

which, in my view, is not the most effective use of scarce resources at a time when there are so many other sources of information available globally. However, the main reason why I am going to vote against this conference report is that it imposes unacceptable conditions on funding for international family planning organizations.

Section 1816 of the bill was offered by Congressman CHRIS SMITH in a sham conference process in which no Democrat from the Senate or the House was invited to participate. It has been billed by its author as a so-called "compromise" to bridge the gap between the House, which has voted to reinstate the Mexico City policy of the Reagan and Bush administrations, and the Senate, which has repeatedly supported the Clinton Administration's decision to abandon it. The Mexico City policy ended assistance to private family planning organizations overseas if the organization was involved in voluntary abortion activities even if US funds were not used for such activities. Of course, since 1973 US funding for abortions overseas has been banned by law and international family planning organizations have been prohibited from using US funds to pay for abortions. Even abortion opponents agree that there is no direct US funding of abortions abroad.

Make no mistake about it. The Smith provision is no compromise. First, it tries to dictate how foreign family planning organizations use their own funds by mandating that no US population assistance may be given to any foreign organization unless the organization certifies that it will not use its own funds to counsel or perform abortions. If the President exercises the waiver of this provision, funding for family planning activities will be cut by \$44 million.

Far worse, however, is the expanded ban on lobbying which amounts to a gag rule on organizations receiving US population funding. The Smith provision prohibits funding for any foreign organization that "engages in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated or prohibited." The statement of managers makes it clear that the phrase "alter the laws or governmental policies" is broadened well beyond traditional lobbying to include "sponsoring conferences, and workshops on the alleged defects of the abortion laws, as well as the drafting and distribution of materials or public statements calling attention to such alleged defects." In other words, under this prohibition, which is not waivable, any foreign organization which dares to enter a legitimate public policy debate on the abortion issue in its own country would be denied US family planning assistance.

The lobby ban in the Smith amendment is anti-democratic in every sense

of the word. As Secretary of State Albright has said, it is "basically a gag rule that would punish organizations for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the United States." It sacrifices free speech, a right we Americans hold dear, for ideological purposes on the abortion issue.

This gag rule harkens back to the old days of American imperialism by telling others in foreign countries what they can and cannot say and do. It runs counter to our long held belief in pluralism, open political processes and democratic participation, and it undermines a central tenet of our foreign policy: encouraging democratic political practices abroad and participation by non governmental organizations in those processes.

The Mexico City provision in this conference report, with its gag rule, will not reduce the number of abortions but rather increase it. The effect of this provision, if enacted, would be to cut funding for family planning programs, thereby decreasing access to the most effective means of reducing abortion.

Finally, Mr. President, I think it is a travesty that the reorganization of our foreign affairs agencies—an issue on which the Administration and the Congress have finally found common ground after much disagreement—and our efforts to pay our debts at the United Nations and promote much-needed reform in that body are being held hostage to a domestic issue which is irrelevant to the substance and goals of this bill. This is not the proper place or the proper time to engage yet again in a debate over Mexico City. For this reason alone, I urge my colleagues to vote against this conference report.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

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

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the submission of S. Res. 216 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also ask unanimous consent that I be able to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1982 are

located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the conference report to accompany H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

Mr. BYRD. I thank the Chair.

Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. That will not expire until 1:20 today.

Mr. BYRD. Mr. President, I therefore ask unanimous consent that I may speak out of order for such time as I may consume.

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

ISTEA

Mr. BYRD. Mr. President, on Wednesday evening, the committee of conference on the reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA, had its first opportunity to sit down in full conference and discuss the differences between H.R. 2400 and S. 1173, respectively, the House- and Senate-passed highway bills. As a Senator who is not a member of the conference committee but as a Senator who is, nevertheless, deeply committed to increasing substantially the size of our national investment in transportation infrastructure, I rise to urge the conferees to complete expeditiously their deliberations on the highway reauthorization bill. The conferees and all Senators are fully cognizant of the imminent—the imminent—arrival of May 1, the date beyond which all States will be prohibited by law from obligating any Federal-aid highway funds.

Senators will recall that, during the months of February and March, I and a number of other supporters of the Byrd/Gramm/Baucus/Warner amendment, spoke on the Senate floor on a daily basis to discuss the critical need for the Senate to turn immediately to the ISTEA, or the highway, reauthorization bill. I thought it was extremely important that all 100 Senators, all 50 Governors, and the thousands of State legislators and mayors and transportation agencies throughout our Nation were fully aware that the Surface Transportation Extension Act—the short-term ISTEA extension bill passed at the end of last year—includes a deadline on the authorization of our federal aid highway and transit programs. That short-term bill, P.L. 105-130, the Surface Transportation Extension Act of 1997, includes the following passage, and I quote from the law of the land.

The Magna Carta of 1215, which the English barons forced King John to sign at Runnymede on the meadow near the Thames River, had a phrase

within it, "the law of the land." That was the phrase, "the law of the land." And our own American Constitution later used the phrase "due process." "Due process." We speak of the due process law. Due process is an evolution from the law of the land in the Magna Carta.

So I want to read this following passage from the law of the land:

A State shall not obligate any funds for any federal aid highway program project after May 1, 1998.

There is no equivocation. There are no ifs, ands, or buts. Let me read it again. This passage is from the law of the land, the statute that Congress passed last November:

A State shall not obligate any funds—

That is pretty absolute, pretty final. There are no doubts that arise from reading that language.

A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998.

