NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

OPEN CONTAINERS OF LIQUOR IN VEHICLES

Mr. DORGAN. Mr. President, I intend to return to the floor this afternoon with an amendment. I would like to describe it in no more than 1 minute to my friends in the Senate.

I am going to offer an amendment in the Senate that deals with the issue of open containers of liquor or alcohol in vehicles. We now have in this country 26 States in which it is perfectly legal to have open containers of alcohol as you move down the road. We have six States still remaining—I thought there were more—but there are six States still remaining in which it is perfectly legal in most parts of the State to drink and drive.

In my judgment, no one in this country ought to put the keys to the car in one hand and put them in the ignition and start the engine and wrap the other hand around a fifth of whiskey and start driving down the street. Alcohol and automobiles do not mix.

No one in this country ought to drive down the street in a strange State and not know that there is not another car coming where the people who are in the car, either driving or traveling, are drinking. We ought to have a uniform prohibition against open containers of alcohol in vehicles. It ought to be a national goal to see that happen.

Yesterday, there were eight people killed—six children killed in California, again from a drunk driver in one accident; six children killed, slaughtered on the highways. It is murder. Every 23 minutes in this country, it happens. It has happened to, I will bet, everyone in this Chamber, that someone they know or someone in their family has been killed by a drunk driver. There is no excuse for the States to access the billions of dollars of highway money but then to resist the need to prohibit open containers of alcohol in vehicles all across this country. I intend to offer an amendment on that this afternoon, and I do hope Members of the Senate see fit to support it.

I see the Senator from Louisiana is waiting. Let me at this moment yield the floor.

WELFARE REFORM

Mr. BREAUX. Mr. President, let me applaud the Senator from North Dakota for his comments and his statement on the open-container legislation but particularly on the remarks that he just made about the welfare reform debate that is now underway in this country and, hopefully, soon to be underway in the U.S. Senate.

I really believe that welfare reform should not be a partisan issue. I think it is clear that, if we make it a partisan issue, we will not get anything done. We as members of the minority party do not have enough votes to pass a welfare reform bill without our Republican colleagues' participation. I would suggest to my Republican colleagues that they do not have sufficient votes to pass Republican-only welfare reform without the participation of Democrats, certainly not one that can be signed into law or perhaps even one that can pass the Senate.

So I think it is certainly clear that we have to work together if we are going to get anything done. To insist on a political issue is insisting on failure as far as welfare reform is concerned. We as Democrats have worked very hard to come up with a bill that makes sense, that is true reform, that recognizes that the problem is big enough for the States and the local governments to work together in order to solve the problem. It is not a question of whether the Federal Government should solve it or the States should solve it. The real answer is the Federal Government and the States and local governments have to work together if welfare reform is ever to occur. It will not be done just by the States or just by the Federal Government.

So those who argue that we should give all of the problems to the States I would suggest miss the real solution to this very large problem. I have called the so-called block grant approach analogous to putting all the welfare problems in a box and shipping that box to the States and saying, Here. It is yours. And when the States open up that box they are going to see a whole lot of problems and not enough money to solve those problems. That is not reform. That is shirking the responsibility that we have as legislators who raise the money for welfare in this country. To just shift the problems to the States is not reform. It does not solve anything. It just says that we are so confused and we are so incapable of coming up with a solution that we are going to send the problem to the States, and maybe they will not resolve the problem.

The States are starting to recognize and the mayors of this country are starting to realize that the plan that has been reported out of the Senate Finance Committee by the Republican majority will freeze the amount of money available to the States at the 1994 level for 5 years and will tell all of the States that you are going to get the same thing you got in 1994. If you are a fast-growing western State or a low-income State like mine in the South, you are going to be frozen at the 1994 levels and not take into consideration any growth and people moving to your State or any increase in poverty problems that may occur in your State. That makes no sense whatsoever, and it certainly is not real reform.

The Republican plan, in addition, says that for the first time we are going to break the joint Federal-State partnership. We are going to tell the States you do not have to spend any money on it if you do not want to. You can take the money that you were spending on welfare reform and you can use it to build bridges or build roads or to give everybody in your State a salary increase if you would like to use it for that purpose.

Where is the partnership? Where is the sense of those States and Federal officials working together to solve the problem?

In addition, it is not reform if you are weak on work and tough on kids. One of the deficiencies I see in the Republican plan is that it says we are going to measure the success of the plan based on how many people get put into programs. That is the last thing we should measure our success by in welfare reform. The real solution to welfare is the standard by which reform must be judged, not how many people we put in programs, but how many people we are able to put into jobs. Our suggestion is that we should measure the success and reward States that put people in private sector jobs, not by putting people in more programs run by bureaucrats.

