY, JEFFORDS, BINGAMAN, Representative BECERRA, the Hispanic Caucus and all their staffs for their efforts to work with us on this bill. I would also like to thank the interest groups which gave so generously of their time and support to help us address the issues involved. In particular, I would like to mention several organizations which have sent me letters of support. I have heard from the Area Health Education Centers, American Psychological Association, American Mental Health Counselors, The Association of Minority Health Profession Schools, The Working Group on Hispanic Health-Education, American Nurse Association, American Organization of Nurse Executives, The American Geriatric Society, National Association of Geriatric Education Centers, and the National Association of Social Workers. Mr. President, I ask unanimous consent that a list of organizations supporting this legislation and their comments, be included in the RECORD. Mr. President, I especially thank Dr. Debra Nichols and Dr. Mary Moseley of my staff for their dedication and hard work toward the reauthorization of these programs.

Mr. President, this bill encourages collaboration without forcing it. It creates new partnerships while supporting existing ones. It fosters new opportunities for change. It represents the best example of team work among interest groups, agencies and legislators. The 1998 Health Professions Reauthorization Act will prepare underserved areas to meet the future.

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

There being no objection, the items were ordered to be printed in the RECORD, as follows:

(The bill was not available at time of printing.)

LETTERS OF SUPPORT

''We are especially appreciative of having had the opportunity in April 1997 to testify before your subcommittee. Thus seeing the nation's 43 Geriatric Education Centers (GECs) in this bill (as Sec. 753 within a grouping of ''interdisciplinary, Community Based Linkages'') is indeed gratifying, as this signifies your commitment to better health care for older Americans.''—National Association of Geriatric Education Centers.

''It is our pleasure to write in support of your legislation reauthorizing federal health professions training programs. We believe that our institutions, and our students who become health professionals, will be able to help solve the national crisis of disproportionately low health status among minorities.''—The Association of Minority Health Professions Schools.

''. . . the Working Group on Hispanic Health Education has worked in partnership with your office on this Health Professions Bill. Moreover, we have worked with the Congressional Hispanic Caucus, the Association of Minority Health Professions Schools, the Office of Minority Health, and HRSA Bureau of Health Professions in development of the Bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs.''—Working Group on Hispanic Health—Education.

''I certainly want to thank you for the careful work and the relevant content of your draft Bill. Your staff carefully considered each of the issues of importance to the Area Health Education Centers across the nation, the 36 programs supporting 157 community based centers.''—Kentucky Area Health Education Center (AHEC) Program.

''Your bill, which proposes to continue support for HRSA's health professions education and training programs, was drafted in consultation with all concerned parties, and that, Mr. Chairman, is appreciated.''—Association Of Schools Of Public Health.

''We are pleased that Congress has continued to appropriate adequate levels of funding for Title VII programs, but we know that these programs are particularly vulnerable as long as the health professions training programs remain unauthorized. NASW believes the proposed legislation will help increase access by minorities and disadvantaged people to graduate programs in behavioral and mental health practice, including social work.''—National Association Of Social Workers.

''This legislation would make graduate students in mental health counseling programs eligible to receive National Institute of Mental Health (NIMH) training grants. The bill allows for mental health counselors to serve in designated underserved health professional areas.''—American Mental Health Counselors Association.

''Your legislation will accomplish a much needed streamlining and updating of current federal programs in this area. Its enactment will reaffirm the importance of federal health professional education and training support programs in the effort to make sure that all Americans have access to the health care services.''—American Counseling Association.

''The bill provides for a structure that will permit a comprehensive, flexible, and effective approach to federal support for nursing workforce development. It is a pleasure to endorse this bill.''—American Nurses Association.

''This legislation is of critical importance in ensuring a federal role in nursing education and this bill will foster programs to prepare nurses to meet the healthcare system's need for nursing professionals to: address sicker patients in tertiary care sites; deal with life expectancy for people with chronic conditions; and care for the complex health care needs of an increasingly elderly population.''—American Organization of Nurse Executives.

Mr. KENNEDY. Mr. President, I commend Senator FRIST, Senator BINGAMAN, and Senator JEFFORDS for their leadership on the bill we are introducing today to reauthorize the health professions and nursing training and education programs—Titles VII and VIII of the Public Health Service Act. This bill is a bipartisan effort to revise and strengthen these education and training programs and achieve a more effective workforce to meet the health needs of the nation.

The ongoing national debate on health care has focused largely on the problems of access, cost and quality. These issues, however, cannot be addressed without also dealing with the need to train qualified health providers. No insurance policy can assure good health care without good doctors, nurses and other health professionals. No system of quality improvement, no matter how sophisticated, can assure good care for hospital patients if there are not good doctors and nurses at the bedside. Too often, inadequate priority is given to the workforce which staffs our health care system.

As we know, that system is undergoing rapid and dramatic change. Today, nearly 60 percent of Americans receive their care through managed

care arrangements. More and more, health care is moving out of hospitals and into out-patient or community-based settings. Fewer people are being admitted to hospitals and hospital stays are becoming shorter. It is essential for the health workforce to adapt to these changes. New graduates of health professions schools and practicing health providers need the right skills to provide effective patient care.

In addition to these issues, the health care system continues to face by nationwide shortages of certain health personnel, serious georgraphical imbalances in the types of health professionals, and under-representation of providers from minority and disadvantaged backgrounds.

Many types of health professionals are in short supply, including geriatricians, pediatric dentists, and allied health, public health, and behavioral and mental health professionals. Shortages of physicians persist in inner-city and rural areas, leaving many Americans unserved or underserved.

Since 1986, the number of federally designated shortage areas for primary care health professionals has climbed by 40 percent—from 1,944 to 2,597. The Health Resources and Services Administration estimates that over 26 million underserved persons live in these areas and that, at a minimum, 5,200 additional general practitioners are needed to eliminate these shortage areas.

In addition, most experts agree that there is an imbalance between primary care physicians and specialists. In 1931, about 87 percent of U.S. physicians were practicing primary care, compared to 33 percent in 1996. The Council on Graduate Medical Education recommends that the physician workforce should consist of 50 percent generalists and 50 percent specialists. The persistent current imbalance contributes to problems of access and cost in our health care system. Primary care practitioners are more likely to locate in underserved areas and help underserved populations, and they tend to provide care in a more comprehensive, appropriate, and cost-effective manner than specialists.

Across the nation, African Americans, Hispanic Americans, and Native Americans are seriously underrepresented in the health professions workforce. Their underrepresentation has reduced access to care among many of the nation's neediest citizens. African Americans represent approximately 12 percent of the U.S. population, but only 2–3 percent of the nation's health professions workforce. Hispanics make up nine percent of the population but represent only 5 percent of physicians, and 3 percent of dentists and pharmacists. This underrepresentation is of particular concern because studies show that minority health care providers are more likely to locate in underserved communities and provide health services to needy populations.

The health professions and nursing training and education programs we seek to reauthorize in this legislation are designed to respond to each these concerns.

The bill reauthorizes programs which provide educational opportunities in the health professions for individuals from minority and disadvantaged backgrounds. This strategy has been effective in increasing the availability and accessibility of health care providers to populations who have difficulty obtaining adeaquate health care, especially those from low-income and minority populations. Historically black colleges and universities have been particularly successful in this effort, training more than 50 percent of the nation's African American physicians, dentists, and pharmacists. Our bill will continue to support these basic efforts. It will also strengthen opportunities for Hispanic-serving institutions and institutions with high rates of enrollment of Native Americans.

In addition, the bill will provide continued support for primary care practice through ambulatory care training, curriculum improvement, faculty development, data analysis and quality assurance. Among physicians, this support will address the continued imbalance between primary care physicians and specialists. It recognizes the unique gaps general internists, general pediatricians, and family physicians fill in meeting the needs of the underserved. In other instances, funding will be used to improve the supply of other disciplines suffering shortages, such as pediatric dentists.

The bill reauthorizes model community-based, interdisciplinary programs to train individuals for practice in underserved settings, including remote and border areas. These programs encourage active partnerships between community-based programs and medical schools, nursing schools, and other health profession schools in their effort to provide greater educational opportunities to students, faculty, and practitioners in community-based settings to improve the delivery of health care.

Doctors, nurses, and other health professionals can be trained together in teams in the community to address the needs of the medically underserved. In this way, their training is more in step with what they will encounter in the practice world while meeting critical needs in the community. These programs include the area health education centers, geriatric education centers, the rural interdisciplinary training, and allied health training.

The bill also recognizes the increase in the elderly population and establishes a new junior geriatric faculty fellowship program. This program will help to address the large shortage in geriatric faculty members. Without an appropriate supply of teachers in geriatrics, we cannot seriously address the issue of the geriatrician shortage. I want to commend Senator FRIST and the Administration for working closely with us and with the academic community on this issue.

