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Senate

The Senate met at 9 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:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle, Mordecai, sound in our souls: ''You have come to the kingdom for such a time as this.''—(Esther 4:14)

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems like coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, ''I have plans for you, plans for good and not for evil, to give you a future and a hope.''—(Jeremiah 29:11)

Grant the Senators a heightened sense of the special role You have for each of them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

Today, on Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that ''though the wrong seems oft so strong, You are the Ruler yet.'' Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. ALLARD. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period of morning business until 11 a.m. to accommodate a number of Senators who have requested time to speak. At 11 a.m., the Senate will resume consideration of S. 1173, the highway bill. It is hoped that the donor amendment will be available to be offered at 11 a.m., followed by the finance title. After adoption of the finance title, it will be the majority leader's intention to conduct the cloture vote that had previously been postponed by unanimous consent.

With that in mind, Members should anticipate a very busy voting day, with votes occurring in the evening. We will attempt to complete action on the highway bill.

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.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from North Dakota, Mr. CONRAD, is recognized to speak for up to 30 minutes.

NATIONAL TOBACCO POLICY

Mr. CONRAD. Mr. President, I am coming to the floor this morning to address the question of national tobacco policy. I was asked last year by the Democratic leadership to chair the Senate Democratic task force on tobacco legislation.

Today, we have 31 cosponsors of our bill called the HEALTHY Kids Act. The purpose of this legislation is, first of all, to reduce teen smoking, because we believe that is the overarching priority, and to protect the public health.

The HEALTHY Kids Act represents responsible tobacco policy. As I have said, it protects children; it promotes the public health; it helps tobacco farmers who are completely left out of the proposed settlement. It resolves Federal, State, and local claims against the tobacco industry. It invests in children and health care, and it provides savings for Social Security and Medicare, and it reimburses taxpayers for the costs that were imposed on them by the use of these tobacco products.

Importantly, the HEALTHY Kids Act also does not provide special protection to the tobacco industry. The HEALTHY Kids Act protects children in several different ways. First, it provides for a healthy price increase on tobacco products. The reason for that is, all of the experts that came and testified before our task force—and we had 18 hearings and we heard from over 100 witnesses—said that first and most important in any comprehensive strategy

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

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to protect the public health is to have a healthy price increase, that children who are the most vulnerable, children who, after all, are the people who keep the tobacco industry going because if you don't start when you are young, you don't start—ninety percent of smokers start before the age of 19. Nearly half start before the age of 14. Once started, it is very hard to quit. So if you are going to have an effective, comprehensive strategy, you have to do lots of different things. One of them is to have a healthy price increase.

Second, we provide for full FDA authority. The Food and Drug Administration ought to have the ability to regulate this product just as they regulate other drugs that are brought to market.

Third, our legislation provides for strong look-back penalties. Look-back penalties is a simple way of saying you set a goal for reduction of teen smoking, and if there is a failure to reach those goals, the industry pays a penalty.

In the proposed settlement, the goal is to reduce teen smoking by 60 percent over 10 years. In our legislation, our goal is to reduce teen smoking by 67 percent over 10 years. As an incentive to the industry to accomplish those goals, we put in these so-called look-back penalties in our legislation, and that is 10 cents a pack industrywide. If the industry fails to achieve the goals, it is 40 cents a pack on the individual companies that fail to meet the goals that are set in the legislation. We also provide for comprehensive antitobacco programs because, again, the experts who came before our task force said: You have to have a comprehensive plan. It is important, yes, to increase price, to have strong look-back penalties, but it is also critically important that you have counteradvertising and smoking cessation and smoking prevention programs.

All of those are included in the HEALTHY Kids Act. Then we have a section on retailer compliance, and we have a provision for State licensure and no sales to minors.

The HEALTHY Kids Act promotes the public health. It does that in a series of ways. First of all, it addresses the issue of secondhand smoke. We cover most public facilities, providing that they will be smoke free; although, if you are in a building and it is properly ventilated, a special place for smokers which is separate from others who don't choose to be exposed to secondhand smoke, that is something that is in the legislation. So there is a provision for smoking areas in public facilities.

We also have broad exemptions. We exempt bars, casinos, bingo parlors, hotel guest rooms. Let me be clear. That simply means not all hotel guest rooms are exempt. If you have a hotel and you have some rooms that are smoking rooms and some that are nonsmoking, that is certainly acceptable. We exempt non-fast-food small restaurants with seating for less than 50 people, non-fast-food franchise type restaurants. We did that because the experts told us that compliance would be an issue. It is very difficult on an economic basis for some of these very small restaurants to adjust to a smoke-free requirement. We have also exempted prisons, tobacco shops, and private clubs. We have also said there will be no State or local preemption. The Federal Government is not going to go into a jurisdiction and say, ''You do it our way and that's it.'' We have allowed local jurisdictions to have stronger regulations if they so choose.

The second major element of promoting the public health is to provide for document disclosure. This is an area of real controversy. What documents ought to be disclosed? We believe there is a public right to know, that the public ought to be able to have access to the documents that are being revealed. We see in Minnesota a major controversy now about what documents are going to be released. We hope and trust that ultimately all of the relevant documents will be made available for the public, so that they know what has happened in the past, what has been the behavior of this industry, and what has been the effect of their products.

We provide that all documents be disclosed to the FDA. We believe that is an appropriate policy. The FDA would make public all documents. The public health interest overrides trade secret or attorney-client privileges. We do understand that there are special categories, such as attorney-client privilege and trade secrets. We have provided for those things, if in the FDA's judgment they can be protected and not in any way compromise the public health for those documents to remain privileged.

We also provide for international tobacco marketing controls and no promotion of U.S. tobacco exports. I think it's important to acknowledge that the Federal Government is not doing that at this time. But it has done it in previous administrations. We think it ought to be codified, the current policy, so that we are not promoting tobacco products overseas. We also provide for a code of conduct that the industry would be asked to make a commitment that they would not have marketing to foreign children. We also have modest funding for international tobacco control efforts, and we require warning labels. If the country that is having tobacco products from the United States marketed in their country has their own warning labels, then that applies. If they have no requirement for a warning label, then the U.S. label applies.

The HEALTHY Kids Act helps tobacco farmers. In the settlement, the tobacco farmers were just left out. Clearly, if you are going to reduce smoking in this country and reduce it, hopefully, substantially over time, that is going to have an effect on tobacco farmers. They deserve to have some consideration of their economic plight. We provide $10 billion over 5 years for assistance to farmers and their communities, and we authorize funding for transition payments to farmers and quota holders, rural and community economic development efforts, retraining for tobacco factory workers and tobacco farmers. It's even authorized to have college scholarships for farm families who are adversely affected by this tobacco legislation.

The HEALTHY Kids Act provides for no immunity for the tobacco industry. This is also an area of great controversy and great debate. The tobacco industry is coming to us and saying, look, we will not agree to any restrictions on our advertising or marketing unless you give us special legal protection—legal protection, by the way, that has never been granted to any other industry ever. That is what they are asking for. They are saying they have to be given a special shield. They are saying that they want a whole series of legal actions to be barred, such as government actions—all government actions barred under the terms of this proposed settlement; all actions that involve addiction or dependency are barred under the provisions of the proposed settlement; they bar all class actions under the proposed settlement, such as consolidations and other measures to make legal actions move more efficiently through the courts; all third party claims are barred under the proposed settlement. And the list goes on. Special protections are afforded this industry not only for their past wrongdoing, but also for any potential future wrongdoing—special protections never afforded any other industry at any time. That is wrong. That is wrong. It is not just my view that it is wrong; it is the view of the American people that it is wrong. They don't think this industry ought to be given special protection. They remember the history of this industry. They remember the tobacco executives coming before Congress and putting up their hand and swearing under oath that their products have not caused health problems, when we now know that they do. They remember the tobacco industry coming before Congress and swearing under oath that their products were not addictive, when we now know they are. They remember the tobacco industry coming before Congress and saying their products were never manipulated to have even greater addiction, when we now know they did that precisely. And the American people remember this industry coming to Congress and saying they have never targeted kids, when we now know that they have. American people remember that full well.

So when the tobacco industry comes now and says to us, unless you give us these special protections, we will not agree to restrictions on advertising and marketing, the American people are very skeptical. And they should be, because the fact is you don't need to give

this industry the kind of special protection that it seeks in order to restrict advertising. That is abundantly clear from the research of our task force.

Mr. President, when I say it is abundantly clear you don't have to give them those kinds of restrictions, let me say why that is the case.

First of all, many advertising restrictions are constitutional without any agreement from the industry. Those restrictions provided for in the FDA rule, for example, were crafted to withstand any constitutional challenge. So those restrictions clearly could be put in place and withstand constitutional challenge.

Second, additional restrictions could be put in place and also withstand any constitutional scrutiny. For example, in Baltimore they went beyond the restrictions on billboard advertising that are contained in the FDA rule. In fact, they banned outdoor advertising for alcohol and tobacco products. That has been upheld in the fourth circuit, and the U.S. Supreme Court refused to hear a review of that case. So it is clear that additional restrictions beyond those contained in the FDA rule could also be put in place and withstand constitutional challenge.

Third, I think it should be kept in mind that it is possible for the industry to sign consent agreements without giving them the special protection that they are seeking. For example, the HEALTHY Kids Act says that we will resolve the State and local claims that are outstanding; we will resolve any potential Federal claim. And I believe on that basis the industry, when presented with the choice, if this legislation were to pass, would sign those consent agreements, and they would sign them ''Jimmy crack quick,'' because they would have resolved the legal actions that have, after all, brought us to where we are today.

Fourth, I think it is important also to remember that what we are faced with here is an unusual circumstance. We have, I believe, a situation where, in signing a consent decree, we could wind up having the industry sign consent decrees in exchange for restricting their advertising. We might be buying a pig in a poke. Let me say why that is the case.

The legal experts that came before our task force were very clear. They said yes, it would improve the chances of advertising restrictions—at least some advertising restrictions—to have the industry sign consent decrees. So they were agreeing to those limitations. But they also told us, and they warned us, that even if the manufacturers signed those consent decrees, third parties could come and challenge the constitutionality of some of these restrictions.

Again, I want to make clear that many of the restrictions that are proposed in our legislation and in the proposed settlement will withstand any constitutional challenge. Some may not. They would be helped by having consent decrees signed by the industry. But we need to understand that even if the industry signs them—the manufacturers, and others affected by those consent decrees—they may challenge their constitutionality. For example, the advertising industry could go to court and challenge the constitutionality of some of the restrictions; the convenience store industry could challenge the constitutionality of some of these restrictions. So, ironically, we could be faced with the worst of both worlds.

If we buy what the industry is telling us and we give them the special protections that they seek in exchange for restrictions on advertising and their consent to those restrictions, and later those restrictions are challenged by third parties and found to be unconstitutional, Congress will have bought a pig in a poke. We will have given special protection, and then we could face the prospect of those restrictions being held unconstitutional. And we would have lost on both ends of the bargain. Mr. President, I submit to you, that would be a profound mistake and it is a mistake we should not make.

I was very pleased to see that Speaker GINGRICH yesterday was reported to have said that he didn't think we needed to pay the tobacco industry to prevent them from continuing to advertise and addict our kids. He is right. He is exactly right on that score. We don't need to be giving special protection to this industry, of all industries, in order to get something that in the end may prove to be illusory.