The bottom line on all of this is that I am calling for our colleagues on the Republican side to be willing to join with us in a bipartisan fashion to craft a welfare reform bill that does not focus on which party benefits but whether we can jointly find long-term solutions. It is clear, if we continue on the present track, that what we will have done is to produce perhaps short-term political gains but long-term guaranteed failures for the people of this country.

Why should we be afraid to meet together and talk about this problem and come up with solutions that are bipartisan in nature?

I think what we have crafted makes sense. I think it is a good plan. It is not to say that it cannot be modified or improved. We are willing to listen to our colleagues' suggestions in this particular area. It is clear, in my opinion, that the only way we come up with welfare reform that is real reform is to do it in a bipartisan fashion, and I would suggest that is something that the American people want us to do. If we do that, there would be enough political credit for everyone. If we fail to do that, there will be more than enough blame to go around. And this should be something that we do as quickly as possible.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask for 2 minutes as if in morning business.

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

WELFARE REFORM

Mr. FORD. Mr. President, let me associate myself with the language and the words of my distinguished friend

from Louisiana. Having been a Governor, I understand what the Federal Government can do to you or for you.

What we are trying to do now is to dump this problem off onto the States. It is the biggest unfunded mandate that I have seen in all the time I have been here. Just send the package down there minus 20 or 30 percent and say we have cut the budget and we sent all our problems to the States. The States now can do whatever they want to. And I can see a Governor out there having an opportunity to use some of this money that would be very politically helpful to him or to her. The welfare and the welfare program in the various and sundry States would not be helped.

This is a question that everybody has read. People want welfare reform. They want it done sooner than later. But the idea of sooner, of just saying we are going to send it all down to the States and we are going to cut 20 to 30 percent of the funding and let the States have at it, I think, is the wrong attitude.

We all need to sit down because I think all of us, both Democrat and Republican, would like to come up with a reasonable solution to welfare reform. If we can do that, that will be, I think, a star in the crown of the 104th Congress.

I urge my colleagues to sit down with us and try to work out something that would be acceptable. I think we have a good package. If it is passed, I think it would be helpful to the future. There would be other good ideas. So let us put them in the same basket.

I thank the Chair.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate resumed with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Erica Gumm, an intern from Senator DOMENICI's office, be granted floor privileges during the Senate's consideration of S. 440, the highway bill.

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

AMENDMENT NO. 1432

Mr. CHAFEE. Mr. President, on behalf of Senator INHOFE, 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. INHOFE, proposes an amendment numbered 1432.

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:

SEC. . QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) title 23. United States Code, is amended by adding at the end the following new subparagraphs:

''(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of the Code of Federal Regulations.

''(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect costs rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rare data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to an other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

''(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act, provided, however, that if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraph shall not apply in that State.''

Mr. CHAFEE. Mr. President, this amendment by the Senator from Oklahoma would require that any contract awarded with Federal aid funds accept overhead rates established in accordance with Federal acquisition rules. We are currently in a situation where we have duplication on the audits on these highway situations. The amendment of the Senator from Oklahoma would provide that the Federal System would prevail as to what is proper overhead rates.

So, Mr. President, this is an amendment that has been cleared with the Democratic side. I believe it is acceptable to all.

Mr. BAUCUS. Mr. President, I have looked at the amendment. I have examined it. I support it. 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 Oklahoma.

So the amendment (No. 1432) 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. 1433

(Purpose: To clarify the intent of Congress with respect to the Federal share applicable to a project for the construction, reconstruction, or improvement of an economic growth center development highway on the Federal-aid primary, urban, or secondary system)

Mr. CHAFEE. Mr. President, on behalf of Senators JEFFORDS and LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. JEFFORDS, for himself and Mr. LEAHY, proposes an amendment numbered 1433.

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. . FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking ''and'' at the end and inserting ''or''; and

(2) in paragraph (3), by striking ''section 143 of title 23'' and inserting ''a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title''.

Mr. JEFFORDS. Mr. President, this amendment is a technical correction to the current law regarding highways in Economic Growth Centers [EGC]. The amendment simply allows programs already approved for EGC funding to continue to receive this level of support.

The EGC program was authorized by title 23, United States Code [USC], section 143, for projects on the Federal-aid systems other than the Interstate System. Under 23 USC 120(k), the Federal share for EGC projects financed with regular Federal-aid funds were 95 percent. However, in 1991, Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA], which eliminated the Federal-aid systems and replaced it with National Highway System, which we are debating today. In