Finally, the legislation will provide new flexibility in targeting resources to meet the current and emerging needs of the nursing workforce. The emphasis is on meeting the needs of the underserved. Nurse anesthetists, clinical nurse specialists, nurse practitioners, and certified nurse midwives play a vital role in providing quality care to medically underserved and rural communities, and they deserve our support.

As the health care system continues to change, so too must the federal programs intended to assure that America has an appropriate health care workforce to staff the health care delivery system. These programs are overdue for consolidation and better targeting. The bill we are introducing will consolidate more than 40 health professions programs into 7 broader authorities more directly focused on key goals. This greater flexibility will enable programs to respond more quickly to emerging workforce issues in our changing health care system. Specific workforce goals will be established and outcomes measured, in order to achieve accountability for the funds invested in these programs.

The health professions and nursing education programs under the Public Health Service Act are the key mechanisms of the federal government has to meet national priorities for the nation's health care workforce. The bipartisan sponsors of this bill have worked closely with the Administration, the health professions education and practice community, and other groups to achieve these goals responsibly and to maintain adequate resources. We have worked to advance the central goal of these two important titles of the Public Health Service Act—to train a health care workforce that can meet the needs of the American people, and I look forward to the enactment of this necessary legislation.

Mr. JEFFORDS. Mr. President, today, I am pleased to announce my cosponsorship of ''The Health Professions Education Partnerships Act of 1998.'' My colleague Senator FRIST, the Chair of the Labor and Human Resources Committee's Subcommittee on Public Health and Safety, has drafted this legislation reauthorizing the important programs contained in Titles VII and VIII of the Public Health Service Act. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships. The enactment of this Act will improve health workforce quality, diversity, and the distribution of funds while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them.

Titles VII and VIII of the Public Health Service Act have provided programs of support to health professions schools and their students, for the past

thirty-five years. As these programs have evolved, there has been a continuing need to address the specific concerns of rural and inner-city communities that experience shortages of health professionals and a lack of primary care providers. This reauthorization will allow the Title VII and VIII programs to set improved goals and outcomes measures and it also provides them with greater flexibility in establishing priorities to target emerging workforce issues.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine, professional nurse and nurse practitioner training.

The newest Title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the state. These efforts have contributed to making Vermont a better place to obtain health care services and improved the quality of life for its residents.

Again, I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the ''Health Professions Education Partnership Act of 1998.'' Enactment of this legislation will improve health professions training programs across America and, as the Chair of the Labor and Human Resources Committee, I intend to make its passage one of our highest priorities.

Mr. BINGAMAN. Mr. President, I rise today to join Senators FRIST and KENNEDY and JEFFORDS in the introduction of legislation to reauthorize Titles VII and VIII of the Public Health Service Act. I am pleased to be part of this bipartisan effort to reauthorize the programs that help shape the pool of qualified health care professionals for the United States.

Titles VII and VIII were originally enacted to address a critical health manpower shortage and successfully served to increase the overall supply of providers. The mission of Title VII and VIII has evolved as the delivery system and needs of the population have shifted. Today, the focus of the various programs rests within three main areas. The programs are aimed to solve the shortages in rural and inner city communities. They strive to address the shortage of primary care providers and finally must correct the disparity in minority representation in the health professions. Indeed, the various programs in this legislation serve to provide a base for strengthening the health resources for this country.

In my home state of New Mexico, 28 out of 33 counties are designated as health professional shortage areas by the federal government. I am acutely aware of how a maldistribution of health care providers can impact our citizens. Geographic access to the appropriate health care provider is an important factor in our debates on the health care system. Titles VII and VIII are noteworthy avenues to address the needs in this area. Studies have shown that if we recruit individuals from the shortage area, the likelihood is much greater that they will return to practice in the area. Additionally, if clinical training is community based in rural and underserved areas, the likelihood is also increased that upon graduation, the provider will serve in the locality in which they trained.

Equally important for a state such as mine is the commitment to address the persistent and unmet health care need along the border between the United States and Mexico. The health education and training centers in the legislation address the community health needs and the training and educational needs of health professionals serving in these areas. The legislation also has the capacity to expand and improve the public health workforce which is a major component of addressing border health concerns.

Mr. President, this legislation restructures the act to address the health workforce needs of our nation in a flexible, but more accountable manner. We have provided for data collection and analysis of the health workforce so that decision making for the future can be well founded and be an accurate reflection of societal needs. Additionally, this legislation affords us the opportunity to provide education and training that reflect changes in an evolving health care system. As managed care and other forces shift the delivery system from inpatient hospital care to outpatient facilities, it is necessary to respond to the shifts that this causes in the workforce. To this end, the legislation addresses the curriculum development in the areas of health promotion and disease prevention as well as long term care, home health and hospice.

As the demographics of our population shift to an older population, we must ensure we have qualified individuals to treat the specific nature of chronic diseases associated with geriatrics. As we deal with an aging population, establishing interdisciplinary training programs that promote the role of nutritionists, physical therapists, occupational therapists and speech therapists in geriatrics are critical. The legislation provides an avenue to address these necessary components.

Finally, the reauthorization provides a framework to better monitor the outcomes of our efforts. It continues to afford us the opportunity to assure an appropriate number and mix of health professionals for the health needs of the country. It strengthens our commitment to address the supply, distribution, and minority representation of health professionals through both Native American and Hispanic centers of excellence. I have been committed to seeing the needs of these two populations addressed. I commend Senators FRIST and KENNEDY for their hard work and the work of their staff to address the various concerns raised during our hearings on this important issue. I appreciate the work done by the Hispanic caucus in the House and by the minority health profession schools as well.

Mr. President, in closing I want to thank Senators FRIST and KENNEDY and JEFFORDS for their determination to address the need to reauthorize Title VII and VIII of the Public Health Service Act. I appreciate that they have worked closely with our colleagues in the House to develop companion legislation. I am committed to working with my colleagues toward expeditious consideration and passage of this bill.

## ADDITIONAL COSPONSORS

S. 10

At the request of Mr. THOMAS, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 1194

At the request of Mr. HATCH, his name was withdrawn as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Michigan (Mr. LEVIN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from New York

(Mr. D'AMATO) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1504

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1605

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Washington (Mr. GORTON), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1682

At the request of Mr. D'AMATO, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. KYL), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1692

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1737

At the request of Mr. MACK, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 3

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DASCHLE, 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.

At the request of Mr. KERRY, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

SENATE RESOLUTION 99

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 99, a resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products.

SENATE RESOLUTION 187

At the request of Mr. MACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) 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 189

At the request of Mr. TORRICELLI, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1375

At the request of Mr. LEVIN the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of amendment No. 1375 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. 1726

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 1726 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. 1906

At the request of Mr. MACK the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1906 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.

## AMENDMENTS SUBMITTED

### THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

### THURMOND (AND OTHERS) AMENDMENT NO. 1987

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. GRAHAM, Mr. MACK, and Mr. BUMPERS) submitted an amendment intended to be proposed by them 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:

At the appropriate place, add the following:

(d) CONTINUATION OF OPERATING ASSISTANCE TO CERTAIN LARGER URBANIZED AREAS.—

(1) PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, during the period described in paragraph (2), the Secretary of Transportation may continue to provide assistance under section 5307 of title 49, United States Code, to finance the operating costs of equipment and facilities for use in mass transportation in any urbanized area (as that term is defined in section 5302 of title 49, United States Code) with a population of not fewer than 200,000, if the Secretary determines that—

(A) the number of the total bus revenue vehicle-miles operated in or directly serving the area is less than 600,000; and

(B) the number of buses operated in or directly serving the area does not exceed 15.

(2) PERIOD DESCRIBED.—For purposes of paragraph (1), the period described in this paragraph is the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) 3 years after the date of enactment of this Act; and

(B) the date on which the Secretary determines that—

(i) the number of the total bus revenue vehicle-miles operated in or directly serving the area is greater than or equal to 600,000; and

(ii) the number of buses operated in or directly serving the area exceeds 15.

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## BAUCUS (AND CHAFEE) AMENDMENT NO. 1988

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by them to amendment No. 1676 by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 77, line 20, strike ''and II'' and insert '', II, and V''.

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## McCAIN AMENDMENTS NOS. 1989–1990

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1989

On page 154, line 6, strike ''1998;'' and insert ''1999;''.

On page 154, line 7, strike ''1999;'' and insert ''2000;''.

On page 154, line 8, strike ''2000;'' and insert ''2001;''.

On page 154, line 9, strike ''2001;'' and insert ''2002; and''.

On page 154, line 10, strike ''2002; and'' and insert ''2003;''.

On page 154, strike line 11.

On page 158, strike lines 1 through 19.

On page 158, line 20, strike ''(2)'' and insert ''(1)''.