Mr. President, I point out to you that the American people feel strongly about these issues as well. Voters are opposed to providing special protection to the tobacco industry by 55 to 32. Let me say that the question that was put to them was a good deal more favorable to the industry than the wording on this chart. They spelled out what the restrictions would be. If you ask them about giving special protection to this industry, the numbers are much more dramatic, because the American people are smart. They certainly don't know all the details of every bill that is up here on tobacco—they have other things to be doing in their lives—but they know the history of this industry, and they don't believe this industry ought to be given special protection.

Mr. President, no immunity. That is what the HEALTHY Kids Act provides—no special protection for future misconduct; no special protection against individuals redressing grievances through filing legal actions of their own; we do resolve the outstanding Federal, State, and local legal claims; we also provide that States can opt out of the money at the Federal level and continue their own lawsuits; we provide that cities and counties get a fair share of any reimbursement that goes to the States.

On the controversial question of attorney fees, we resolve that by concluding that attorney fees that are in dispute ought to be resolved by arbitration panels using ABA ethical guidelines for legal fees.

Mr. President, there is no question that some law firms are in a place to potentially secure truly windfall fees. We concluded that is not right; that just cannot be the ultimate outcome here. But where there is an agreement between those who hired attorneys and the attorneys themselves, where there is an agreement, the Federal Government shouldn't intervene. But where there is a dispute and a difference, those disputes ought to go to arbitration panels, and they ought to make the determination based on the ABA ethical guidelines for what the fee conclusion should be.

We believe in a case like Florida where you have a dispute, that ought to go to an arbitration panel, and they ought to be empowered to make a decision of what is a reasonable fee based on the difficulty of the case, based on the investment of those who brought the action, and based on the recovery, based on the ABA's own ethical guidelines for settling fee disputes.

Mr. President, the HEALTHY Kids Act invests in children and health, savings for Social Security and Medicare, and reimburses taxpayers at the Federal and State and local levels for costs that have been imposed on them.

Our legislation provides that 41.5 percent of all the revenue would go to the States; 27 percent would go for improving children's health care and child care and education; 14.5 percent of the total would go to the States on an unrestricted basis. After all, they brought these lawsuits and have negotiated with the industry to this point. We think it is appropriate that they should get this share of the total.

We also provide that antitobacco programs would get 15.5 percent of the money. Those are smoking cessation programs, counteradvertising programs, smoking prevention programs, and we provide that NIH health research would get about a fifth of the money—precisely 21 percent. We also concluded that when you get a windfall, you don't spend it all; you don't go and spend all the money; some of it you save. So we have started by putting 4 percent of the money into Medicare. That grows to 10 percent over time as the demography of the country changes and more demands are put on the Medicare System and Social Security. We provide that 6 percent of the money initially goes to that use. That grows to 12 percent over time.

So ultimately we are saving 22 percent of the money by putting it into Medicare and Social Security to strengthen those programs. We think that is a wise use of the money.

Finally, initially farmers will get 12 percent of the money. That is phased out over time. But we acknowledge that they were left out of the proposed settlement and ought to be considered.

In terms of a comparison of how the money is spent—the President's bill

compared to what we have proposed—I would offer the following:

Our total revenue is $82 billion over 5 years. The President's budget provides about $65 billion. Under our formula, $12 billion would go to the States unrestricted. That is just somewhat more than the President's $11.8 billion. The States, for improving children's health care and child care, education, would get $22 billion under our proposal compared to the President's $15.7 billion.

Research under our proposal: NIH would get $17 billion over the 5 years; the President had $25.3 billion for research; $17 billion—the same $17 billion that we had—for NIH health research, but he had $8 billion for nonhealth research. And we believe that really more appropriately should be funded elsewhere, should not be funded out of this stream of revenue.

Medicare: We provided $3 billion initially; the President, $800 million. Farmers would get $10 billion under our proposal in the first 5 years, and $13 billion would go for antitobacco programs, compared to the President providing $12 billion for both of those uses.

So we have provided $10 billion for farmers and $13 billion for the antitobacco programs, for a total of $23 billion. The President didn't break that category down; he just provided a total of $12 billion for both.

Finally, in Social Security: We put $5 billion in the first 5 years; the President doesn't use any of these proceeds for that purpose. Again, we start with the modest amount of money going to Social Security and Medicare, but we grow that over time as the demographics of the country change and require additional funding.

The HEALTHY Kids Act accomplishes the five objectives that the President sent: Reduce teen smoking, including tough penalties. We provide the full FDA authority. We go a long way towards changing the industry culture. We meet additional health goals that the American people want addressed. And we protect the tobacco farmers and their communities.

The HEALTHY Kids Act also accomplishes the eight goals set out by Drs. Koop and Kessler. They have called for full FDA authority to regulate this drug just as they regulate other drugs. We agree. They provide for protection of youth from tobacco influences. And we agree. They provide for adequate smoking cessation funding. We have provided for it. They ask, for secondhand smoke, expanded regulation. And we provide that. They say there should be no special immunity provisions, no special protection. And we agree. They say with respect to preemptions that local communities ought to judge and should not be preempted by Federal law. And we agree. We provide for no local preemption.

We also are in agreement with them that there ought to be adequate compensation for tobacco farmers and that there ought to be strong international policies.

We have met the five principles laid out by the President. We have met the eight goals laid out by Dr. Koop and Dr. Kessler. We believe that the provisions here are strongly supported by the American people. We did national polling to see if we were in sync with what, in fact, the American people believe. Let me show you what they told us.

They want a significant per-pack price increase. They believe that it is a part of a comprehensive strategy. They support strong look-back penalties. And they say there should be no special protections for this industry. If you go to the polling data directly, what one finds is that the voters support a $1.50 health fee to reduce youth smoking and they support it on a very, very high level. Mr. President, 65 percent of the American people support a $1.50-a-pack health fee; 65 percent favor it, only about 30 percent oppose. Mr. President, 65 to 35 percent, people say yes, let's put in a $1.50-a-pack health fee. And this is on a completely bipartisan basis. There is almost no difference between Democrats and Republicans on this question. In fact, you can see here: Health fee, $1.50—the blue are Democrats; 69 percent of Democrats support that, and 67 percent of Republicans support a $1.50-a-pack-health fee. This was done by the well-known national polling firm, Lake, Sosin, Snell, Perry and Associates.

There is also strong public support for a look-back penalty of 50 cents a pack or more. That is what we provide in our legislation. If the industry fails to meet the goals for reducing teen smoking, we put in place a 50-cent-a-pack penalty. By 54 to 34, the American public supports that.

Mr. President, to sum it up, we believe the HEALTHY Kids Act—that has now been cosponsored by 31 Senators, 31 of our colleagues—is strong legislation to protect the public health and to reduce teen smoking. If there is one thing that came through loud and clear in all the hearings that we held, it is that that is what our priority should be. If we keep our eye on the ball, that is what we will do. Protecting the public health is so important. If you listened to those who came and testified, they are saying to us that's the priority.

I remember very well, when we were in Newark we had a series of witnesses, some of them victims. As we went around the country, we made it a practice to listen to those who have suffered the ill-effects that tobacco products cause. I found two witnesses in Newark especially moving. One was a young woman named Gina Seagrave. She told the story of her mother dying prematurely because of the effects of a lifetime of tobacco addiction. She broke down during her testimony as she described the effects on her family of her mother dying at a young age, the incredible impact that had on their family. I do not think there was a person in that hall who was not moved by her story.

She was then followed by a big tough guy, a coach. He was a big, tough strapping guy, but you could hardly hear him when he testified. He spoke in a raspy voice. This big, tough guy could hardly be heard because he spoke in a raspy voice, and he explained that he had a laryngectomy. His larynx had been cut out because it had been filled with cancer after a lifetime of smoking. He told the members of the committee of the terror he felt when he was given the diagnosis. He told those of us who were there listening the profound regret he had that he hadn't listened to the warnings of those who told him of the dangers of smoking.

This man was a coach and an assistant principal, and he told us that every day he goes to school and sees young people doing what he did, taking up the habit. He recalled once he had taken it up how hard it was to quit, he would quit for awhile but he would always go back to it, and how he hoped that some of these young people would learn from his experience.

Mr. President, when you listen to the victims you cannot help but be moved by how serious a threat tobacco usage is to the public health of our country. We ought to do something about it. We have that chance this year.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized to speak for 20 minutes.

Mr. FEINGOLD. I thank the Chair very much.

CONGRATULATING WISCONSIN ON ITS SESQUICENTENNIAL

Mr. FEINGOLD. Mr. President, recently the senior Senator from Wisconsin and I introduced a resolution congratulating the State of Wisconsin on the 150th anniversary of its statehood. We will celebrate that great occasion on May 29. The sesquicentennial of Wisconsin's statehood is both a time to reflect on the distinguished history of the State and a time to look ahead to the promise of the next 150 years.

Mr. President, every year that I have been a Member of this body, I have traveled to each of Wisconsin's 72 counties to hold what I call ''listening sessions.'' These meetings allow me to learn more about what my constituents think about what is going on in Washington, and they also afford me

the opportunity to continue to learn more about the unique character of the people of my home State and its history and traditions.

In honor of this historic anniversary, Mr. President, I have asked children from each of Wisconsin's 72 counties to construct a cloth panel which features a person, place, or event of historical significance for the county in which they live. These panels will be combined to form a quilt to commemorate this milestone. I have already been presented with some of these panels during my trips through the State this year, and I am pleased by the interest that the children have taken in learning about the history of their counties and of the whole State of Wisconsin.

Mr. President, as I travel through Wisconsin I am struck by the amount of history that is present in every corner of the State. From the city of Green Bay, the first permanent European settlement in the State of Wisconsin, which was founded by Charles de Langlade in 1764, to Menominee County, the State's newest county, which was established in 1961, there are a myriad of larger cities and small towns, villages and Native American communities which, together, form the foundation of the State of Wisconsin. It is this sense of community that binds Wisconsin's more than 4.8 million people.

I am also struck by the commitment of the people of Wisconsin to the State's motto, ''Forward.'' While there is no question that the residents of Wisconsin cherish the State's rich history, they never stop looking forward to find ways to build on that solid foundation to ensure that Wisconsin continues to grow and prosper well into the next century and beyond.

This forward-looking thinking, rooted in the State's progressive tradition, is evident in many areas, including education. America's first kindergarten was founded in 1856 by Margarethe Meyer Schurz, a German immigrant who settled in Watertown in Jefferson County. More than 140 years later, Wisconsin is still working to ensure that its children get the best possible start in education through the Student Achievement Guarantee in Education program, the SAGE program. One aspect of this program seeks to reduce class size in kindergarten through grade three to 15 students per class. This forward-thinking approach to educating our children I think is a model that I hope will be expanded to the rest of the country.

Mr. President, Wisconsin has also been a pioneer in the area of higher education. The University of Wisconsin was the first in the United States to offer correspondence courses. This effort opened up the world of higher education to people all over the State—and all over the country. Under the leadership of one of our presidents of our university, President Charles R. Van Hise, the university began its long tradition of working with elected officials at all levels of the State and Federal Government.

Another area in which the people of Wisconsin continue to look forward is in their commitment to serving their fellow Wisconsinites, and their fellow Americans. Wisconsinites have served the United States in all levels of Government from Congress, to the President's Cabinet, to the Supreme Court; they have explored the unknown as astronauts and have represented their State and their country as ambassadors. I am, of course, very honored to follow in the tradition of such Wisconsinites as Robert M. LaFollette, Sr., William Proxmire and Gaylord Nelson as a Member of this body. While there is no doubt that Wisconsin's representatives to the U.S. Congress have not always agreed on matters of policy, we do all share a very strong commitment to the people of our State.

