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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].

PRAYER

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

It was 161 years ago today that President Andrew Jackson gave a clarion call to prayer in his farewell address. Jackson's words challenge us: ''You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed and enable you, with pure hearts and hands and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping.''

Let us pray.

Almighty God, as the sword of these piercing words hangs over this Senate chamber today, provide the Senators with a renewed sense of awe and wonder over the awesome challenge You have entrusted to them. Thank You for the abundant courage You provide leaders who seek first and foremost to know and do Your will. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration now of S. 1173, the ISTEA surface transportation reauthorization legislation. As under the consent agreement, the Senate will conclude 1 hour of debate on the DeWine-Lautenberg amendment regarding alcohol levels, with a vote occurring on or in relation to the DeWine-Lautenberg amendment at approximately 10:30 this morning. Following that vote, it's hoped that the Senate will be able to debate an amendment dealing with funding levels. In addition, this afternoon the Senate will hopefully debate an amendment to be offered by Senator McConnell. Therefore, Members should be prepared for votes throughout today's session.

As a reminder to all Senators, the first rollcall vote today will occur at 10:30 a.m.

I urge the Senate to work hard to make progress today. If we can have this debate and vote at 10:30 and go to the funding level resolution and hopefully find a way to complete that today and move on to the McConnell amendment and hopefully get to a vote on that, a great deal can be accomplished today and we can move the bill along considerably.

Mr. President, I would like to yield myself leader time so that I may comment on the Lautenberg amendment briefly.

The PRESIDING OFFICER. The majority leader is recognized.

THE LAUTENBERG-DEWINE AMENDMENT REGARDING BLOOD-ALCOHOL LEVELS

Mr. LOTT. Mr. President, as I understand the amendment, it would require States to enact the .08 alcohol content legislation instead of the present, I think, .10 level of alcohol to be considered drunk. That has to be done by September 30, 2000. Noncompliant States would lose 5 percent of highway funding on October 1, 2000, and then 10 percent thereafter. Currently, 15 States already have the .08 level of alcohol content to be considered drunk in drunk driving cases.

Mr. President, I think we should encourage people not to drink. We should encourage all people not to drink excessively. We should do all that we can to get the States to pass the lower level of .08. I support that. We need to combat the problem of drunken driving.

I understand the tragedy and the ravages of people that drink and drive. My father was killed in just such an accident. So this is not an issue that I take lightly. But I will oppose this amendment. This is a typical Federal Government attitude—not to encourage you to do right, not to say if you do the right thing, there will be incentives in it for you; no; you do it our way, or we will punish you; you will lose funds if you don't do it the way we say. Some people say President Reagan did the same thing. Yes, and I opposed it then, too.

I am very much opposed to alcoholism and drinking and driving. But for us to stand here and pontificate about how you must do it our way, that this is the solution, or we are going to take your funds away, what about poor States like mine where people are killed every week because of bad roads, potholes in the roads, dangerous bridges? What about safety? If a State, for whatever reason, by mistake or obviously for the wrong reasons, doesn't do it, we take a big chunk of money away from them. Is that going to save lives? No. As a matter of fact, it may lead to more lives being lost.

So while I know this is well-intentioned, and while I support the intent or the goals of this legislation, the idea that we are going to punish States because you don't do it our way I think is the wrong thing to be doing. I hope my colleagues will think about this very, very seriously before they cast a vote in favor of this amendment.

Mr. THURMOND. Will the able Senator yield?

Mr. LOTT. Mr. President, I yield to the Senator from South Carolina.

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

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Mr. THURMOND. Mr. President, I commend our able majority leader on his statement and the position he has taken in this matter. I am sick and tired of the Federal Government trying to dictate to the States and threaten to withhold funds if the States don't do what the Federal Government wants. Let us take a stand here today to show that the States have their rights and will not be invaded by the Federal Government.

Mr. LOTT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota——

Mr. CHAFEE. Mr. President, when we go back on the bill, we will have an hour, equally divided, and the distinguished Senator from New Jersey isn't here, who controls that time, but let's get started here.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXPLANATION OF ABSENCE

Mr. CHAFEE. Mr. President, I wish to announce that Senator JEFFORDS will necessarily be absent from today's Senate session due to an illness in the family.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

Lautenberg Amendment No. 1682 (to Amendment No. 1676), to prohibit the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of a vehicle on a public highway.

AMMENDMENT NO. 1682

Mr. CHAFEE. How much time will the Senator from Minnesota need?

Mr. WELLSTONE. I will take 3 minutes.