On page 159, line 21, strike ''(3)'' and insert ''(2)''.

On page 159, line 23, strike ''graphs (1) and (2)'' and insert ''graph (1)''.

On page 162, line 7, strike ''(C)'' and insert ''(B)''.

On page 162, line 11, strike ''(C))'' and insert ''(B))''.

On page 163, strike lines 24 and 25.

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AMENDMENT NO. 1990

On page 154, line 6, strike ''1998;'' and insert ''1999;''.

On page 154, line 7, strike ''1999;'' and insert ''2000;''.

On page 154, line 8, strike ''2000;'' and insert ''2001;''.

On page 154, line 9, strike ''2001;'' and insert ''2002; and''.

On page 154, line 10, strike ''2002; and'' and insert ''2003;''.

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

''(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike ''(C)'' and insert ''(B)''.

On page 162, line 11, strike ''(C))'' and insert ''(B))''.

On page 163, strike lines 24 and 25.

On page 164, line 24, strike ''4(b)'' and insert ''4(b)(2)''.

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## SMITH AMENDMENT NO. 1991

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . ACCESS OF MOTORCYCLES.**

''(a) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.

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## LEVIN (AND WELLSTONE) AMENDMENT NO. 1992

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1992

On page 125, lines 5 and 6, strike ''not less than 15 percent'' and insert ''not less than 25 percent, nor more than 35 percent,''.

On page 156, strike lines 21 through 23 and insert the following:

(B) in paragraph (3)—

(i) in the first sentence of subparagraph (A), by striking ''80'' and inserting ''82''; and

(ii) in subparagraph (B)—

(I) by striking ''tobe'' and inserting ''to be''; and

(II) by adding at the end the following: ''A project under this subparagraph shall be undertaken on a road that is classified as below a principal arterial.''; and

On page 274, strike lines 3 through 7 and insert the following:

''(ii) NONMETROPOLITAN AREAS.—

''(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in coordination with the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

''(II) REVIEW.—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

''(III) APPROVAL.—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

On page 286, between lines 10 and 11, insert the following:

**SEC. 1605. STUDY OF PARTICIPATION OF LOCAL ELECTED OFFICIALS IN TRANSPORTATION PLANNING AND PROGRAMMING.**

(a) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study required under subsection (a).

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## GRAMM (AND OTHERS) AMENDMENT NO. 1993

(Ordered to lie on the table.)

Mr. GRAMM (for himself, Mrs. HUTCHINSON, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173 supra; as follows:

AMENDMENT NO. 1993

Strike pages 98 and 99 and insert the following:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project; including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding; including state, local and private matching fund;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

## TORRICELLI AMENDMENTS NOS. 1994–1995

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1994

On page 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking ''(a) Each'' and inserting the following:

''(a) IN GENERAL.—

''(1) PROGRAM.—Each'';

(B) by inserting '', bicyclists,'' after ''motorists''; and

(C) by adding at the end the following:

''(2) HAZARDS.—In carrying out paragraph (1), a State may—

''(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

''(B) develop and implement projects and programs to address the hazards.''

AMENDMENT NO. 1995

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

## MCCAIN AMENDMENT NO. 1996

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 154, line 6, strike ''1998;'' and insert ''1999;''.

On page 154, line 7, strike ''1999;'' and insert ''2000;''.

On page 154, line 8, strike ''2000;'' and insert ''2001;''.

On page 154, line 9, strike ''2001;'' and insert ''2002; and''.

On page 154, line 10, strike ''2002; and'' and insert ''2003,''.

On page 154, strike line 11.

On page 158, strike lines 1 through 19, and insert the following:

''(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike ''(1)(C)'' and insert ''(2)(B)''.

On page 162, line 11, strike ''(1)(C)'' and insert ''(2)(B)''.

On page 163, strike lines 24 and 25.

On page 164, line 24, strike ''4(b)'' and insert ''4(b)(2)''.

## MOSELEY-BRAUN AMENDMENT NO. 1997

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 220, after line 23, insert the following:

''(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.''

## D'AMATO (AND SARBANES) AMENDMENT NO. 1998

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

On page 55, all after line 11, insert the following:

(A) Establishment of center—(1) Section 5317(b) of title 49, United States Code, is amended by adding the following new paragraph:

''(6) The Secretary shall make grants to the University of Alabama to Transportation Research Center to establish a university Transportation Center.''

## TORRICELLI AMENDMENT NO. 1999

Mr. CHAFEE (for Mr. TORRICELLI) proposed an amendment to amendment No. 1676 propsoed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

## TORRICELLI AMENDMENT NO. 2000

Mr. BAUCUS (for Mr. TORRICELLI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In title III, strike section 3215 and insert the following:

**SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.**

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

**''§ 5128. High risk hazardous material and hazardous waste; motor carrier safety study**

''(a) STUDY.—The Secretary of Transportation shall conduct a study—

''(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material and hazardous waste carriers;

''(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material and hazardous waste carriers and shippers, including evaluating whether an annual safety fitness determination that is linked to permit renewals for hazardous material and hazardous waste carriers is warranted;

''(3) to examine the safety benefits of increased monitoring of high risk hazardous material and hazardous waste carriers, and the costs, benefits, and procedures of existing State permit programs;

''(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

''(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material and hazardous waste carriers' compliance with motor carrier safety regulations.

''(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1998 and complete it within 30 months after the date of enactment of that Act.

''(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of the Intermodal Transportation Safety Act of 1998.''.

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking ''not later than November 16, 1991.'' and inserting ''based upon the findings of the study required by section 5128(a).''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 3214, is amended by striking the item relating to section 5128 and inserting the following:

''5128. High risk hazardous material and hazardous waste; motor carrier safety study.

''5129. Authorization of appropriations.''.

## CHAFEE AMENDMENT NO. 2001

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 154, line 6, strike ''1998;'' and insert ''1999;''.

On page 154, line 7, strike ''1999;'' and insert ''2000;''.

On page 154, line 8, strike ''2000;'' and insert ''2001;''.

On page 154, line 9, strike ''2001;'' and insert ''2002; and''.

On page 154, line 10, strike ''2002; and'' and insert ''2003,''.

On page 154, strike line 11.

On pae 158, strike lines 1 through 19, and insert the following:

''(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

On page 162, line 7, strike ''(1)(C)'' and insert ''(2)(B)''.

On page 162, line 11, strike ''(1)(C)'' and insert ''(2)(B)''.

On page 163, strike lines 24 and 25.

On page 164, line 24, strike ''4(b)'' and insert ''4(b)(2)''.

## DEWINE AMENDMENT No. 2002

Mr. CHAFEE (for Mr. DEWINE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

**SEC. 34___. SCHOOL TRANSPORTATION SAFETY.**

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

## CHAFEE AMENDMENTS NOS. 2003–2004

Mr CHAFEE proposed two amendments to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 2003

On page 77, line 20, strike ''and II'' and insert '', II, and V''.

AMENDMENT NO. 2004

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, II, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, II, and V of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive prime contracts and subcontracts funded under titles I, II, and V of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, II, and V of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, II, and V of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

## GRAMM (AND OTHERS) AMENDMENT NO. 2005

Mr. GRAMM (for himself, Mrs. HUTCHISON, and Mr. ABRAHAM) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—Notwithstanding any other provision of this Act, in selecting States, metropolitan planning organizations, and projects to receive grants under subsection 1116(d), the Secretary shall consider—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade

Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the extent to which international truck-borne commodities move through each State;

(E) the reduction in commercial and other travel time through a major international gateway expected as a result of the proposed project, including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(F) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding, including State, local and private matching funds;

(G) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(H) the degree of demonstrated coordination with Federal inspection agencies;

(I) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(J) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(K) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the nation's economy.

## CHAFEE AMENDMENTS NO. 2006

Mr WARNER (for Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 39, line 15, in the matter added by Chafee Amendment No. 1311, strike ''October 6, 1997'' and insert ''March 12, 1998''.

## LAUTENBERG (AND OTHERS) AMENDMENT NO. 2007

Mr. WARNER (for Mr. LAUTENBERG, for himself, Mr. CHAFEE, Mr. WARNER, Mr. MOYNIHAN, and Mr. SMITH of Oregon) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, between lines 23 and 24, insert the following:

(1) AFFECTED PORT OF ENTRY.—The term ''affected port of entry'' means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182).

On page 91, line 24, strike ''(1)'' and insert ''(2)''.

On page 92, line 5, strike ''(2)'' and insert ''(3)''.

On page 92, line 11, strike ''(3)'' and insert ''(4)''.

On page 92, line 17, strike ''(4)'' and insert ''(5)''.

On page 93, line 3, strike ''(5)'' and insert ''(6)''.

On page 93, line 6, strike ''(6)'' and insert ''(7)''.