The progressive tradition of politicians such as Robert M. LaFollette is embodied in Charles R. McCarthy's work called ''The Wisconsin Idea,'' which was published in 1912. This book espoused the benefits of returning Government to the people through such reforms as a direct primary system and the popular referendum. ''The Wisconsin Idea'' also touched on Government regulation and promoted benefits such as workers' compensation for job-related injuries. In that vein, Wisconsin passed the first unemployment compensation law in the country in 1932.

Wisconsin's progressive tradition was evident when on June 10, 1919, it earned its place in suffrage history by becoming the first to deliver to our Nation's capital its ratification of the 19th amendment to the Constitution which granted women the right to vote in this country.

The struggle by women in Wisconsin for full participation in Government is only a piece of the history of my State, which is so well renowned for reform. Many know of Wisconsin's reputation for progressivism; but few are aware of the belief of Crystal Eastman, a Wisconsin suffragist who wrote in 1912, ''The last thing a man becomes progressive about is the activities of his own wife.'' Even fewer are aware of the significant role of Wisconsin women in bringing about this Federal amendment, a quest that took more than 70 years, in light of the public cynicism about the benefits of women's suffrage that actually existed during the early part of this century.

Mr. President, Carrie Chapman Catt, a native of Ripon, WI, was the last president of the National American Women Suffrage Association, and the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement and her legacy in grassroots organizing is undeniable, as is the role of many other Wisconsin women in this area.

Mr. President, like every State, Wisconsin has been home to many memorable people. It is hard to pick which ones to mention, but among them are the great architect Frank Lloyd Wright, World War II heroes Mitchell Red Cloud and Richard Bong, author Thornton Wilder, escape artist Harry Houdini, and artist Georgia O'Keeffe, just to name a few.

One person in particular who exemplified the determination and commitment to the greater good shared by the people of Wisconsin was Asaph Whittlesey, one of the founders of the city of Ashland which is in northern Wisconsin. In January 1860, Whittlesey was chosen to represent his region in the Wisconsin legislature, which was located very much to the south of Ashland in Madison. Even though it was the middle of winter, Mr. Whittlesey was determined to get to Madison, so he walked—on snowshoes—to the nearest train station in the town of Sparta, a mere 240 miles from where he was in Ashland. His determination to do the job for which he was selected is indicative of the spirit of the people of Wisconsin.

Another such person was Bernard Cigrand, a teacher at Stony Hill School in Waubeka, who led the first recognized observance of Flag Day on June 14, 1885. Cigrand worked diligently for 31 years for the establishment of a national Flag Day observance, which was proclaimed by President Woodrow Wilson on June 14, 1916.

Mr. President, Wisconsin is a patchwork of races and ethnicities and is home to 11 Federally recognized tribal governments. The influence of the immigrants who have come to Wisconsin and the Native Americans who have lived in Wisconsin for many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks.

Wisconsin has played an integral role in American agriculture. As is proudly proclaimed on our license plates, Wisconsin is ''America's Dairyland.'' According to the United States Department of Agriculture, in 1996, Wisconsin's 1.45 million milk cows produced 22.4 billion pounds of milk, 2.10 billion pounds of cheese, 295 million pounds of butter, 31.8 million pounds of yogurt, and 21.3 million gallons of ice cream and lowfat ice cream.

The state's first cheese factory was built in the town of Ladoga, in Fond du Lac County, by Chester Hazen in 1864. Other dairy firsts that took place in Wisconsin include the first ice cream sundae, which was invented by Two Rivers resident Edward Berner in 1881, and the first simple test for determining the butterfat content of milk, which was developed by Stephen Babcock in 1890. The United States' first Secretary of Agriculture was former Wisconsin Congressman and Governor Jeremiah Rusk.

In addition to its dairy industry, Wisconsin is also a top producer of cranberries.

The State of Wisconsin is blessed with many unique geographical features and has been home to many

noted conservationists, among them John Muir and Aldo Leopold.

The passenger pigeon, which, in 1871, numbered over 136 million in the central part of the state, became extinct in Wisconsin in 1899 when the last one was shot. Wisconsin resident John Muir, founder of the Sierra Club, wrote of the passenger pigeon, ''of all God's feathered people that sailed the Wisconsin sky, no other bird served us so wonderful.'' A monument to this bird is located in Wyalusing State Park in Grant County.

Portage resident Aldo Leopold, author of the seminal environmental work ''A Sand County Almanac,'' wrote, ''the oldest task in human history [is] to live on a piece of land without spoiling it.''

Some of the ''unspoiled'' pieces of land in Wisconsin include the Apostle Islands National Lakeshore, the Nicolet and Chequamegon National Forests, and the 40,000-acre Necedah National Wildlife Refuge, which is home to almost 200 species of birds, including sandhill cranes, bald and golden eagles, and wild turkeys.

Roche a Cri State Park, located in Adams and Juneau Counties, includes examples of rocks carved by the erosion of water and wind, including Castle Rock, Mill Bluff, and Friendship Mound.

Over the past 150 years, Wisconsin has also amassed an impressive list of inventions and industrial and business credits. In my own hometown of Janesville, George Parker was granted a patent for his fountain pen in 1889. The first typewriter was patented by Christopher Latham Sholes in Milwaukee in 1868. The first snowmobile was invented in the town of Sayner and Kleenex was invented in Neenah. The Ringling Brothers Circus began in Baraboo in 1884.

Many Wisconsin companies are household names: Lands' End, Oshkosh B'Gosh, the Kohler Company, Oscar Meyer, Johnson Controls, Harley Davidson, S.C. Johnson Wax, Miller Brewing Company, Snap-On Tools, and many more.

In addition to its success in business, the state has enjoyed success in sports. Names like Vince Lombardi and Erik and Beth Heiden evoke memories of championships won and Olympic glory. The Badgers, Packers, Brewers and Bucks, and many other professional and amateur teams throughout the state, are examples of the determination and dedication, teamwork and sacrifice that are representative of the competitive spirit of Wisconsin.

Mr. President, as is evident in these examples, Wisconsinites have greatly contributed to the history and prosperity of the United States over the last 150 years. I am proud to be a Wisconsinite, and I am honored to represent the people of Wisconsin in the United States Senate. I congratulate the people of Wisconsin on this historic anniversary, invite them to reflect on the state's distinguished past, and encourage them to remain committed to our state motto by looking ''Forward'' to the next 150 years.

Thank you, Mr. President. I yield the floor.

Mr. DURBIN. I congratulate my friend from Wisconsin for his statement on behalf of his State. I have warm feelings about Wisconsin, as a southern neighbor in the State of Illinois.

I am happy to report that of my three children, one is a graduate of Marquette, my son; my daughter is a graduate of the University of Wisconsin at Madison; and our third child married a young man from Janesville, the Senator's hometown, so we have our bases covered in Wisconsin.

That does not suggest I will be rooting for the Packers when they play the Bears, but I thank the Senator for his comments on behalf of his great State.

Mr. KOHL. Mr. President, to some people, Wisconsin means cheese. To that I say, yes, and we're proud of it. The great state of Wisconsin has a dairy industry that has thrived for 150 years despite our country's discriminatory milk pricing policies.

To some people, Wisconsin means beer. To that I say, yes, and we're proud of it. Brewing was among the first industries to help propel Wisconsin's economy forward, creating thousands of jobs and incomes that supported many families. They were not amused with Prohibition.

But Wisconsin means much more. As we celebrate 150 years of Wisconsin statehood this year we are reminded of the state's rich history, its natural beauty and its determined people.

In 1848, as a wave of immigrants flooded into America, many of the brightest among them chose to settle in Wisconsin. The state still displays the influence of its earliest settlers, from Poland, Russia, Ireland, Germany and Scandinavia. Wisconsin continues to draw newcomers because of its strong economy, its first-rate education system and the appealing mix of villages and cities that exist side by side. And we have the Green Bay Packers.

Wisconsin's natural beauty is unsurpassed. We are fortunate to have as our borders two Great Lakes and the Mississippi River. Wisconsin is called a 'sporting paradise' because of its lakes, rivers and forests. We boast fishing, hunting, skiing and world-class golf. Our national forests are breathtaking. People in Wisconsin know the value of our environment and have worked hard to protect it. Wisconsin's spas and resorts and restaurants have earned the attention of glossy travel magazines, who have discovered the charm of vacationing in Wisconsin. We don't mind visitors because we realize that not everyone is lucky enough to be born here.

Wisconsin residents can relax in a small, picturesque lakeside town or explore a vibrant and sophisticated city without traveling far from home. Over the years we have built a thriving arts community that includes the theater, symphony and ballet. For those of us who have an interest in sports, we have exciting teams to follow. For over 150 years, our state has been home, home to Olympic athletes, respected scholars, famous celebrities and great artists. Frank Lloyd Wright left us the gift of Taliesen. Wisconsin has an independent streak that runs through our economy and our politics, and a work ethic that is the envy of employers nationwide. Wisconsin has some of the best minds in the country working in some of the best research facilities on behalf of all Americans. And we make Harley Davidson motorcycles.

But the best thing about Wisconsin in 1998 is the same as in 1848: the people. Their dedication to family, friends, neighbors and community is not a quaint notion from the past, but alive today. Wisconsin is a place where families gather for Sunday dinner. Where lost wallets are returned with all the cash. Where a neighbor offers a ride to work when the car is in the shop. Where friends come to the doorstep with a casserole to welcome a new baby or to console the loss of a grandparent. That's what we celebrate most about Wisconsin and that's why I have tremendous respect for the people I represent.

Much of what we value about Wisconsin has, in the best sense, remained unchanged from its start, 150 years ago. I am fortunate to have lived in Wisconsin all of my life and grateful for the opportunities my family had. Wisconsin is a great place to be a kid, to raise a family and to grow old. It is a reminder of all this country had to offer 150 years ago, and an example of the best it can put forward in the next century.

THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, this morning I rise to discuss an issue which I hope Americans will come to realize is one of the most timely issues facing the U.S. Congress. Consider for a moment this is supposed to be a year of short sessions on Capitol Hill. Members of the House and Senate, anxious to return to their States and districts, hope to do the people's business in short order and go back home. They suggest that perhaps we have about 68 days of session remaining for this calendar year, which is an amazingly short session.

I am concerned that we not forget during the course of the remaining days the high priority that faces us when it comes to the tobacco legislation. It is a high priority because each day, every day in the United States of America, 3,000 children start smoking for the first time. A third of those kids will ultimately become addicted and their lives will become shortened because of tobacco-related death and disease. This is a tragedy that is repeated every single day. So far this year, about 240,000 children in America have

started their nicotine addiction. We have a chance through tobacco legislation to start reducing that number substantially. Every day that we wait, every day that we miss, we are certain that more kids will become addicted to this product.

The tobacco companies understand there is a lot at stake here. Of course, they saw the lawsuits from 42 different States attorneys general and concluded that they needed to reach some kind of a settlement. They have gone on now to buy full-page ads in newspapers. In this morning's Wall Street Journal they urge the public to consider the importance of a tobacco settlement. It is nothing short of amazing that the tobacco industry, which years ago thumbed its noses at the public policy leaders of the United States and the public health experts, now starts talking in very positive terms about the fact that we need to do something—a massive, sustained assault against underage smoking, paid for by the tobacco companies, when each and every day they are addicting 3,000 more children.

I say to the people who are following this debate it is no accident that these kids start smoking. They are appealed to by the advertising of tobacco companies. It is subtle, it is pervasive, and from their point of view, it is very effective.