The short-term bill also includes other provisions which, in effect, limit our States to obligating no more than \$9.8 billion through May 1 on our Federal-aid highways. Even though the Transportation Appropriations Act for the current fiscal year provided a total obligation limitation of \$21.5 billion, a historic 16 percent increase above the prior year's level, the short-term authorization bill effectively capped that amount at \$9.8 billion, roughly 45 percent of the allowable appropriation. It will be necessary for a new highway bill to be enacted into law in order for the States to spend the remaining \$11.7 billion allowed under the appropriations act.

I recently contacted the Federal Highway Administration to find out how States are progressing in the obligation of this \$9.8 billion and how their obligations compare to amounts they have obligated in prior years by this time. As of Wednesday evening, the States had obligated roughly \$8.5 billion, or 86 percent, of the total \$9.8 billion permitted under the short-term extension law. The Federal Highway Administration expects, however, that almost all of the \$9.8 billion will be obligated by the time the clock strikes—by the time that clock just above the Presiding Officer's Chair strikes midnight one week from today. Indeed, this rate of obligations is consistent with the amounts the States customarily obligate by this point in the year.

We now find ourselves in a situation where the Federal spigot will be shut off without even a dribble of funding going to States to continue the annual construction process beyond the end of next week. States will not be allowed to enter into any new obligations. It will be anything but business as usual in our Nation's highway construction enterprise. Roughly \$11.7 billion in potential highway construction funds will be frozen at the Treasury until a new highway bill is signed into law. And if that highway bill is not signed

into law soon, the States will be required to lay off highway workers and bring their planning and engineering activities to a halt. The longer it takes to get a new highway bill enacted, the greater the likelihood that a good part of the spring and summer construction season will be lost.

I remind my colleagues that the Federal Highway Administration estimates that every billion dollars in federal highway spending generates 42,000 jobs throughout our economy. This \$11.7 billion in construction funds that will be withheld from our States after May 1, pending the enactment of a new highway bill, thus, represents almost 500,000 jobs. Put another way, Mr. President, our failure to enact a highway bill in the near term could result in layoffs approaching half a million workers over the long term.

I do not believe that any Senator or any Member of the other body wants to see half a million highway workers thrown off the job. The sooner the Congress sends a highway bill to the President and the sooner the President signs that bill, the sooner we will ensure that this does not happen.

Mr. President, I am hopeful that the conferees on the highway bill will complete their work promptly. Through the intervention of the bipartisan leadership of both the House and the Senate, each body has now passed a comprehensive surface transportation bill with substantially increased resources. This accomplishment was long overdue and I commend the leadership of the House and the Senate, as well as the leadership of the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee, in passing bills that will finally authorize the obligation of all new revenues to the highway trust fund.

I do not mean to belittle the task that is before the conferees in the development of the final conference agreement on the ISTEA reauthorization bill. There are significant differences in approach and policy between the two bills. I am confident, however, that under the leadership of Chairman SHUSTER and Chairman CHAFEE and their Democratic counterparts, Congressman OBERSTAR and Senator BAUCUS, these differences can be resolved so that we can adopt a conference report as close to the May 1 deadline as possible. So I implore all conferees to work diligently, as they always do, to ensure that our States, and our local communities, see no interruption in the flow of critically needed highway investment dollars.

(Mr. HAGEL assumed the Chair.)

SENATOR KENNEDY AND THE EDUCATION BILL

Mr. BYRD. Now, Mr. President, on another matter, I desire to compliment Senator TED KENNEDY on his stalwart, unstinting, and unyielding support of public education. I, on yesterday and

on previous days, voted in opposition to Senator KENNEDY's position on amendment after amendment to the education bill that was before the Senate, the bill which passed the Senate last evening. But Senator KENNEDY never falters—never falters. I did not agree with him, and that is why I voted differently on some of the amendments and on the passage of the bill.

But I, nevertheless, never hesitate to admire his supreme dedication to the education of our children and to the support of the public school system. He has done a magnificent job over the years. When I was majority leader, he was just as magnificent, just as unyielding in his support of public education, always a superb committee chairman and today a superb ranking member of the committee.

He is undaunted always. He is always constant. You know where he stands.

How hard it is—

As we read from Caesar:

How hard it is for women to keep counsel!
But I am constant as the northern star,
Of whose true-fix'd and resting quality
There is no fellow in the firmament.

That is pretty constant, isn't it? Let us go over it again.

How hard it is for women to keep counsel!

Now that is not a part of my thinking in this instance, but that is part of the quotation.

Now I am thinking of Senator KENNEDY.

But I am constant as the northern star,
Of whose true-fix'd and resting quality
There is no fellow in the firmament.

So even though I differ in my position, especially with respect to this bill that was passed yesterday, differ in some respects from my colleague, Senator KENNEDY, I admire him and commend him and salute him for his constancy in standing for what he thinks is the best for our young people.

And, of course, in differing with Senator KENNEDY, I, too, stood for what I thought was best for our children. I deplore some of the things that are being said in an attempt to equate highways with schools or with education. The country needs both. The country is in dire need of investment in infrastructure in this country. Both highways and education, the education of our young people, both constitute infrastructure.

And I think it is unwise to attempt to equate one with the other and say, "Oh, we are spending billions of dollars on highways. Why should we not spend like amounts on education?" I am for both. But why equate education with highways or highways with education? We cannot have one without the other. We have to have both. And so I hope the administration will get off that tack of trying to equate highway funding with education funding. We can be for both roads and schools and be for our children in being for both, without speaking disparagingly of either.

My concerns, as I stated yesterday, grew out of the deplorable state of elementary and secondary education as