On page 95, line 10, before the period, insert the following: ''and through affected ports of entry''.

On page 95, line 12, insert ''and affected port of entry'' after ''corridor''.

On page 95, line 14, before the period, insert the following: ''or by the State in which the affected port of entry is located''.

On page 95, strike lines 16 through 23 and insert the following:

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—

(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or

(ii) the State will submit a plan for affected port of entry improvements to the Secretary.

On page 98, line 19, insert ''and affected port of entry'' after ''border''.

On page 98, line 24, insert ''or affected port of entry'' before ''expected''.

On page 99, line 12, insert ''or affected port of entry'' after ''gateway''.

On page 99, line 21, insert ''or affected port of entry'' after ''border''.

## LOTT AMENDMENT NO. 2008

Mr. WARNER. (for Mr. LOTT) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

**SEC. . REMOTE SENSING AND SPATIAL INFORMATION TECHNOLOGIES.**

(A) IN GENERAL.—The Secretary shall establish and carry out a program to validate remote sensing and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish a national policy for the use of remote sensing and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of remote sensing and spatial information technologies for the implementation of such policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1999 and $10,000,000 for each of fiscal years 2000 through 2004.

## AMENDMENT NO. 2009

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 100 at the end of line 14, insert: ''including the deployment of technologies to detect and deter illegal narcotic smuggling.''

## FEINSTEIN AMENDMENT NO. 2010

Mr. WARNER (for Mrs. FEINSTEIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

**SEC. 18___. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.**

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the ''border'').

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

## BREAUX (AND LANDRIEU) AMENDMENT NO. 2011

Mr. WARNER (for Mr. BREAUX for himself and Ms. LANDRIEU) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, strike line 3 and insert the following:

designated Route.

**SEC. 18___. IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.**

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking ''Corridor from Kansas'' and inserting the following: ''Corridor—

''(A) from Kansas'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana.''; and

(2) in subsection (e)(5)(A), by inserting ''in subsection (c)(1)(B),'' after ''routes referred to''.

## TORRICELLI AMENDMENT NO. 2012

Mr. WARNER (for Mr. TORRICELLI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 223, strike lines 4 and 5 and insert the following:

(1) in subsection (a)—

(A) by striking ''(a) Each'' and inserting the following:

''(a) IN GENERAL.—

''(1) PROGRAM.—Each'';

(B) by inserting '', bicyclists,'' after ''motorists''; and

(C) by adding at the end the following:

''(2) HAZARDS.—In carrying out paragraph (1), a State may, at its discretion,

''(A) identify through a survey hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

''(B) develop and implement projects and programs to address the hazards.'';

## ABRAHAM (AND LEVIN) AMENDMENT NO. 2013

Mr. WARNER (for Mr. ABRAHAM, for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

**SEC. 1802. MODIFICATION OF HIGH PRIORITY CORRIDOR.**

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking ''(18) Corridor from Indianapolis,'' and inserting the following:

''(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,''; and

(2) by adding at the end the following:

''(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

''(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.''.

## SESSIONS AMENDMENT NO. 2014

Mr. WARNER (for Mr. SESSIONS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

**SEC. 18___. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.**

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act does not meet the Interstate System design standards under section 109(b) of that title and does not connect to a segment of the Interstate System shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment—

(i) meets the Interstate System design standards; and

(ii) connects to another segment of the Interstate System.

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1)(C) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—(A) This section shall not affect the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

''(B) EFFECT OF PROVISION.—Nothing in this section shall result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive from the Appalachian Development Highway System under this Act or any other Act.''.

## MOSELEY-BRAUN (AND FAIRCLOTH) AMENDMENT NO. 2015

Mr. WARNER (for Ms. MOSELEY-BRAUN, for herself and Mr. FAIRCLOTH) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 220, after line 23, insert the following:

''(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $45,000,000 in each of fiscal years 1998 through 2003 to carry out this subsection.''

## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, March 18, 1998 at 9:30 a.m. to conduct an oversight hearing on the FY'99 budget and operations of the Smithsonian Institution, the Kennedy Center, and the Woodrow Wilson International Center for Scholars.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. 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 Thursday, March 12, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the reauthorization of expiring child nutrition programs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CHAFEE. 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 Thursday, March 12, 1998, to conduct a hearing on S. 1423, The ''Federal Home Loan Bank System Modernization Act of 1997.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 12, 1998, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS.

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 12, 1998, at 10:30 a.m. for a hearing on the topic of ''Reforming the IRS: Managerial Flexibility and Accountability.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Public Health and Safety, be authorized to meet for a hearing on Assessment of New Health Care Technologies Role of AHCPR during the session of the Senate on Thursday, March 12, 1998, at 9:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''S. 1530, the Protect Act and Children's Health: Can We Stop Kids From Smoking?''

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, March 12, 1998, in open session, to receive testimony on the Department of Defense, Science, and Technology programs 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.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 12, 1998, at 2 p.m. to hold a hearing.

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

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Oceans and Fisheries of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 12, 1998, at 2:30 p.m. on the fiscal year 1999 Coast Guard budget.

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

SUBCOMMITEE ON STRATEGIC FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, March 12, 1998, at 2 p.m. in open session, to receive testimony on the Department of Energy's fiscal year 1999 authorization request for environmental management, non-proliferation, and fissile materials disposition.

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

## ADDITIONAL STATEMENTS

### TRIBUTE TO PROJECT PPEP FOR 30 YEARS OF DEDICATED COMMUNITY SERVICE

● Mr. McCAIN. Mr. President, I rise today to extend my sincere gratitude and commendations to Portable Practical Educational Preparation, Inc. (PPEP) for their tireless efforts to improve the lives of needy citizens in the Southwest.

Last October, PPEP, which operates out of Tucson, Arizona, celebrated 30 years of service to this community. At that time, in recognition of the success of their small business loan program, PPEP and Pima County were selected to receive an ''Award of Excellence for Economic Development'' by the National Association for County Community and Economic Development.

Thirty years ago, a man named John Arnold converted his 1957 Chevrolet schoolbus into a traveling classroom for rural Arizonans. He spent his time teaching migrant workers English as a second language and the value of learning vocational and technical skills. This was the beginning of what is now known as PPEP.

Today, PPEP is a non-profit organization with an annual operating budget of $11 million. It employs more than 300 people and has developed numerous programs that have become national self-help models.

PPEP provides a multitude of social services for disadvantaged Americans. Some examples of these vital services include: affordable housing for migrant workers, necessary sewer and street enhancements, day care sites, senior nutrition and recreation centers, and public charter schools. The list of good works accomplished by PPEP on a daily basis is lengthy and impressive. Most important, PPEP has made it possible for rural families to experience the dignity they deserve.

As we continue to reform federal assistance programs to encourage self-sufficiency, we must recognize the importance of organizations such as PPEP in providing voluntary community support to needy Americans. The committed staff and volunteers of PPEP have encouraged and enabled many disadvantaged citizens to gain the technical skills and computer literacy which will allow them to move from welfare to more productive lives in the job market. PPEP's services are needed now more than ever, as they provide a bridge for farmworkers, rural poor, and other disadvantaged individuals.

After 30 years of outstanding and enduring accomplishments, I anticipate an even more aggressive and productive effort by PPEP to assist our communities and our country as we enter the 21st century. I extend my best wishes to John Arnold and his colleagues at PPEP and my thanks for their continuing endeavors.●

### THE 86TH ANNIVERSARY OF THE FOUNDING OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

● Ms. MOSELEY-BRAUN. Mr. President, it is my honor today to recognize and celebrate the 86th anniversary of the birth of the Girl Scouts of the United States of America (Girl Scouts of the USA).

Eighty six years ago, Juliette Gordon Low founded Girl Scouts of the USA with 18 members in her Savannah, Georgia living room. Today, there are over 2.6 million girl members, and a loyal corps of over 800,000 adult volunteers. This is Girl Scouting's third highest membership in 20 years. In my home state of Illinois, there are almost 200,000 Girl Scouts and volunteers. These numbers serve as strong evidence that the principles of honesty, service, community and self development upon which Ms. Low founded Girl Scouts of the USA 86 years ago are still relevant and meaningful to girls of all ages across our nation.

Girl Scouts still sell cookies, earn merit badges and go camping, but they also participate in sports, learn science and computer technology, and engage in activities that promote lasting friendships, diversity, cultural appreciation, personal improvement, and career development. Additionally, Girl Scouts participate in many meaningful community service projects that teach participants about the society in which they live, and address challenging issues such as illiteracy and school violence.