I hope that in this debate on tobacco legislation we do not lose sight of what is really at stake. First, right now in the State of Minnesota where Attorney General Skip Humphrey is vigorously prosecuting an action against tobacco companies, we are learning every single day of the depth of the deception of the tobacco companies. Because of Attorney General Humphrey's courage and initiative, they now have some 39,000 documents which the tobacco companies over the years have refused to publicize, which are now being ordered to be made public by the court. Tobacco companies, naturally, don't want us to see them, so they have taken this case on appeal. There are another 103,000 documents which may involve children in advertising and other topics which should be released.

I hope that these documents see the light of day because, as these documents are disclosed, we begin to realize the insidious campaign by the tobacco industry to lure our youth into addiction. The tobacco companies have systematically lied about what they know about their products. They have known for a long, long time that their products cause death and disease. They have known that their products are addictive. They have known that they are appealing to children. And yet they have categorically denied it. One of the most outrageous scenes in the history of Congress occurred before a subcommittee chaired by Congressman Waxman several years ago when the executives of the tobacco companies stood up under oath and swore that tobacco was not addictive. What an outrage. And the same executives of the same companies came before that committee and said, ''No, we are to not appealing to children. No, we are not trying to encourage high nicotine tobacco to addict people even more.'' We can't believe a word they say. Now, when their successors in ownership in these tobacco companies buy full-page ads and tell the American people what a great deal they have for them, I hope there is a healthy degree of skepticism across America.

Let me tell you something else that needs to be taken into consideration in this debate. Not only has the tobacco industry systematically hidden the truth from the American people, they have had the opportunity in their own research to realize the devastation of their product and they have refused to acknowledge it. Time and again, we learn of the suppression of scientific research which could have saved lives.

Thinking of the billions of dollars of profits that this industry has made at the expense of death and disease in America is an outrage.

They have also tried to manipulate nicotine levels. They don't just take the tobacco leaves that come from the field and put them in the cigarettes and sell them to America. They like to spike the nicotine in there, get the addiction levels higher so you can't quit. How many people have you run into who said, ''I wish I could quit. I have tried everything. I chew the gum, put on the patch, go through hypnosis, go through acupuncture, try everything imaginable, and I cannot quit.''

The tobacco companies had a role in that because they were making their product more addictive. They focused their marketing at children—imagine that. We are so concerned, and rightly so, about the scourge of drugs in America, narcotics and what it means to America's kids, but the single greatest addiction of our children is the addiction to nicotine, tobacco, and ultimately death and disease are a result of it. They have known this. The tobacco companies have been hawking their products to kids across America for decades. They lose a substantial number of their best customers each year. They lose about 400,000 who die because of tobacco-related death and disease and then about 1.5 million who quit. They have to find 2 million new customers each year. You know what. They won't find them in adults. They find them in playgrounds, in school yards, in children who make a decision to smoke and, unfortunately, become addicted.

Let me tell you what we have to look for in legislation here on Capitol Hill. We have to have performance standards that hold tobacco companies accountable so that we can look year to year to see if the number of children across America is being reduced for smoking. That can be done. It can be done by an aggressive advertising campaign, an aggressive campaign to enforce the laws across America in terms of illegal sales to minors. Any bill that comes to us for consideration on the floor that doesn't have performance standards for children should be rejected.

Second, we have to give the Food and Drug Administration the power to fight this industry. Don't believe we can pass this bill and walk away. We have to give the agency the power to regulate nicotine, to make sure the tobacco companies don't get up to their old tricks again and come up with this high nicotine tobacco leaf to addict people even more. We have to make sure the tobacco industry pays and pays, in an amount that will not only compensate for the losses they have created across America, but to discourage kids from buying this product. I believe $1.50 per pack as a fee is a minimum—a minimum. To go less than that is really to not address the serious problem that faces us.

This whole question of immunity, that is what it is about. That is why they are buying the ads. The tobacco companies want off the hook. They don't want people who are addicted today and die tomorrow to either sue personally or have their estates bring a lawsuit. They want to get out of this courtroom scene in a hurry. They want to get back to the boardroom scene where they make billions of dollars. I tell you this, we should not trade away the liability of these companies, because we believe as politicians that is the only way to hold this industry accountable. I hope there is enough political will among Democrats and Republicans to make sure that we have an agreement that is sensible.

Finally, let us not, in the name of reaching a tobacco settlement, protect America's kids and endanger children around the world. The strategy of the tobacco companies in America is to export their product overseas. We used to have an image of America abroad, the stars and stripes, the great American image. You know what it is today? It is the cancer cowboy, the Marlboro man. You can find him on the streets and billboards in Warsaw, Poland; Bangkok, Thailand, all around the world. The new image of America, a sad image of America, an image of death and disease being promoted by the companies that are shameless in their efforts to exploit and addict children around the world. We cannot stand for that. It is a moral embarrassment to the United States of America if our legislation does not include strict limitations on the sale and advertising of American tobacco products overseas. We can do it. We should do it.

For a century this Congress has enjoyed a reputation as a leader in the world in public health. Let us not in this next century bear the burden of a country that has exported death and disease by American tobacco. I hope that we pass this bill and pass it soon. For those who wonder whether we can get it done, I ask them to consider the following. Count the days remaining in the session. Count the children who become addicted to this product every

day; count the lives that will be lost if we don't act; count on our responsibility in the Senate and the House to move this legislation as quickly as possible.

I yield the remainder of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, 2 weeks ago, all of our hopes for campaign finance reform in this session of the Congress were once again frustrated. A year of investigations, legislative proposals, and public debate were met with a filibuster led by the Republican leadership. Perhaps it really should not have come as much of a surprise to any of us. In the last decade, this Senate has considered 321 different pieces of legislation for campaign finance reform, which filled 6,742 pages of the CONGRESSIONAL RECORD—and all of this with no change.

So now, for the 117th time in 10 years, the Senate has voted on an element of campaign finance reform to absolutely no avail. It is a problem of near-crisis proportions, not simply because of the burden it places on candidates for public office, not simply because of the compromises it seems to make in public policy. There is a problem far more fundamental. As evidenced in the confidence of our own people in their system of Government, the United States remains perhaps the only developed democracy in the world where its leadership is chosen by a minority of its citizens. Americans are expressing themselves in our system of Government not with their voices but with their feet, because they choose not to walk into a voting booth.

If it was bad enough that this Congress would not act, now this frustration with reform is in an entirely different form. President Clinton has challenged the FCC to institute at least one element of reform—in my judgment, perhaps the most important element of reform—by mandating a reduction in the cost of television advertising, on the simple theory that if the cost of advertising is less, candidates will be raising less. If the cost of advertising is less, candidates without great financial resources will still seek public office and not find a barrier to expression. It is not a perfect answer, but it is at least a contribution. This was the President's challenge. The FCC has before it that question.

But it was not enough to have a filibuster to defeat the McCain-Feingold reform legislation. Now an effort is being made to include in the President's supplemental funding request in the appropriations process a prohibition on the FCC actually ordering a reduction in rates. The scale of the problem the FCC would deal with is enormous. Since 1977, the cost of congressional campaigns has risen over 700 percent. The central element of this rising spiral of costs is television advertising. In 1996, candidates spent over $400 million to purchase television advertising on federally licensed, public airwaves. Hundreds of candidates were traveling to virtually every State, thousands of communities, to raise hundreds of millions of dollars to buy time on federally licensed airwaves that belong to the American people. It is almost incredible to believe.

There has been, since 1988, a 76 percent increase in this financial burden on public candidates for television advertising. Political advertising on the public airwaves dominates all other forms of campaign spending. President Clinton and Senator Dole spent nearly two-thirds of all their financial resources to buy television time. One half of all the money raised by U.S. Senate candidates was similarly spent on television advertising. In the larger industrial States for the principal media markets, the numbers are far greater—in Los Angeles, Chicago, New York, Miami, or Boston. In my own State of New Jersey, in the Senate race in 1996, fully 80 percent of all financial resources went to buy television advertising. Some 30 seconds of access to the voting population on television could cost in excess of $50,000.

Can it be any wonder that candidates are spending all of their time raising money rather than discussing issues? Can there be any question why candidates without great financial resources, simply possessing a desire to serve and a creativity for dealing with public policy, do not feel they can enter the electoral process? The principal barrier is the public airwaves themselves—something the people of the United States already own. Yet, it's being denied to our own people to discuss issues about our country's own future.

Congress has had a chance to deal with this problem, and it has not. The original version of the McCain-Feingold reform legislation contained reductions in television advertising. It was removed. A challengers' amendment was offered to the McCain-Feingold reform bill that would have provided for a reduction. It was not adopted. I introduced an amendment that would have allowed for a 75 percent reduction. My amendment could not be offered. These are the reasons why I believe President Clinton challenged the FCC to act. To this Congress, our responsibility should be clear. Since the Congress failed to enact campaign finance reform, at least get out of the way so that the FCC can act responsibly and institute at least one element of reform. The Congress has had a decade, hundreds of opportunities, and did nothing. At least now remain silent so that others who will act responsibly can do something to deal with this mounting national problem.

It is not as if we do not have in the FCC the legal ability to require the television networks to reduce the cost of advertising. And it is not as though this request is without precedence. In 1952, the FCC set aside 12 percent of all television channeling time for education purposes, for noncommercial use. In 1967, President Johnson set aside part of the spectrum for public broadcasting. For the FCC now to require a reduction in rates has not only precedence but overwhelming precedence. Candidates for public office now pay a reduced rate, albeit insufficiently reduced. Perhaps even greater, however, is that the FCC is providing up to $20 billion worth of free licenses to broadcasters for digital television, a part of the spectrum on a digital basis, requiring the broadcasters to pay nothing, and probably the greatest grant to private industry since the opening of Federal lands to the railroads. The broadcasters were provided this license on a single basis, on a single request that they fulfill a public obligation to the people of this country.

I can think of no greater opportunity to fulfill that public obligation in meeting a more serious national problem than the FCC now—after the granting of these digital television licenses to broadcasters, asking them to provide reduced rates or free television time. The scale of the burden is so minimal.

Last year, television networks billed, for commercial and other advertising, $42 billion. Of this total advertising expenditure, 1.2 percent was for political advertising. The cost of reducing the rates for political advertising, that 1.2 percent, would still allow for a growth in the overall advertising revenue of the networks next year. So if the FCC acted on any reasonable basis, it would not result in less broadcaster revenues next year and, in year-to-year terms, it would be simply a small reduction in the rate of growth. This we would hesitate to ask after providing $20 billion worth of free new licenses to the networks that are already operating on publicly owned airwaves of the people of the United States?

Perhaps it isn't that the burden isn't too great; perhaps it isn't a legal problem at all; perhaps it is that there are Members of this institution of the Congress that like the idea that there is a threshold price for entry to public office in the United States. The price of entering public office in the United States is not an academic degree; it is not a command of the issues; it is not a given level of commitment to public service; it is the ability to buy television time to communicate views. Increasingly, that means people of great personal wealth use their own resources. If it is not their own resources, it is the ability to use those resources of great financial interests in the United States that command all of the candidate's time and attention. Perhaps it is that people like this threshold price of entry and what it means for certain interests in the Senate, partisan or otherwise.

Well, it leaves us with this simple situation: The Congress had its chance

for campaign finance reform and, after a decade of effort, it has failed. President Clinton has made a request for the FCC to consider reductions in television advertising rates. That issue is now before Chairman Kennard. The Commissioners of the FCC and its new chairman, Mr. Kennard, have a historic opportunity—an opportunity that goes to the very issue of confidence in this Government, the ability for people to feel they identify with these institutions, with their futures and the welfare of their families. They have an extraordinary opportunity to institute reform.