Mr. CHAFEE. I will yield 3 minutes to the Senator from Minnesota, and the Senator from Rhode Island wants 5 minutes, and the Senator from Illinois wants 5 minutes.

The PRESIDING OFFICER. The time until 10:30 is now evenly divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to come to the floor today to add my voice to those of my colleagues, Senators LAUTENBERG and DEWINE, in support of this amendment to require states to pass .08 blood alcohol content (BAC) laws.

People who drive while they are impaired are placing all of us in harm's way. The real issue is whether or not a person should be driving after consuming alcohol. There is no good reason that this should be accepted as a standard practice in our society.

Opponents to this amendment will argue such things as ''this means that a 120-pound woman could not drive after drinking two glasses of wine''. I believe they are missing the point. The point is that if a person is impaired by alcohol, he or she should not be driving—period. The point is that someone's BAC might reach .08 after consumption of a certain amount of alcohol, and that BAC level might just be indicative of physical impairment that would affect driving ability. We are not talking about someone being fallen-down drunk, but perhaps a young woman whose reaction time might be slowed, so that as a young child darts out into the street in front of her car, she is unable to react quickly, enough to hit the brakes in time to stop the car from hitting the child. Was this woman ''drunk''? No, but the alcohol in her body slowed her reaction time.

Here are some facts from the National Institute on Alcohol and Alcohol Abuse at NIH that help to explain the issue:

The brain's control of eye movements is highly vulnerable to alcohol. In driving, the eye must focus briefly on important objects and track them as they and the vehicle being driven move. BAC's of .03 to .05 can interfere with these eye movements.

Steering is a complex task in which the effects of alcohol on eye-to-hand reaction time are super-imposed upon the effects on vision, studies have shown that significant impairment in steering ability may begin at a BAC as low as .04.

Alcohol impairs nearly every aspect of information processing by the brain. Alcohol-impaired drivers require more time to read a street sign or to respond to a traffic signal than unimpaired drivers. Research on the effects of alcohol on performance by both automobile and aircraft operators shows a narrowing of the attention field starting at a BAC of approximately .04.

The National Public Services Research Institute reports the following:

Approximately 10 percent of miles driven at BAC's of .08 and above are at BAC's between .08 and .10. Every year, crashes that involve drivers at BAC's of .08 to .99 kill 660 people and injure 28,000.

Driving with a BAC of .08 is very risky. They estimate that crash costs average $5.80 per mile driven with a BAC of .10 or higher, $2.50 a mile for a BAC between .08 and .99, and only 11 cents a mile for each mile driven while sober.

The preliminary evaluation of the .08 legislation by the National Highway Traffic Safety Administration indicates that this law will reduce alcohol-related fatalities by 5 to 8 percent. This is at least comparable to the impact of other laws such as zero tolerance for youth, administrative license revocation or graduated licensing.

The evidence is clear. There is no good argument against the .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it. There is no excuse not to implement a law that could decrease traffic fatalities by 600 each year, and decrease traffic-related injuries by many thousands. We need to be responsible and encourage the implementation of .08 legislation in all states, and to provide incentive for doing so.

Mr. President, again, I want to add my voice to my colleagues, Senator LAUTENBERG and Senator DEWINE, and support this amendment to require States to pass the .08 blood alcohol content law.

Mr. President, people who drive while they are impaired are placing all of us in harm's way. That is really the issue. Now, opponents of this amendment have argued that this is going to mean such a thing as, ''A 120-pound woman could not drive after drinking two glasses of wine.'' I believe they miss the point. The point is, if a person is impaired by alcohol, he or she should not be driving, period.

There are some important facts laid out by the National Institute on Alcohol Abuse. It lays out clearly why this amendment is so important. The evidence is really clear. There is no good reason and no good argument to be against this .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it.

There is no excuse not to implement a law that could decrease fatalities by 600 each year and decrease traffic-related injuries by many thousands. We need to be responsible, and we need to encourage the implementation of the .08 legislation in all States and to provide those States incentives for doing so. I urge my colleagues to support this amendment.

Mr. President, on a personal note, I want to thank Minnesota Mothers Against Drunk Driving for all that they have done to educate all of us in my State, including me as a Senator. I have been at their gatherings, and I say to my colleague, Senator LOTT, I absolutely accept what he says in the best of faith. I know he is committed to the general concept. But I believe, after spending time with these families who have lost so many loved ones in these accidents, that we ought to be as tough as possible. This is a matter of public health. We ought to make sure that we have as few people driving who are impaired from alcohol as possible around our country. This is an issue for our national community. This is a