Most important, over the last 86 years, Girl Scouts of the USA has provided girls with the skills, understanding, and confidence to become successful women and citizens of our nation and the world. It is my distinct pleasure to acknowledge the incredible success that Girl Scouts of the USA has enjoyed over the last 86 years, and to wish them the best of luck as they prepare for the future.●

### JEAN A. GORSKI: NEW HAMPSHIRE AMERICAN BUSINESS WOMEN'S ASSOCIATION 1998 BUSINESSWOMAN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jean Gorski for being named the 1998 Business Woman of the Year on February 5, 1998, by the New Hampshire American Business Women's Association. I commend her consistent drive and aggressive encouragement to improve the lives and opportunities of others.

Jean is the Director of Development for the Northern New England Agency of Northwestern Mutual Life Insurance Company where she has held this position for seven years. She is also a member of the Small Business Association of New England, General Agent's Management Association and Women's Business Forum Steering Committee. She has also held many officer roles as well as been a member of many organizations. To name a few, she served as the sales manager for BankEast and New Hampshire Savings Bank. These are just a few organizations with which she has spent countless hours and dedicated service. This impressive list is something of which Jean should be very proud.

Jean has enthusiastically worked with many organizations, countless

residents and employees and developed a considerable portfolio of professionalism. Four words come to mind that best represent what Jean is trying to strengthen: leadership, community, teamwork and development. These are terms that bind all Americans together and strengthen the unity of this great country.

These words best exhibit the tools she employs to bring about positive change and as a leader, encouraging others to rise to the call of self improvement. Jean's commitment to each organization she represents is extremely solid and substantial. She gives it her all and inspires others to follow her lead. Her actions and beliefs have become a catalyst for significant change resulting in profound achievements. Mr. President, I want to congratulate Jean Gorski for her outstanding work and I am proud to represent her in the U.S. Senate.●

## ERIC BREINDEL

Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Eric Breindel, a proud son of New York who was taken from us all too suddenly and all too soon this past Saturday. Eric lived life at a hectic pace, almost as if he knew that his years would be so painfully limited that he would do well to fill as much meaning and involvement as he could into every single day. The Talmud teaches that fools measure their lives in years, while wise people measure them in days. Eric was wise in this respect as he was in so many others.

As I noted in his funeral on Monday, ''I taught him for two years at Harvard and learned from him for the next twenty.'' His passion for the truth, for justice, for democracy, were all well reflected in the editorial pages of the New York Post, where he presided for eleven madcap years as the editorial page editor. I ask unanimous consent to place in the CONGRESSIONAL RECORD his obituary from The New York Times and the Post's tribute to this brilliant journalist and passionate American.

The obituaries follow:

[From the New York Post, March 8, 1998]

ERIC BREINDEL, 1955–1998

Eric Breindel once said that life granted few gifts greater than the ability to influence the political debate in the greatest city in the world. He exercised that, influence for 10 years as the editor of this column, and his horribly untimely death yesterday at the age of 42 robs this city and this nation of one of its wisest young men.

He was, first and forever, a patriot.

He fiercely contested the claims of those who blamed America for all of the planet's woes. And he was particularly unforgiving of those Americans who served foreign ideologies and interests during times of grave crisis—and who lied about it all after the emergencies had passed.

As might be expected of the son of Holocaust survivors, he had a profound understanding of the importance of a strong state of Israel—not only for Jews, and not only as an abiding symbol of enlightenment in a section of the world often sorely in need of such guidance, but also for the furtherance of American political, economic and military global interests.

His patience with those who failed to view issues in wide—indeed, often global—terms was slight. He knew that what might happen in Tokyo today could have an impact in Times Square tomorrow and it was with such understanding that he crafted the content of these pages.

Readers need not agree with his views—indeed, often it seemed that many did not—to concede that they were strongly held, lucidly and respectfully presented and not at all given to equivocation.

It is true that Eric Briendel was very much out of step with conventional political and social wisdom. He understood this; indeed, he was quietly proud of it.

In an age given to the promotion of self-esteen—at the expense of actual accomplishment—he championed hard work and individual enterprise.

He knew that, these days, equality of outcome is meant to trump equality of opportuinity—but he wouldn't accept it.

He was equally unforgiving of double standards when it came to public conduct—even when race, ethnicity and gender were at issue.

And while he never ducked controversy, he understood that public affairs are conducted by people who had feelings—and families. He tried not to wound, and in this he succeeded more often than not.

The decade-plus during which he edited these pages were among the most tumultuous in New York's history.

It was the time of Howard Beach and Tawana Brawley, of Crown Heights and Yusuf Hawkins. There were three mayors and two governors and no end of governmental crises and political scandal and strife.

Through it all, New Yorkers knew where to turn for finely crafted, literate and insightful commentary.

Eric Breindel is gone now, at much too young an age. New York is the poorer for it. And for us at The Post, who had the honor and the pleasure of knowing him, enjoying his company, learning from him, gossiping with him—we share the sorrow of his family and will always treasure the memory of our dear friend.

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[From the New York Times, March 8, 1998]

ERIC BREINDEL, 42, COMMENTATOR AND NEW YORK POST COLUMNIST

(By Charlie LeDuff)

Eric M. Breindel, the former editorial page editor for the New York Post and the conservative moderator of a weekly news show on public affairs on the Fox News Channel, died yesterday afternoon. He was 42.

Mr. Breindel, a lifelong resident of New York City, died at New York Hospital-Cornell Medical Center. He was undergoing treatment for a liver ailment and suffered a massive hemorrhage, said Lally Weymouth, a longtime friend and columnist for The Washington Post.

Mr. Breindel, a senior vice president of the News Corporation, which owns The Post, was best known for his years as the leader of the Post's lively opinion pages, which hold a decidedly conservative edge.

He was hired as the editorial page editor of The Post in 1986 and in January 1997, he left that position to develop strategic policy for the News Corporation. He continued to write a weekly column in The Post and was seen by some as a tormentor of liberal politicians.

''Whether he agreed with you or not, you always knew he listened to you and understood your point of view,'' said the City Council Speaker, Peter F. Vallone, a Democrat.

More recently, Mr. Breindel was the host of a weekly television show that aired on Saturdays on the Fox News Channel, ''Fox News Watch.''

Mr. Breindel was a friend of New York City police officers and during last year's mayoral election, he branded the Democratic challenger to Mayor Rudolph W. Giuliani, the Manhattan Borough President, Ruth W. Messinger, as a ''cop-basher.''

''Eric was a very close friend,'' Mr. Giuliani said. ''He had a unique understanding of all that makes up the City of New York. He had a particular insight into the challenges faced by New York City police officers, and even when there might be a media frenzy seeking to unfairly accuse police officers, Eric was often one of the few who courageously stood up for them.''

Rupert Murdoch, chairman of the News Corporation, said of him, ''He was a brilliant leader of the editorial page and one of the most influential people in New York.''

While Mr. Breindel's ideas carried influence, said Martin Peretz, editor-in-chief of The New Republic, he is perhaps known best in New York City for his coverage of the 1991 racial unrest in Crown Heights.

Charlie Rose, the talk-show host, called his death shocking and said, ''His capacity to influence world affairs was growing.''

Born in New York City in 1955, Mr. Breindel graduated magna cum laude from Harvard College in 1977, where he was editorial chairman of The Harvard Crimson. He received a law degree from Harvard in 1982 and served as a legislative assistant to United States Senator Daniel Patrick Moynihan, a correspondent for the Public Broadcasting System and an editorial page editor with The Daily News before joining The Post.

Mr. Breindel is survived by his parents, Dr. Joseph H. and Sonia Breindel of New York City, and a sister, Dr. Monique Breindel.

Funeral services will be held tomorrow at 11 A.M. at the Park Avenue Synagogue.●

## TRIBUTE TO THE GIRL SCOUTS OF THE U.S.A. ON THE OCCASION OF THE 86TH ANNIVERSARY OF ITS FOUNDING

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Girl Scouts of the U.S.A. on the occasion of the 86th anniversary of its founding.

The Girl Scouts have come a long way since founder Juliette Gordon Low made a phone call to her cousin in 1912, proclaiming that she had something for all the girls of Savannah, Georgia, and all the girls of America. The phone call led to the gathering of 18 girls in Juliette's backyard to study nature and learn to play basketball. This was the start of the Girl Scouts of the U.S.A.

The Girl Scouts spread quickly across the United States, reaching my home state of Minnesota in July 1918, only six short years after its inception. Since then, the Girl Scouts have evolved into the largest voluntary organization for girls in the world. The Girl Scouts membership nationwide consists of over 2.5 million girls between the ages of five and seventeen and more than 800,000 volunteers who give their time and talents to ensure these young women are instilled with the knowledge that they can do anything they set their minds to. As for Minnesota, there are approximately

61,000 girls and 19,000 volunteers associated with the Girl Scouts. The Girl Scouts of the U.S.A joins a worldwide family of 9 million girls and adults in 136 countries as a member of the World Association of Girl Guides and Girl Scouts.