I hope the FCC will act, and I hope this Congress, having failed to be responsible in dealing with this problem, at least has the good grace to remain silent, to not amend the supplemental appropriations legislation so that others can meet a responsibility that was not met on the floor of this Senate.

Mr. President, I yield the floor, and 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 (Mr. SMITH of Oregon). Without objection, it is so ordered.

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, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

AMENDMENT NO. 1951 TO AMENDMENT NO. 1676

(Purpose: To make additional allocations, with an offset)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendment numbered 1951 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:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

Mr. CHAFEE. Mr. President, the amendment that I have submitted would assist seven States—Arizona, Indiana, Michigan, Oklahoma, South Carolina, Texas, and Wisconsin. This assistance would be in addition to the increases already provided to these States in the Chafee amendment that the Senate adopted last week.

The Chafee amendment provided allocations to the States in three categories—the Appalachian Regional Commission program, the density program, and the bonus program for donor States—to bring their minimum up to 91 cents on the dollar. Six of the seven States to be assisted by this proposal did not qualify for either the Appalachian Regional Commission program or the density program in the Chafee amendment. The other State—South Carolina—that would receive assistance under this proposal received only $1.4 million per year from the ARC program in the Chafee amendment. Thus, the proposal is to provide an additional amount to donor States that received no, or very little, money from the ARC and density programs in the Chafee amendment.

The proposal is to take $70 million per year for 5 years—1999 through 2003—from the Federal research program and distribute that amount among the seven States. Thirty percent of the new funds would be distributed equally among the States—$3 million per State—and 70 percent would be distributed according to the share of payments to the trust fund in 1996.

The States would be added to the density program, giving each State almost complete discretion in the use of the money. The research program is authorized at approximately $100 million per year in the underlying bill and would be reduced to approximately $30 million per year by the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a balancing amendment to make the bill fair to all regions of the country. When the committee took up the bill in the first place—actually there were several major bills—it was intended to represent different parts of the country. We in the committee melded these bills together. One is a donor States bill; one is a New England States, Eastern States, bill; one is a Western States bill.

Because of the leadership of the chairman, Senator CHAFEE, as well as the composition of the committee, which is balanced, we came up with a very balanced bill. Now, balance is in the eyes of the beholder. When we finished, there were some States that felt that although treated fairly, they perhaps could have been treated more fairly.

The effect of this bill is to make sure that all parts of the country are treated evenly, fairly. The effect of this amendment will help accomplish that. It will also help speed passage of this bill. It is my hope, and even expectation, that we can finish this bill today with the passage of this amendment, because the remaining business before the Senate is various amendments, matters that, as important as they are, are not as much of a consequence as this amendment, which is the one that has been worked out in the last couple, 3 days—actually last week, with the chairman and others and interested Senators.

So I urge that this amendment be agreed to. It is going to speed passage of the bill and can get some highways built.

Mr. LEVIN. Mr. President, first, let me thank the managers of the bill. I support this amendment. We have worked very hard on it. It represents a step towards greater fairness for some donor States who did not receive any benefits from other parts of changes in this bill. It is a long road, still, towards fairness—from our perspective, I emphasize—but this represents a step along the road and could not have been made without the help of our good friends from Rhode Island and Montana. I want to thank them for that.

Mr. BAUCUS. Mr. President, I want to thank the very able distinguished Senator from Michigan.

I say to the Senator, I appreciate his tenacity. It is always good to see a Senator who fights doggedly for his State, who works very hard to make sure that his State is not taken advantage of. In fact, I say to the Senate, and to the residents of Michigan, the very able Senator from Michigan adds new meaning to ''fighting like a pit bull.'' Every day, there is Senator LEVIN, making sure, ''Hey, what about Michigan?'' What about donor States and so forth?

I am very appreciative of the very hard work of the Senator. It has helped make this a more balanced bill.

Mr. CHAFEE. Mr. President, those remarks were well-phrased by the distinguished ranking member of the full committee. I also want to include in that ''pit bull'' category, Senator ABRAHAM. He, also, was right there. They were a team. They dogged us every step of the way.

So Senator ABRAHAM and Senator LEVIN both did outstanding work in connection with this legislation. I look forward to a nice, friendly, telephone call from the Governor of Michigan saying what wonderful things we have done for Michigan.

Mr. THURMOND. Mr. President, I support this amendment, and I want to commend the able managers for the manner in which they have handled this difficult situation.

Mr. CHAFEE. I thank the very distinguished senior Senator for the kind remarks about what we did for South Carolina.

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

The amendment (No. 1951) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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. BOND. 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. 1952

(Purpose: To express the sense of the Senate concerning the operation of longer combination vehicles)

Mr. BOND. 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 Missouri [Mr. BOND], for himself and Mr. REID, proposes an amendment numbered 1952 to amendment No. 1676.

Mr. BOND. 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:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term ''longer combination vehicle'' has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

Mr. BOND. Mr. President, thank you for giving me this opportunity to explain very briefly my amendment.

This amendment simply says that the status quo regarding the operation of triple trailers—these are the long trucks with a cab and three trailers behind them—shall stay in place. States that currently allow the operation of triple trailers on certain roads within their own State restrictions can continue to allow them, but the operation of triples should not be expanded.

Under the current Federal freeze enacted in ISTEA in 1991, triple trailers may not operate in any additional States on any routes on which they could not operate in 1991.

Now I have no interest in getting into a debate on the statistical merits of triple trailers. Supporters of triples tell you they are perfectly safe, environmentally friendly, less damaging to the highways, and help keep consumer costs low. Supporters of triples will also tell you that the State requirements make them as safe or safer than other trailer operations.

On the other hand, opponents of triple trailers will tell you they are unsafe for the drivers as well as other highway users, they damage roads, especially bridges, and they have little beneficial impact on consumer costs.

As a Senator representing a State with the second and third largest rail hubs in the country, I can tell you railroads hate triples. As a Senator representing a State that allows triples on a small portion of roadways in the Kansas City and southwest Missouri areas, as home of the third largest trucking center in the country, I can tell you that trucking companies love them.

As a Senator, as a driver, and as the father of a teenaged driver, I can tell you that triple trailers scare me to death. Triple trailers can be as long as 120 feet. They are as long as a 10-story building is tall. These trucks can weigh up to 64 tons. For comparison, the cars most of us drove to work this morning are about 14 to 15 feet long and only weigh 1 ton or so. The 120-foot triple trailer is equivalent of seven full-sized passenger cars end to end. Triple trailers require a full football field and a half to come to a stop. Anybody who has driven on a road with triples knows that triples can be intimidating.

Let me be clear, I am a strong advocate and supporter of the trucking industry. I have said that Kansas City, MO, is the third largest trucking center in the country. Trucks based in Missouri move over 200,000 tons of outbound freight and over 250,000 tons of inbound freight every day. Because of the hard work, dedication, and quality service that the trucking industry provides, because of the skill and the ability and the dedication of truck drivers, our lives are made easier, and truck drivers are generally among the very safest drivers on the road. I think all of us can tell many stories of assistance, accommodation, and courtesy by the drivers of trucks, but we have also heard from drivers of trucks that they are very much concerned about the safety of triple trailers.

When I, along with the chairman and other members of this committee, first spoke of this amendment last fall, we were joined by truckers, independent operators, who have had experience with triple trailers and they told us some horrifying tales about the dangers and the difficulties of running a triple trailer. Triples are not the answer. Expanding their operation into areas where they are not now present is not the answer to anyone's question. Sometimes bigger is definitely not better.

I ask the support of my colleagues that this body go on record saying that we will maintain the status quo, that we will not expand the ability of triples to go beyond those areas where they were operating and were grandfathered in in 1991.

I ask unanimous consent to have printed in the RECORD a letter from Walter B. McCormick, chief executive officer of the American Trucking Association. They have questions about some of the language in the amendment. They wish to express their views. They do not feel that the studies which have been cited are accurate. They state that the continuation of the freeze is not inconsistent with our position.

There being no objection, the letter has ordered to be printed in the Record, as follows:

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, March 10, 1998.

Hon. CHIRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: Earlier this year, Nevada Senator Harry Reid proposed legislation that would have prohibited the operation of triple-trailer trucks in the 16 states where they currently operate. Over the course of several months, Senator Reid modified his position and decided not to pursue an outright ban on triples, but instead proposed a comprehensive study on the safety, environmental, and infrastructure impacts of triples and other longer combination vehicles (''LCVs''). During the past week, he announced that he would not offer this modified amendment because, he said, he did not have the votes to pass it.

On behalf of the American Trucking Associations, its 50 state associations, 14 conferences, and 35,000 members, I want to express our appreciation to the United States Senate for the tempered and considered approach that it has taken on this issue. The fact of the matter is that triple-trailer trucks and other LCVs have a very good safety record in the states in which they operate. Yet, in spite of that record, ATA is not seeking any expansion of triples authority in the United States—authority which was frozen in 1991 with the adoption of the Intermodal Surface Transportation Efficiency Act (''ISTEA'').

In the next few days, Senators BOND, CHAFEE and LAUTENBERG will be offering a Sense of the Senate resolution calling for a continuation of the 1991 freeze. We do not oppose this resolution. As previously stated, we are not seeking an expansion of the freeze. There is not provision in the resolution that would have any impact or repealing the freeze. There is also no provision in the resolution that would prohibit the operation of triples and LCVs in the states where they currently operate. Hence, the Bond-Chafee-Lautenberg Sense of the Senate resolution, which calls for a continuation of the freeze, is not inconsistent with our position.

Nevertheless, we are concerned by some of the language in the ''findings'' section of the resolution, which could be read to suggest that triple-trailer operations are unsafe. We stand by our position that triples are indeed safe. And, as a majority of Senators have recognized over the past several weeks, the safety record of triple-trailer trucks and other LCVs does not warrant their prohibition in the states where they currently operate.

Therefore, as this resolution moves forward, we would hope that our non-opposition would not be read as an endorsement of any specific language in the resolution.

Sincerely,

WALTER B. MCCORMICK, JR.,
President and Chief Executive Officer.

Mr. LAUTENBERG. Mr. President, as co-sponsor of this amendment and author of the original freeze on longer combination vehicles in the first ISTEA in 1991, I strongly support maintaining this freeze. By adopting this amendment, the Senate will declare loudly and clearly, that the freeze should not be weakened with more exemptions.

Six years ago, Congress recognized the need to stop the growing presence of big rig trucks on our roads. We included in ISTEA a provision I authored that froze the lawful operation of LCVs to only those routes where they had been operating up until that time. It was the right thing to do then and it's the right thing to do now.

We, as Members of Congress, have a duty to actively ensure the safety of all our Nation's roads, not just the roads in our individual States. By allowing monster trucks to terrorize our highways are we not failing to fulfill that duty?

LCVs can be as long as 123 feet (that's longer than a 737 jetliner) and can weigh up to 164 tons.

If it's raining when one of these trucks passes you, the spray from its 32 sets of wheels can blind you for over a minute. That's a long time when you're driving at 55 miles an hour. It means you can't see anything for over a mile.

LCVs pose extraordinary safety risks to other motorists.

Quick lane changes can cause them to exhibit a ''crack-the-whip'' effect—throwing the last trailer into other traffic lanes, causing the vehicle to roll over, or causing the last trailer to rupture its connections with the truck. In addition, LCVs are big and slow, especially when they have to accelerate. Thus they create dangerous traffic hazards when they have to merge or change lanes.

They also have difficulty maintaining speed on upgrades, and reducing speed and braking on downgrades. Speed differentials between trucks and other traffic of only 15 miles per hour are known to dramatically increase the risk of crashes, and speed differentials could be aggravated by the recent speed limit increases in many States.