The Girl Scouts offer, for girls of every background, activities that enhance the development of confidence, determination, and the skills needed to succeed in today's world. One activity rich in Girl Scout tradition is the selling of Girl Scout cookies. This tradition, which began in Philadelphia, has been around since 1934. Many successful businesswomen today say they got their start selling Girl Scout cookies. Girl Scouts develop many skills during the annual cookie sales, such as establishing goals, handling money, and the satisfaction of finishing a job.

By cooperating with peers to achieve a common end, Girl Scouts learn valuable lessons in leadership. Countless civic, professional, and community leaders throughout our nation were involved in the Girl Scouts of the U.S.A. Six of my Senate colleagues here in the 105th Congress—BARBARA MIKULSKI, KAY BAILEY HUTCHISON, CAROL MOSELEY-BRAUN, PATTY MURRAY, SUSAN COLLINS, and MARY LANDRIEU—were all Girl Scouts.

Mr. President, for eighty-six years the Girl Scouts of the U.S.A. have instilled in American youth the qualities of the Girl Scout Law and Promise, which focus on serving God and country, helping people at all times, being honest and fair, friendly and helpful, considerate and caring, courageous and strong, responsible and respectful, and making the world a better place. These are truly honorable qualities to live by and I am proud to pay tribute to the young women who honor them daily and the volunteers who make the Girl Scout program a reality.●

## CHILDREN'S HEALTH PRESERVATION AND TOBACCO ADVERTISING COMPLIANCE ACT

● Mr. REED. Mr. President, I rise today to announce legislation that would amend the Internal Revenue Code to deny tobacco companies any tax deduction for their advertising and promotional expenses, when those ads are aimed at America's most impressionable group, children.

This bill addresses a key element in our ongoing public debate on tobacco: industry's ceaseless efforts to market to children. My legislation can stand on its own, or can easily be incorporated into a comprehensive tobacco bill. With or without Congressional action on the state attorney generals' tobacco settlement, it is time for Congress to put a stop to the tobacco industry's practice of luring children into untimely disease and death.

I am pleased to be joined today in introducing this legislation with Senators BOXER and CHAFEE, and I would also like to recognize the leadership of my colleagues on this issue. Senator HARKIN, along with former Senator Bradley and others, has made continuous efforts over the years to completely eliminate the tax deduction for tobacco advertising. And while I concur with Senator HARKIN that the deduction is a questionable use of our tax dollars, I would like to emphasize to my colleagues that this bill does not eliminate the deduction for tobacco manufacturers, as long as they do not advertise to children.

Limiting the promotion of tobacco products to children is a necessary part of any comprehensive effort to prevent tobacco use by minors. My legislation offers a constitutionally sound way to enforce strong tobacco advertising restrictions, with or without federal tobacco legislation on the proposed tobacco settlement.

The advertising restrictions contained in our bill are included in S.1638, legislation introduced by Senator CONRAD, cosponsored by myself and 29 other Senators. S. 1638 establishes strong restrictions regarding the promotion of tobacco products to minors.

Under my bill, if tobacco manufacturers do not comply with the proposed advertising restrictions, the manufacturer's ability to deduct the cost of tobacco advertising and promotion expenses would be disallowed.

These advertising restrictions are appropriately tailored to prevent the advertising and marketing of tobacco to minors. The restrictions contained in this legislation are similar to those contained in the FDA rule and the June 20 proposed settlement. Key components of these restrictions include: a prohibition on point of sale advertising except in adult only stores and tobacco outlets; a ban on outdoor advertising within 1000 feet of schools and publicly-owned playgrounds, and outdoor advertising beyond those areas restricted to black-and-white text only; and, a prohibition on brand-name sponsorship of sporting or entertainment events.

On numerous occasions, tobacco industry executives have indicated that unless they receive liability protections, they will continue to advertise as they do now. Today I am offering an alternative enforcement mechanism because failure to act on this issue is a failure to meet the needs of our children.

### YOUTH SMOKING

Mr. President, the importance of this issue is enormous. The facts speak for themselves. Today, some 50 million Americans are addicted to tobacco. One of every three long-term users of tobacco will die from a disease related to their tobacco use. About 3/4ths (70 percent) of smokers want to quit, but less than one-quarter are successful in doing so.

Tobacco addiction is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18. The average youth smoker begins at age 13 and becomes a daily smoker by age 14½.

Each year, one million children become regular smokers—and one-third of them will die prematurely of lung cancer, emphysema, and similar tobacco caused diseases. Unless current trends are reversed, five million kids under 18 currently alive today will die from tobacco related disease.

In my home state of Rhode Island, while overall cigarette use is declining slightly, it has increased by more than 25 percent among high-schoolers.

It is far too easy for children to buy cigarettes and chewing tobacco through vending machines and at retail outlets. Despite the fact that it is against the law in all 50 states to sell cigarettes and smokeless tobacco to minors, children purchase an estimated $1.26 billion worth of tobacco products each year.

### THE INDUSTRY'S TRACK RECORD

As we look to a bright future for our children, Congress must learn from the lessons of the past. Those lessons teach us that the tobacco industry made its money by marketing cigarettes to children, knowing full well that cigarettes are addictive products with severe health consequences. The proposed settlement reached last June is based on the presumption that this industry can and wants to change its corporate culture—a culture that has yielded incredible revenue by capitalizing on the vulnerabilities of our children.

The story of the tobacco industry and youth smoking in the United States is the story of the advertising industry. In the 1920s, cigarette manufacturers solicited doctors to try their products, later advertising ''20,679 Physicians Say Luckies are Less Irritating'' and ''For Digestion's sake, smoke Camels.'' In a case against Reynolds Tobacco, decided in March 1950, the FTC found that Camel advertisements had been worded in such a way as to declare that the brand was harmless, and, as such, were false and deceptive.

An advertisement in 1953 read: ''This is it. L&M filters are just what the doctor ordered.'' Another advertisement from that time period claimed: ''More Doctors smoke Camels than any other cigarette.''

And today, we have Winston ads that attempt to sound like a health food promotion, proclaiming ''no additives.'' The new Camel ad—''Live Out Loud''—is a not so subtle stand in for the ''cool'' Joe Camel.

From recently released documents, we know that the tobacco industry has sought to market its tobacco products to children for decades. News reports disclosed that an RJR researcher named Claude Teague had written a 1973 memo that stated ''if our Company is to survive and prosper, over the long-term we must get our share of the youth market.''

Documents obtained through the Mangini litigation further document these efforts. A Presentation from CA Tucker, Vice President of Marketing, to the Board of Directors of RJR Industries (Sept. 30, 1974) concluded: ''this

young adult market, the 14–24 age group. . .represent(s) tomorrow's cigarette business.'' That same presentation said: ''For Salem, significant improvements have been made in the advertising, designed for more youth adult appeal under its greenery/refreshment theme. These include: more true-to-life young adult situations. More dominant visuals. A greater spirit of fun. . .For Camel Filter, we. . .will have pinpointed efforts against young adults through its sponsorship of sports car racing and motorcycling.'' The Mangini documents also demonstrate that RJR has been secretly conducting extensive surveys of the smoking habits of teenagers for decades.

Given this track record, I am deeply skeptical of the tobacco industry and its willingness to change its behavior. Yet they say they are willing—my bill will put them to the test.

BILLIONS SPENT EACH YEAR ON TOBACCO ADVERTISING

At every turn, the tobacco industry has come up with a slick new way to hook kids on tobacco. And we know from research that advertising targeted to children can play a pivotal role in an adolescent's decision to smoke.

Through the years, the tobacco companies have designed a way to attract generation after generation to smoking. Examples of industry practices are endless. Eighty-six percent of underage smokers prefer one of the three most heavily advertised brands—Marlboro, Newport or Camel.

One of the advertising campaigns most markedly aimed at young people is the Joe Camel campaign. After RJ Reynolds introduced this campaign, Camel's market share among underage smokers jumped from 3 percent to over 13 percent in 3 years.

Although Congress banned cigarette advertising on television in 1970, tobacco companies routinely circumvent this restriction through the sponsorship of sporting events that gives their products exposure through television.

Data from the Federal Trade Commission indicates how much the industry spends on these activities. Advertising and promotion expenditures have increased tenfold since 1975. In 1975, the industry spent $491 million. In 1995 alone, tobacco manufacturers spent $4.9 billion on advertising and promotional expenditures.

The federal government subsidizes tobacco advertising through a tax deduction (generally a 35% deduction) for advertising expenses. In 1995, this subsidy cost the American taxpayers approximately $1.6 billion. In terms of lost revenues to the Federal Treasury, it is certainly not an insignificant amount of money.

In effect, the federal government is subsidizing the industry's advertising costs. For example, in 1995, the cost of the cigarette advertising deduction covered the total amount spent by the industry on coupons, multi-pak promotions, and retail value added items, such as key chains, and point of sale advertising—the kind of items that are most attractive to our children.

CONSTITUTIONAL ISSUES

The First Amendment does not entitle tobacco companies to target children. The Supreme Court has said that commercial speech enjoys only limited protection. It is interesting to note that tobacco companies have not challenged the right of the government to restrict their advertising in other ways, such as the 1971 ban on broadcast advertising for tobacco products.

The industry has said that it must be offered liability limits for them to ''consent'' to advertising restrictions. In effect, the industry is saying, if Congress wants the companies to stop illegal efforts to induce children to smoke, then Congress should protect the industry from legal action. And the hypocrisy of the industry's position is that they would like the immunity protections in statute but say that the advertising restrictions ''cannot be imposed by statute or by rule.''

Some in the industry have suggested that without liability protections, the tobacco industry will continue to market to children. A USA Today article on February 19, 1998 stated that industry spokesman Meyer Koplow ''warned that the industry might return to practices such as cartoon advertising if Congress fails to grant protection from lawsuits.''

The tobacco industry, the advertising industry, and others have said that they would challenge statutory restrictions on advertising. While I believe that S. 1368 and other proposals do not violate the constitution, I recognize the uncertainty surrounding the provisions in this and other bills.

What is certain is that Congress has the authority over the tax code. This legislation uses that authority to put an end to the tobacco industry's practice of targeting children.

Mr. President, I urge my colleagues to join me in this effort to protect America's children.●

## CAMPAIGN FINANCE REFORM

● Mr. ABRAHAM. Mr. President, I rise today to express my opposition to the McCain-Feingold Campaign Finance Reform amendment.

First, I would like to point out that I consider myself, like many members of this Chamber, on the side of election reform. But, in my view, that reform must be crafted in such a way as to bring representatives closer to their constituents, not further open what is in many cases an excessively wide gap.

It was because of my commitment to effective electoral reform that I voted against this package the last time it reached the floor. Further, Mr. President, none of the changes this package has undergone lead me to believe that I should change that vote. On more than one occasion I have come to the floor to outline the standards which I believe any campaign finance reform legislation must meet if it is to be in the public interest, and if it is to gain my vote. McCain-Feingold continues to violate these standards, so I have no choice but to oppose it.

The standards I believe crucial in this area, and which this legislation violates, are straightforward and relate to the right of Americans to express their political beliefs and have those beliefs count in federal elections.

The first principle in this regard provides that reform legislation must be consistent with the First Amendment to the Constitution of the United States. I will not support any legislation establishing prior restraint on political speech or empowering any federal bureaucracy to constrain first amendment rights. Our Constitution's first amendment, and the guarantees it provides for political speech, are fundamental to our system of liberty and republican government. Because McCain-Feingold allows them to be circumvented, I cannot support this amendment.

The second standard I believe crucial in this area is the protection of state and local units of government. I cannot support campaign finance legislation if it impedes or intrudes on the prerogatives of the States and localities with respect to how they conduct political campaigns. Because McCain-Feingold continues to impose rules on state and local governments, I cannot support it.

The third standard for electoral reform is maintenance of a proper balance between the first amendment rights of actual candidates and their political parties, and the rights of those who are not directly in the political arena. McCain-Feingold violates this standard as well, by tilting the balance strongly in the direction of special interest groups.

Increasingly, Mr. President, political candidates and their parties are being pushed aside by special interest groups in the very process of campaigning, a process intended to bring candidates in close touch with their constituents. By encouraging this process, McCain-Feingold actually exacerbates a problem that is threatening the very functioning of our republican form of government.

As an example of this phenomenon, I would like to mention certain political advertisements taken out recently by campaign reform groups in my own state of Michigan. These advertisements singled out this Senator for criticism because of my opposition to this particular amendment. Ironically, had McCain-Feingold been in effect at this time, it is likely that the Michigan Republican party would have been incapable of answering these misleading advertisements. I would have been forced to look to other outside sources to mount a response, diluting the proper influence of the state party.

Fourth, Mr. President, campaign finance reform must be balanced, not favoring or punishing any one particular party. In violation of this standard,

McCain-Feingold would enhance the ability of the Democratic Party to raise funds from its traditional sources, while disproportionately limiting the Republican Party's ability to do the same.

Finally, Mr. President, I strongly believe that any campaign finance reform must address the increasing reliance of candidates on contributions from people who are not their constituents. This practice, which McCain-Feingold does nothing to stop or curtail, separates candidates from their proper loyalty to their constituents and dilutes the voice of the people—a voice that must be heard for our system of government to function as it was intended.

This last standard is crucial, in my view, and I have joined with Senator HAGEL in drafting an amendment to address it. When I travel around my State, conducting town meetings, the issue of campaign finance reform is often raised. And, when I ask people what disturbs them the most in this area, on almost every occasion I hear the same answer, that individuals, political action committees, and special interest groups not even based in Michigan are bank-rolling Michigan Congressional campaigns.

Mr. President, I have not conducted a thorough study of the particulars of outside contributions, but I do know that a significant proportion of the money flowing into almost every federal campaign comes from individuals who are not the constituents of the particular elected officials who benefit. In fact, a number of members of the House and Senate actually receive the majority of their funding from people they do not even represent.

I am convinced, Mr. President, that this reliance on non-constituent funding for federal campaigns is at the root of current public dissatisfaction with our electoral system. Certainly, people are concerned regarding large contributions to the national parties, be they from individuals, corporations or labor unions. But more distressing, in my view, is the financing of elections by people and organizations from outside states.

Clearly, the first amendment places constraints on any attempt to address this glaring problem. But I believe it is possible to craft legislation protecting the rights of political speech while also limiting the influence of non-constituent campaign money. That is why I have joined with Senator HAGEL to file an amendment to the pending bill, limiting the amount of non-constituent money a candidate for federal office may receive.

Rather than limiting the ability of individuals or organizations to have their voices heard, this amendment would limit a candidate's ability to depend on non-constituent sources for campaign financing. Specifically, it would cap at 40 percent the total amount of money a candidate's campaign can accept from individuals or political action committees from outside the state. In addition, donations from political action committees, be they in-state or out-of-state, would be capped at 20 percent of the campaign total.

In addition, Mr. President, this amendment would provide for full and immediate disclosure, within 48 hours, of all expenditures and contributions by campaigns, national party committees, state parties and groups or individuals paying for independent expenditures. Like the amendment's other provisions, this aims to empower voters by keeping them fully informed as to the sources of candidates' contributions and support. The amendment's provision increasing the amount an individual may contribute to a federal candidate to $5,000 per election also would level the playing field between individuals and special interests. To level the playing field between incumbents and challengers, without interfering with representatives' duties, the amendment also would limit Congressional use of the franking privilege.

Finally, this amendment would establish once and for all that accepting any contribution in a federal building is illegal.

This amendment, in my view, would help rebuild the necessary connection between political candidates and their constituencies—the tie on which our freedom relies, and which the bulk of McCain-Feingold would only weaken further.

Let me comment briefly now, Mr. President, on the legislation the McCain-Feingold amendment seeks to replace. I understand that the Majority Leader's bill provides paycheck protection for workers, thereby protecting American workers' first amendment right to support the candidates of their own choosing, as well as redressing some of the current imbalance in campaign financing. But, while supporting the idea of paycheck protection as a matter of fundamental fairness, I do not believe that it provides sufficient protection for the interests of in-state constituents. The bill, while it aims at a worthy goal, is not in my view sufficiently broad to constitute full and satisfactory campaign finance reform.

I look forward to working with the Majority Leader and my colleagues in crafting comprehensive campaign finance reform, in keeping with the principles I have laid out today.

But I would urge my colleagues not to wait for Congressional action to change their own campaign finance practices.

I for one do not for a moment believe that members of the body would change their votes or their fundamental political beliefs in pursuit of campaign dollars. Nonetheless, public confidence in our electoral system demands that we eliminate any appearance of impropriety in campaigning. This requires, in my view, that members of this body reject the argument that they cannot ''unilaterally disarm'' by voluntarily reforming their own conduct.

Instead of focusing exclusively on passing legislation that will supposedly save us from ourselves, I believe it is incumbent upon each of us to undertake those actions we determine to be most appropriate in addressing current perception problems. Each of us should strive to set an example of good conduct, regardless of what the campaign finance laws might permit.

If, for example, we think it is wrong to receive a disproportionate amount of our campaign contributions from outside our States, we should simply stop doing so. Similarly, if we believe that independent committees operating on our behalf, or in support of our efforts, are acting inappropriately, we should say so, clearly, publicly and without hesitation.