As a result of all these dangerous features, multi-trailer trucks are involved in much more serious crashes than single-unit trucks or small tractor-trailer combinations. In 1994, over 5,000 people in the U.S. lost their lives in big truck crashes, and more than 100,000 were injured. Although big rig trucks make up only 3 percent of all regulated vehicles, they are involved in 21 percent of all fatal multi-vehicle crashes.

Clearly these big rig trucks are a deadly menace.

It's no wonder that of the over 42,000 people polled last summer, 87 percent said they are opposed to permitting the use of even bigger trucks, and 91 percent said large trucks should not be allowed on roads other than major highways.

Trucking companies are constantly pushing drivers to drive longer and longer hours and heavier and longer trucks to meet ever tighter deadlines. This is a trend that has to stop now.

And if the safety risks these vehicles impose on everyone else wasn't enough, these big rigs also cause significant damage to our roads and bridges.

On top of that, they don't even pay their fair share of costs. A recent study found that in virtually all truck classes, the heaviest vehicles pay considerably less in taxes than the costs they impose on our Nation's highway system. For example, LCVs registered at over 100,000 pounds pay only about half their cost responsibility.

Highway agencies are losing money every mile traveled by one of these vehicles. That will mean poorer roads, higher taxes, or both. To maintain road conditions States must turn to funds from other sources—i.e., gas taxes paid by other motorists. This shifts the cost savings experienced by truck companies, who can hire fewer drivers if they use LCVs, onto other highway users.

This is outrageous. Not only do other motorists get less return on their highway investment because they have to share the road with these life-threatening juggernauts, they also have to pay more for it.

The least we can do is maintain the status quo and not let LCVs branch out onto roads they aren't already on now.

I hope you'll join Senator BOND, Senator REID and me in maintaining the freeze on LCVs.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise in support of the resolution sponsored by Senator BOND to oppose less restrictive requirements for double- and triple-trailer trucks. The resolution states that existing prohibitions and restrictions on these vehicles should be retained.

Mr. President, there are serious safety concerns associated with the operation of bigger trucks. Because of their instability, handling difficulties, and braking problems, bigger trucks cannot stop quickly to prevent accidents and cannot be controlled safely. Bigger truck also are disproportionately responsible for expensive damage to our roads and bridges that we all must pay to repair.

I long have opposed the operation of bigger trucks in my home state of Connecticut. Traffic in Connecticut is too congested to allow these trucks, and the geography is too varied. On I–84 west of Hartford, for example, about 105,000 vehicles each day clog the highway, and traffic steadily is getting worse. Truck accidents on this stretch of road in the last year have been a cause of public concern. The last thing citizens of Connecticut need is even bigger trucks competing with cars here and on other crowded highways.

Common sense alone tells us that these bigger trucks are not compatible with passenger vehicles. The public overwhelmingly agrees. Opinion polls show that the public consistently has opposed legalizing the use of bigger trucks. People find these vehicles intimidating and are very aware of the hazards associated with their operation.

Mr. President, getting into a car exposes any one of us to the chance of an accident under the best of circumstances, and we know how many Americans are injured or killed in highway accidents. We do our best to protect ourselves on the road—for example by fastening our seat belts, by obeying traffic laws, and by refusing to ride with drivers who drink. With all the other risks we face on our increasing crowded roads, we surely do not

need the added hazards posed by bigger trucks. I enthusiastically support the Bond resolution for this reason.

I yield the floor.

Mr. CHAFEE. Mr. President, I am delighted to be a cosponsor of this amendment offered by the Senator from Missouri.

Now we all recognize trucks are essential to the Nation's economic health. There is no argument to that. But we believe allowing increasing the number of the larger trucks to operate on our highway is a dangerous way to increase productivity. Triple-trailer trucks impose, I believe, a triple threat to safety, to the environment, and to the highway infrastructure.

This amendment is a sense of the Senate that we will stay as we are. That is what the underlying legislation does. It does not change what the States allow, or roads they are permitted to operate under now, and does not increase the ability to operate where they are not operating now. I am for that.

I thank the Senator for his amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, this is a freeze on the expansion of future triples. States that currently have triples can maintain them. I think that is a fair balance. A lot of us have problems with triples, basically the problems enunciated by the sponsor of this amendment.

To repeal the current use of trailers, I think, would be unfair.

I urge Senators to agree to this amendment.

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

The amendment (No. 1952) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table;

The motion to lay on the table was agreed to.

AMENDMENT NO. 1953

(Purpose: To authorize the Secretary of Transportation to implement hazardous material transportation pilot programs for certain farm service vehicles, and for other purposes)

Mr. MCCAIN. Mr. President, on behalf of myself and Senator HOLLINGS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposed an amendment numbered 1953 to amendment No. 1676.

Mr. MCCAIN. 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 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

Mr. MCCAIN. Mr. President, this amendment has to do with the disposition of hazardous materials. It has been agreed to by both sides.

Mr. President, as I stated last week during debate on the Commerce Committee's safety amendment, negotiations were ongoing to alter several special interest provisions that had been conditionally approved by the Committee when we approved the comprehensive safety amendment last October.

One of the more difficult areas the Committee faced concerned the many requests we received to provide statutory exemptions for one industry or another from certain motor carrier safety rules. Exemptions were sought from Hours-of-Service regulations, Commercial Drivers License (CDL) requirements, and hazardous materials transportation regulations. Of course, these type of requests are not new. In fact, we face them every time Congress considers legislation affecting federal motor carrier safety policy.

The Commerce Committee has worked to avoid any statutory exemptions or regulation carve outs for single industries. At the same time, we want to ensure there is a fair process by which all requests can be considered appropriately. This compromise amendment developed by Senators HOLLINGS, BURNS, BRYAN, GORTON, LOTT, and myself achieves these goals.

In addition to the new process provided under the safety amendment adopted last week, which would permit the Secretary to examine innovative approaches or alternatives to certain rules, this amendment clarifies the Secretary may carry out similar pilot programs dealing with certain regulations impacting the carriage of agricultural production materials. This provision includes, however, specific criteria clearly stating that only projects that are designed to achieve a level of safety equivalent to or greater than the safety level provided through compliance with current regulatory standards are permitted.

In addition, the amendment clarifies and improves the process for providing limited regulatory relief during times of emergencies for utility operators to better allow critical services to be carried out during times of emergencies.

I want to thank Senators HOLLINGS, BURNS, BRYAN, GORTON and LOTT and their staffs for working in a bipartisan manner to achieve this compromise amendment.

Mr. LOTT. Mr. President, I would like to recognize Senator BURNS for his efforts in obtaining passage of the Utility Service Vehicle amendment to the Intermodal Surface Transportation Efficiency Act. Senator BURNS' support and leadership on this issue has been instrumental in reaching an important compromise that provides state and local officials with much needed flexibility in emergency situations. Essentially, the emergency can be dealt with at the discretion of the appropriate local official who has first hand expertise in understanding the needs of their communities. More importantly, this clarification enhances public safety. It is our hope that the U.S. Department of Transportation will take advantage of the flexibility provided by this amendment and fully implement the transportation pilot programs authorized by this legislation. Again, I want to commend Senator BURNS for his efforts in coordinating the bipartisan compromise needed to ensure that the public's well-being in emergency situations is fully protected.

Mr. CHAFEE. This amendment is agreeable to this side.

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

The amendment (No. 1953) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1726

(Purpose: To provide that demonstration projects shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs)

Mr. MCCAIN. Mr. President, I send amendment numbered 1726 to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. MACK, Mr. GRAHAM, Mr. BROWNBACK, Mr. THURMOND, and Mr. KYL, proposed an amendment numbered 1726 to amendment No. 1676.

Mr. MCCAIN. 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 41, line 11, insert ''(excluding demonstration projects)'' after ''programs''.

On page 41, line 16, insert ''(excluding demonstration projects)'' after ''programs''.

On page 44, strike line 5 and insert the following:

date of enactment of this subparagraph).

''(3) DEMONSTRATION PROJECTS.—

''(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

''(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

''(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

''(ii) the ratio that—

''(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

''(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

''(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term 'demonstration project' means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

''(A) the Intermodal Surface Transportation Efficiency Act of 1997; or

''(B) any law enacted after the date of enactment of that Act.''.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were agreed to.

Mr. MCCAIN. Mr. President, on behalf of myself, Senators MACK, GRAHAM of Florida, THURMOND, COATS, BROWNBACK, KYL, and others, this amendment would require that any future highway demonstration projects be included under the annual obligation limitation.

Let there be no question. I remain strongly opposed to so-called demonstration, high priority, and any other termed descriptions for earmarked projects. As I have done on previous occasions, I will again offer an amendment during this debate a Sense of the Senate Resolution, in opposition to any future demonstration earmarks in this reauthorization legislation.

At the same time, I recognize the real possibility that Congress could, in its collective wisdom, continue to follow the same path it has in prior highway funding bills—that is, to authorize pork barrel projects. Despite the efforts of myself and many other members, the final ISTEA reauthorization bill coming out of Conference may very well include earmarks—earmarks for projects that in many cases aren't even considered necessary among the States' transportation priorities. Therefore, this amendment is an attempt to bring some semblance of equity should Congress fall back to the same old earmarking status quo.

My colleagues may better appreciate the importance of this amendment by reviewing the history of previously enacted highway bills. In 1982, 10 demos were authorized, costing a total of $362 million. In 1987, 152 demo projects were created, costing a total of $1.4 billion. Then in 1991, the mother lode of all demo project bills, ISTEA, was signed into law. 538 location-specific projects totaling $6.23 billion were created. Since 1982, that's a total of $8 billion in trust fund dollars that did not go out for general distribution to the states.

For far too long, highway demonstration projects have received preferential funding treatment. These projects are essentially paid for separately, with states receiving demo project money on top of their annual highway program allocations.

This treatment clearly distorts the allocation process because the earmarked projects are funded outside the overall federal aid to highways obligation ceiling. Again, this distorted demo allocation is outside the funding process established by the statutory formulas—formulas that some of us will argue are already unfair to a number of states.

Our amendment would require that any future, and I stress the word future, demonstration projects funded out of the highway trust fund be subtracted directly from a state's highway funding allocation.

Contrary to the opinion our friends in the House like to push, not all of us

buy the idea that special projects benefit our states' and nation's transportation system. The GAO said that ''if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go.''

GAO further reported that the majority of states would have benefitted if the money provided under the guise of demos had been allocated according to the ISTEA formula. In one year GAO analyzed, it found that ''33 states, plus the District of Columbia and Puerto Rico, would have received more obligation authority if demonstration projects were made subject to the obligation limitation.''

The GAO said that ''if demonstration projects were brought under the obligation limitation, all states would benefit from an increase in their flexibility to target annual obligations to programs and projects that were ready to go.''

Further, during DOT Secretary Slater's confirmation hearing last year, he forcefully expressed the Administration's opposition to demonstration projects. Secretary Slater said demonstration projects ''take resources from the trust fund for general distribution.'' He went on to say that avoiding creation of new projects would add more money to the trust fund for general distribution purposes.

Now, I recognize S. 1173 does not include new demos, and I commend the Chairman and Ranking member of the Environment and Public Works Committee for holding firm to this position. However, I also realize that our House colleagues are not expected to adopt a similar course of action.