The real test of our convictions regarding campaign finance reform will not take place on this floor, Mr. President, but in our home states. Each of us must take action, independent of federal legislation, to mold our actions in accordance with our fundamental principles. That means, for example, that, should I decide to seek re-election, I will continue the practice I established during my first Senate campaign: I will unilaterally limit the flow of PAC and out-of-state dollars to my campaign. Should this practice put me at an electoral disadvantage, so be it. Reliance on my constituents for the bulk of my campaign financing is a principle too important to me to let go of under any circumstances.

I hope my colleagues will join me, not only in pursuing fundamental electoral reform that maintains respect for first amendment rights and strong relations between representatives and their constituents, but also in acting on these principles themselves in the immediate future.●

## TROPICAL FOREST CONSERVATION ACT OF 1998

● Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues in support of the Tropical Forest Conservation Act of 1998. This important legislation addresses the perils of environmental degradation and, to a limited extent, the pressures of third world debt.

As some of the other co-sponsors of this legislation have noted, tropical forests around the globe are disappearing at an alarming rate. Economic pressures are nearly always the underlying cause. Rural populations constrained by poverty engage in destructive short-term exploitation of timber. Growing populations result in growing land use pressures, often causing large tracts of forested land to be clear cut and converted to agricultural uses. Yet in most cases, there are opportunities to redirect development toward a sustainable course.

The legislation we are introducing today responds to some of these opportunities, by establishing a new program for debt-for-nature swaps between the United States and the tropical developing countries of Africa and Asia.

The Tropical Forest Conservation Act of 1998 builds upon the Enterprise for the Americas Initiative (EAI) first established under the Bush Administration. The EAI created a system by which Latin American and Caribbean governments could restructure some of their official debt to the United States, on the condition that funds be established in local currency to support environmental conservation.

The idea of linking debt to conservation, often referred to as ''debt-for-nature swaps,'' was first articulated in 1984 by Dr. Thomas Lovejoy, then a vice president of the World Wildlife Fund. In early 1986, Costa Rica announced the first transaction based on this premise. The Costa Rican plan involved a debt-for-equity swap in which the Northeast Bank of Minnesota was allowed to exchange $10 million in Costa Rican debt titles for an equity position in Portico, a local door manufacturing industry with considerable export potential. Local currency bonds provided by the central bank of Costa Rica were used to purchase nearly 5,000 hectares of forest, which was held in trust by the government to ensure sustainable forest management practices.

Since the 1986 Costa Rica transaction, the idea of converting commercial debt into local currency instruments for conservation projects has gained momentum, and more than a dozen countries in Latin America have approved similar projects. Costa Rica has gone on to negotiate other debt-for-nature swaps with the governments of Sweden and the Netherlands. The success of these projects in Costa Rica, and elsewhere in Latin America, make them models for potential projects elsewhere on the globe.

The Tropical Forest Conservation Act is designed to spur new debt-for-nature exchanges in areas outside of Latin America—namely, in the tropics of Asia and Africa. The new conservation projects which are established as a result of this legislation will benefit from the lessons learned through the earlier Latin American projects. Two important lessons are illustrated by the Costa Rican experience.

First, experience has taught us the importance of the local organization administering the conservation program. Non-governmental organizations sometimes lack the technical and administrative expertise necessary for effective management of a large conservation effort. In Costa Rica, the debt-for-nature program has been carried out through the National Park Foundation. The respectability of this foundation, and its commitment to environmental education, ecological tourism and scientific research largely contributed to its successful administration of the conservation projects in its charge. We must ensure that the organizations administering the conservation efforts established through this legislation have the requisite knowledge and technical expertise to manage their charges effectively.

Second, a cautionary note is in order regarding limitations on the magnitude of these projects. Ultimately, debt-for-nature exchanges imply that the local government must print local currency bonds, and eventually these will increase a country's money supply—thus creating inflationary pressures. At the request of the Costa Rican government, the Nature Conservancy commissioned a study to assess the potential inflationary impact of debt-for-nature swaps. This study concluded that if Costa Rica were to spend $50 million in local currency generated by debt-for-nature exchanges each year, the inflationary impact would be less than 0.5 percent. Although this figure may appear negligible, inflationary pressures may become significant if a large fraction of a nation's debt is involved in a debt-for-nature exchange.

By incorporating the lessons we have learned through earlier debt-for-nature projects in Latin America, I am confident that we will ensure the success of such exchanges in tropical developing countries of Asia and Africa.

Mr. President, I am pleased to be a co-sponsor of this important legislation, which will help third world nations to develop in a sustainable, environmentally-minded fashion. I encourage my colleagues in the Senate to lend their support to this effort.●

## AMERICAN STUDENT ASSOCIATION OF COMMUNITY COLLEGES

● Mr. WELLSTONE. Mr. President, it was my pleasure this week to address the 15th annual Washington conference of the American Student Association of Community Colleges. I ask to have printed in the RECORD the students' statement of priorities for the reauthorization of the Higher Education Act.

The statement follows:

STATEMENT OF ASAAC

As a voice of the nation's largest post-secondary student body, the American Student Association of Community Colleges thanks the Congress for last year's 12 percent increase in the Pell Grant, and for extending employee educational assistance (tax code section 127) into the new century. Both programs are proven cornerstones of advanced work force training, which grows steadily in importance to American economic competitiveness. To ensure a high standard of living, a work force with cutting-edge skills will always be essential.

More and more Americans look to their community colleges for such skills. Employers who offer tuition assistance report that community colleges are the most frequent choice of employees using this training incentive. With this in mind, ASACC urges the House and Senate to enact these priorities in the reauthorization of the Higher Education Act:

—The $5,000 Pell Grant maximum advocated by Senator PAUL WELLSTONE and Congressman JAMES P. MCGOVERN. More than ever, the Pell Grant is the backbone of post-secondary access for low-income students. Because community colleges serve the highest low-income enrollment, their students benefit least from Hope scholarships and the other educational tax incentives enacted last year.

—The 5,500 Income Protection Allowance for independent students, as provided in the House subcommittee draft of the HEA, giving the independent students equal footing with dependent students in award computation.

—The promise of Pell Grants as early as the sixth grade to students in impoverished communities who finish high school, as proposed by Congressman CHAKA FATTAH in H.R. 777.

—The provision of child-care assistance to colleges serving the larger Pell Grant enrollments, as proposed by Senators CHRISTOPHER DODD, EDWARD KENNEDY, and OLYMPIA SNOWE in S. 1151. The bill recognizes that ''students who are parents and receive campus-based child care are more likely to remain in school, and to graduate more rapidly . . . than students who are parents (without) campus based child care. For parents juggling family, school and employment, the convenience of child care is crucial. A college could become eligible for successive three-year grants under the bill, if Pell Grants totaled $1 million or more in the preceding fiscal year. ASACC urges that small colleges whose yearly Pell total is under $1 million also be made eligible for such grant, provided half or more of their eligible students are receiving Pell Grants. We do not want to see small rural colleges arbitrarily excluded from the program.

Mr. WELLSTONE. It is refreshing to meet a student group with its legislative message so clearly focused. As the consumer voice of higher education's largest sector, the community college students, nearly 12 million strong in annualized enrollment, represent, in a very large degree, the economic future of our nation and our workforce. I urge my colleagues to heed their message.●

## UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FREDERICA MASSIAH-JACKSON

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, as in executive session, I ask unanimous consent that at 12 noon on Monday, March 16, the Senate proceed to executive session to consider the nomination of Frederica Massiah-Jackson to be a U.S. district judge, and it be considered under the following agreement:

There be 6 hours of debate on the nomination on Monday, March 16, to be equally divided in the usual form, with a vote to occur on or in relation to the nomination at 10 a.m. on Tuesday, March 17.

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

## ORDERS FOR FRIDAY, MARCH 13, 1998

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on

Friday, March 13, and immediately following the prayer the routine requests through the morning hour be granted and the Senate immediately proceed to a vote on S. Con. Res. 78, a resolution regarding Saddam Hussein, as under the previous order at the hour of 9:30.

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

Mr. MURKOWSKI. I ask unanimous consent that following the 9:30 a.m. vote, the Senate proceed to a period of morning business with Senator BENNETT immediately being recognized for up to 45 minutes.

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

PROGRAM

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, tomorrow the Senate will resume consideration of S. Con. Res. 78, a resolution regarding Saddam Hussein, with a vote occurring on the resolution to begin at 9:30 a.m. Following the vote, the Senate will be in a period of morning business with Senator BENNETT being recognized for 45 minutes. During Friday's session, the Senate may also begin consideration of S. 270, the Texas low-level radioactive waste, Senate bill 414, the international shipping bill; and/or H.R. 2646, the A+ education bill.

For the information of all Members, one or two votes can be expected to occur during Monday's session of the Senate beginning at approximately 5:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Friday, March 13, 1998, at 9:30 a.m.