Let's consider what is happening in the House and its efforts to reauthorize ISTEA. There are reports that more than 400 members in the House have placed requests for highway, bridge, or transit projects. Of course, they were also actively solicited to do so by the Chairman and Ranking Member of the committee of jurisdiction. And I've been told these requests include more than 1,000 projects—requests that could total hundreds of millions of dollars, dollars that will be siphoned away from formula-driven state allocations and funneled to individually-designated state or local projects.

In one committee print there's even a new funding item called ''legislative discretionary projects.'' I wasn't aware we needed to set up a separate kitty for legislative, member-favored projects. How much would this new legislative discretionary account consume? My calculations indicate $9.07 billion. That is almost double the level earmarked in ISTEA, and the bill isn't even out of conference.

This is offensive. And I'll do everything in my power to make sure that such outlandish action is not condoned by the Senate. However, in the event my efforts to entirely stop all new demo-type funding projects are not fully accepted by the conferees, we must ensure a safety valve is in place. The McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment is one such safety valve.

Under our amendment, a state would be provided the authority to choose to fund a congressionally-favored highway, bypass, bridge, or another road project named in ISTEA II out of the money it receives annually. Simply put, our amendment would allow states to be the final arbitrator with respect to spending its federal funding resources on demonstration projects.

In addition, our amendment will restore modest spending equity for states that have relatively little demonstration project funding. Why should states that don't happen to have members who champion pork-barrel projects have their allocation reduced to pay for other states' earmarks? Simply put, they shouldn't.

Earmarked demonstration projects subvert statewide and metropolitan planning processes to the extent that projects are advanced that might not have been chosen based on area needs, benefit-cost analysis, or other criteria. Our amendment will also guarantee a state's authority to control its highway spending authority.

There are critical needs throughout our nation's transportation network. Clearly, states don't need Congress to micromanage and dictate their planning process. The traveling public certainly is not well served when Washington forces limited funding to be spent on unnecessary road projects.

Three years ago, the Senate adopted my amendment to prohibit funding for ''future'' demo projects. The amendment passed by a vote of 75 to 21. Last year, the Senate unanimously approved my Sense of the Senate Resolution to the Budget Resolution again expressing opposition to future demonstration projects. The Senate is on record for opposing new earmarks and we must remain on record.

I remind my colleagues that $8 billion already has been siphoned away from the states' highway allocations. And donor states like Arizona and Florida and Indiana don't need to have any more of our gasoline tax dollars taken away in order to finance demonstration projects in donee states.

I urge my colleagues to vote in favor of the McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment as a backstop to provide some needed sanity to the ISTEA II conference agreement.

I yield the floor.

Mr. CHAFEE. Mr. President, it's my understanding that the yeas and nays have been ordered on this amendment; is that correct?

The PRESIDING OFFICER. That's correct.

Mr. CHAFEE. Mr. President, I ask unanimous consent that this amendment, No. 1726, be laid aside and be in order at a later time, regardless of the outcome of the cloture vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. 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. 1951

Mr. ABRAHAM. Mr. President, I intend, in a moment here, to move forward with a couple of amendments. Before I do, I wanted to comment on the earlier action that was taken a little bit ago with regard to the manager's amendment pertaining to States, which was designed to provide a number of us who did not fit regionally within either the Appalachian Regional Commission qualifications or the density corridor qualifications with an opportunity to benefit from some of the unique additional dollars that have been made available through the earlier amendment that Senator CHAFEE offered.

We have worked very closely with Senator CHAFEE and his staff, Senator WARNER and his staff, and Senator BAUCUS and his staff to try to address some of these equity issues. I thank them for their ongoing patience and efforts to assist us. We, certainly, in Michigan—as I have spoken earlier during the discussions of this legislation, Michigan is a State that has been trying to gain more equity. I know we have been persistent, as both managers have indicated in previous conversations. We are being persistent for obvious reasons. But we do appreciate it, and I want to publicly acknowledge the cooperation we have received.

I think the amendment that was agreed to today goes a long way in helping us to address those issues. We all want to have the best outcome, but we realize there are many other inconsistent viewpoints being expressed around the floor, and to help everybody is often difficult. I think the managers have gone the extra mile to address these things and I thank them.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1676

(Purpose: To provide for continuation of eligibility for the International Bridge, Sault Ste. Marie, Michigan)

Mr. ABRAHAM. 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 Michigan [Mr. ABRAHAM], for himself and Mr. LEVIN, proposes an amendment numbered 1380 to amendment No. 1676.

Mr. ABRAHAM. 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. 18 . INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

Mr. ABRAHAM. Mr. President, the International Bridge connects Sault Ste. Marie, Michigan with Sault Ste. Marie, Ontario, providing a link for both the exchange of goods between the United States and Canada, as well as allowing commuters to traverse between these sister cities.

Vehicle traffic averages over three million crossings a year, with commercial trucks increasing in the wake of NAFTA by 13 percent in the last year alone.

U.S. Public Law 889 of 1940 authorized the State of Michigan, through the International Bridge Authority, to construct, maintain, and operate this toll bridge. The administration of this toll was specifically permitted by this act.

However, the law also required that upon retiring the construction debt, the bridge would revert from the authority to the State of Michigan and the Province of Ontario. The debt from the original construction will be repaid in full in the year 2000. Negotiations are underway for the joint ownership treaty between Michigan and Ontario.

The question is, however, what will happen to the toll when the debt is retired. It was previously believed that section 1012 of ISTEA resolved the toll issue at the federal level by specifying toll bridges could be eligible for federal funds. However, section 1012 covers only those crossings that have a toll agreement with the Federal Highway Administration and already fall under title 23.

This cannot be applied, however, to the International Bridge. The International Bridge was financed with bonds independent of the Federal Highway Administration, and therefore instituted a toll agreement with the Federal Highway Administration.

Because of this catch-22 situation in ISTEA, the International Bridge is therefore ineligible for federal funds under section 1012 of ISTEA, although similar toll bridges would be if they had financed the bridge through the FHWA.

This becomes especially problematic as the bridge is expected to retire it's debt in 2000, and the bridge is turned over to Michigan and Ontario.

Canada is not subject to this prohibition, and will continue to operate a toll after the debt is retired.

For the United States to stop the toll on its side of the bridge after 2000 will place us in an unequal position vis-a-vis the Canadians, making negotiations for joint ownership more difficult.

It will also deny the most secure funding source for maintenance, operations, and future capital improvements to the bridge.

Finally, it will be nearly impossible to reestablish a toll once it has been discontinued, even if ostensibly for a short time.

For those reasons, this amendment will try to address this anomaly and is needed to allow Michigan to more effectively enter into a new agreement with Ontario and cover the costs of the bridge during the transition.

For those reasons, I believe the managers on both sides have cleared this amendment. I hope we can agree to it at this time.

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

Mr. BAUCUS. Mr. President, it is also acceptable to this side. This enables Michigan to continue to collect a toll that it is not collecting. It basically continues to make the payments status quo. It is a good amendment.

The PRESIDING OFFICER (Mr. BURNS). If there is no more debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1380 to Amendment No. 1676) was agreed to.

Mr. ABRAHAM. 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 thank the Senator from Michigan for his kind comments about the work we did. He is right; he can clearly be labeled persistent, and he worked very hard on this. He represents his State with great vigor; I can testify to that. And he can be satisfied with what was accomplished here. So I congratulate him for the work he did.

Mr. ABRAHAM. I thank the Senator.

Mr. President, I thank the Senator from Rhode Island for his comments and, as I said earlier, for his many efforts.

I would also like to offer an amendment to the committee amendment.

AMENDMENT NO. 1955 TO AMENDMENT NO. 1676

(Purpose: To improve the provisions relating to credit for acquired lands)

Mr. ABRAHAM. 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 Michigan (Mr. ABRAHAM), for himself, and Mr. LEVIN, proposes an amendment numbered 1955 to amendment No. 1676.

Mr. ABRAHAM. 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 139, strike lines 22 through 24 and insert the following:

''(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

''(B) is incorporated into the project;

''(C) is not land described in section 138; and

''(D) does not influence the environmental assessment of the project, including—

''(i) the decision as to the need to construct the project;

''(ii) the consideration of alternatives; and

''(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

Mr. ABRAHAM. Mr. President, often times, as my State's Department of Transportation undertakes new highway projects, donations are offered in order to assist in the development of these projects.

Up to now, these have been limited to those businesses, organizations, and individuals who believe the advancement of these projects will assist them.

Their reasons could be that there will be economic growth resulting from this highway project that will directly benefit them, or that they wish to see a project develop in a certain direction that will be facilitated by the donation of this property, supplies or services.

These donations can make the difference between whether or not the project is undertaken.

Often times the amount of the federal funds are insufficient to complete the project, especially federally mandated projects.

Because the value of the donation can be applied to the State's match requirement for federally funded projects, a donation like these can provide the funds necessary to not only meet the State's match, but provide the funds necessary to make up for insufficient federal funds.

An example may better illustrate this point.

A community in my state was designated for demonstration project to expand the capacity of a major artery through that city.

However, the level of federal funding was only $15 million on a $25 million project.

The normal state match for a project like this, $3 million, would still leave the community $7 million short of completing this project.

However, this community has also acquired over $6 million in property rights of way along the project corridor.

By donating this project, and allowing the value of this property, which has since increased in value to about $9 million, to be applied to the State match, the State could not only save the state match requirement of $3 million for other high priority projects, but apply the remainder to the deficit in federal funds, thereby allowing the federal funds to finally be utilized.

The benefits of allowing these donations was realized by the drafters of section 323 of title 23, U.S. Code, by allowing any donations of property, supplies, services, or funds by ''a person'' could apply to a State's match requirements.

However, the experience in my state has been that the Department of Transportation has determined that a local unit of government does not fit the legal definition of a ''person.''

I disagree with this interpretation, but that is the interpretation by the federal agency charged with executing these laws, and absent their reversing this interpretation, donations from these units of government cannot be fully leveraged for Michigan transportation needs.

This could provide our states with significant increases in the highways dollars available.

With just two examples of which I am aware of local units of government capable of donating property, goods, services or funds to complete highway projects, my state could save over $11 million in total project costs.

These are funds that could be applied to other projects. So, in essence, these donations would be the same as increases in federal funding.

Therefore, Mr. President, I urge adoption of this amendment in hopes that we can provide the equivalent of more money for our states, without having to actually spend more money.

Therefore, the purpose of this amendment would be to correct this interpretation and to allow contributions made by local governments to be added to the group of contributions that have been already interpreted as counting toward a State match.

I believe, again, this amendment has been agreed to on both sides. I urge its adoption.

Mr. CHAFEE. Mr. President, the Senator from Michigan is quite right; this amendment is acceptable at this time.

Mr. BAUCUS. Mr. President, I commend the Senator from Michigan.

This amendment, which is very beneficial to States, and particularly local governments, frankly, is an extension of the provision in the National Highway System bill. When this is agreed to—and I think it will be—States, and particularly local governments, will be able to use land, or gravel, or building materials as ''in kind'' contributions for their State's match instead of cash. They can use other assets to meet that requirement. This will be particularly helpful for local communities that want to build bike paths, or some other similar use of State highway funds, which is provided for in law. If the local community comes up with the gravel, and the work efforts, that will be the match that will allow the Federal funds to then be used for either enhancement, like a bike path, or some other project allowed under the underlying bill.

So I commend the Senator. This is an extension. It goes beyond what is currently allowed in the National Highway System legislation.

I very much thank the Senator for bringing this to the Senate's attention and for building upon an idea which I think makes sense in the first place.

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

The amendment (No. 1955) was agreed to.

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

The PRESIDING OFFICER. Who yields time?

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. BROWNBACK. 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. 1956 TO AMENDMENT NO. 1676

Mr. BROWNBACK. 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 Kansas (Mr. BROWNBACK) proposes an amendment numbered 1956 to amendment No. 1676.

Mr. BROWNBACK. 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:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking ''The'' and inserting in lieu thereof, ''(1) The'';

(2) By adding at the end thereof the following new paragraphs:

''(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

''(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

''(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

''(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.''

Mr. BROWNBACK. Mr. President, we have been working with all parties involved on the majority side and the minority side, and with the various committees involved with the issue, regarding rails and trails. I understand that this amendment has been agreed to and will be accepted by all of the various people involved.

Today I offer an amendment that will increase local input in community planning regarding recreational rail-trails. Today, while a railroad is in the process of petitioning to abandon railroad tracks, outside groups may take over that right of way—and the local government may have no say in the matter whatsoever. Railroads and private groups may make decisions as to how large portions of land are used, and property owners and local governments are not even consulted.

Under current law, a right-of-way for a railroad that is about to be abandoned may be used to establish a recreational rail-trail, thereby preserving the rail corridor in the case that the right-of-way is needed in future. The decision making authority for establishing a rail-trail lies solely with the railroad, the Surface Transportation Board, and private groups advocating trail development. A fatal flaw is that there is no component for local community involvement, including the input of those who own property adjacent to railroad corridors and who are most directly affected by the change in use of the right-of-way.

The process of creating rail trails from old railroad lines begins when a railroad petitions the Surface Transportation Board to abandon a line. Normally, if the STB determines that a line may be abandoned, it issues the railroad a certificate of abandonment. However, under the National Trails System Act, once a railroad files a petition to abandon groups may suspend the abandonment by requesting to enter negotiations with the railroad to establish a trail. These trail groups may purchase the corridor or ''railbank'' it—in other words, convey the right-of-way with the provision that it will return to the railroad if it resumes service in the future. If the trail group signs a statement of willingness to assume responsibility for the right of way, and it comes to an agreement with the railroad on the terms under which the land will be conveyed, then the Surface Transportation Board is obligated to allow the group to develop the rail corridor.

This negotiation takes place not in the communities where the proposed trails are, but rather behind closed doors here in Washington. At no point is there an opportunity for meaningful citizen participation in making the determination of the best use of the land. Many community members have learned of proposed rail trails not by reading the newspaper or by attending a community meeting, but by looking in their backyards. This is wrong.

The issue of rail trail development is an extremely divisive issue in Kansas—perhaps more so than in any other state in the country. One reason that this issue has become so inflammatory is because Kansas state law provides that ownership of an abandoned railroad right-of-way will revert to the original property owners. However, Federal law preempts Kansas State law and prevents property owners' rights to regain possession of the land where there is a group ready to establish a trail.

Mr. President, my goal here is not to take sides in this emotionally charged issue. I empathize with private property owners who believe that trails give rise to trespassers and crime, and lower the value of their property. Moreover, I believe it is a valid assertion that trail development, where reversionary property rights exist, constitutes a taking of private property for which just compensation should be paid. In fact, this opinion was upheld by the U.S. Court of Appeals in November 1996. Private property owners have legitimate concerns.

However, I also understand the beliefs of trail advocates, who view trail development as a means of economic growth and who strive to improve the quality of life for communities. My goal here is not to ''kill railbanking.'' This amendment does not kill railbanking and does not impede the ability of groups to propose rail-trail projects during normal abandonment proceedings. In fact, I maintain that opposition to rail trails by property owners might not be so solidified if the property owners were more engaged in the decision making process. As it stands, the resentment they feel for having trail development forced upon them fuels their anger and strengthens their resolve to oppose both current and future trail development.

My goal here, in fact, is to improve the process so that people on both sides of this issue will receive an equitable opportunity to air their views before any designation of a trail is made. This is not an issue of whether rail-trails are good or bad; it is an issue of whether it is the role of the federal government to engage in community planning. I contend that it is not. The federal government has authorized the development of trails on railroad rights of way, and I do not seek to dismantle that authorization. I simply believe that it should be at the discretion of the local government whether that authorization should be utilized.

In fact, one of the hallmarks of the ISTEA legislation that we are debating today is that it through Metropolitan Planning Organizations it incorporates the concept of local involvement in transportation planning, which, prior to 1991, was largely absent from the federal program. I simply want to correct the disconnect that exists between provisions of the National Trails System Act and the philosophical underpinnings of the ISTEA legislation.

Mr. President, I do not have an objection to the Rails to Trails program. In fact, my amendment does not limit rail-trail funding or prohibit rail-trails from being developed where they are wanted by the local community. I do, however, have an objection to a process whereby railroads, private groups, and federal bureaucrats can make sweeping land use decisions, while private property owners and local authorities are shut out. Let's improve that process by giving local governments a decision-making role.

Mr. President, with that I urge adoption of the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am glad to yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise simply to congratulate the Senator from Kansas on this amendment, which I hope will be accepted. I can attest that in my own State of New York this kind of difficulty has arisen. I think the amendment will have an important effect in bringing about agreed solutions as against agitated—how do I say—contested solutions.

So I thank the Senator. If I could, I ask that I be added as a cosponsor, and yield the floor.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, it is my understanding this amendment has been worked out. I thank the Senator for his cooperation. I regret I must say that when we informed Senator BUMPERS, who is the ranking member of the Committee on Energy and Natural Resources, the committee that has jurisdiction over this amendment, we were informed by his staff that he wanted to come over and look at exact language and make sure it was the same language that was agreed to. I do not expect that to, A, take long or, B, to be a problem. In fact, they told us they were on their way over about 10 minutes ago.

We cannot clear it pending that resolution. I suggest to the chairman, perhaps if we lay this amendment aside, we can take up another amendment. But I expect it to be cleared very quickly.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I know the Senator from Kansas worked hard on this, and we have worked with him. I am absolutely confident that everything is all set here. Meanwhile, nonetheless, there is a request that has been made, so we will have to defer to that. What I suggest to the Senator is, let's set his amendment aside, and as soon as things get cleared—which I think will be momentarily—we will go right back to it.

Before we do that, I have several points of clarification on the amendment allowing for the disapproval, by the Surface Transportation Board, of a railbanking request at least half of the local jurisdictions through which the rail corridor proposed for railbanking affirmatively oppose the request. Will the Senator from Kansas confirm my understanding of his amendment?

Mr. BROWNBACK. I would be delighted to clarify the intent and content of my amendment for the Senator from Rhode Island.

Mr. CHAFEE. Thank you. First, although it is not explicitly referenced in the wording of the amendment whether its terms would apply to rail corridors that already are railbanked, and which already have been transferred from the railroad to the railbanking agency, it is my understanding that your amendment does not apply to corridors where a notice or certificate of interim trail use under section 1247(d) of title 23, United States Code, already has been issued by the Surface Transportation Board. The amendment only will be applied prospectively. Am I correct in my understanding?

Mr. BROWNBACK. You are correct. The amendment will not affect any corridor for which a certificate or notice of interim trail use has been issued by the Surface Transportation Board prior to the date of enactment of this law.

Mr. CHAFEE. Thank you. Now, it is my understanding that this amendment does not, in any way, amend existing abandonment proceedings as regulated under the Interstate Commerce Act. Is that correct?

Mr. BROWNBACK. That is correct. This amendment does not seek to encroach in any way, shape, or form, abandonment procedures established under the Interstate Commerce Act. Those procedures are entirely within the jurisdiction of the Surface Transportation Board and the Senate Commerce Committee, as the authorizing agency overseeing these rules and procedures.

Mr. CHAFEE. Thank you for that clarification. It also is my understanding that the purpose of your amendment is to provide clear opportunities for local input into the railbanking process in instances where section 1247(d) of title 16 is being invoked by parties other than the states, U.S. territories, Commonwealth, and the District of Columbia?

Mr. BROWNBACK. Yes, that is correct. The intent behind this amendment is to ensure that in instances

specified in the amendment, a forum can be created for local public dialogue with the Surface Transportation Board. Finally, I would add that we have worked with Senators from both sides of the aisle and with private interest groups including the Kansas Farm Bureau, the Kansas Livestock Association, and the national Rails-to-Trails Conservancy.

Mr. CHAFEE. Mr. President, the purpose of the amendment offered by my colleague from Kansas is to provide clear opportunities for local input into the railbanking process where section 8(d) of the National Trails System Act is invoked. The National Trails System Act provides for the preservation of otherwise abandoned rail corridors through interim use as trails. In short, it has allowed railroads wishing to abandon a line to enter into a voluntary agreement with a trail-managing agency, to turn the abandoned right-of-way into a trail for bicycling, walking, snowmobiling, horseback riding and the like.

Railbanking is a complex and sensitive issue that is in the jurisdiction of the Senate Energy and Commerce Committees. I am pleased that Senator BROWNBACK has worked with the Chairman and ranking members of both of these committees and with the National Rails-to-Trails Conservancy to come to an agreement that does not limit the development of rail trails or detract from the good work done by the railbanking program.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank the manager of this bill, who has been extraordinarily patient with us in working this through. We have worked closely with Senator BUMPERS' staff. It was several days working this out. It was our understanding they had no difficulty and they were in agreement with this language.

I also thank the Senator from New York for his kind comments. This simply does provide for a modicum of local input, to try to provide some means for people locally to comment on this. It doesn't affect existing trails. That is why we proposed this.

I thank the Senator from Rhode Island for all of his efforts, along with those of the Senator from Montana, too. I hope we can get this resolved within the next 10 minutes if possible. I will stay here on the floor, so maybe while we are considering this next amendment, we could get this resolved right after that, if that is at all possible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I congratulate the Senator from Kansas. He has been very, very patient. I think it was about last week I said to him, ''You are next up.'' Then problems arose and problems arose and we could not get to it. Each time I had to go to him and say, ''We have to slip you back a little bit here.'' But he was very patient and helpful although, indeed, tenacious. I congratulate him for his theory, which is a good one. The local folks should be consulted on these matters. He has worked it out. I am confident all the problems are taken care of.

I say to the Senator, if he is not here when we get the approval, with his approval I will just go ahead and urge the adoption of the amendment and get it agreed to, if that is agreeable to him.

Mr. BROWNBACK. Yes.

Mr. BAUCUS. Mr. President, I do commend the Senator for his patience. I say to the Senator, we have again sent an urgent plea over to Senator BUMPERS' office to make sure his staff comes over immediately. We made the request 10 or 12 minutes ago. Just 1 minute ago, I renewed the request to have the staff come over.

The fact is, the more we talk about this and commend the Senator, the more likely we are going to kill two birds with one stone. If people realize what the Senator is doing, by that time maybe the staff will be over here to get this thing cleared. I do not see them yet. I don't see any problems, but I must honor the request by the Senator from Arkansas that we wait until his staff looks at the exact language.

Mr. McCAIN. Mr. President, I would like to comment briefly on the Brownback amendment adopted earlier today which proposes to alter the present rails-to-trails process. While I did not formally object to the unanimous consent approval of that amendment, I continue to hold serious reservations over it. Indeed, I believe the proposal warrants further analysis prior to enactment.

I recognize the sponsor of the amendment has concerns over the current manner in which trails are established. However, I am concerned the amendment offers the potential to greatly impede the establishment of future trails.

Let me be clear. I agree it is appropriate to consider the current railbanking structure. I further understand the sponsor's interest in ensuring involvement by the local-area governments during the process. That is an important consideration and, in fact, local governments as well as any interested persons already have the ability to participate in the process. However, they do not have the ability to veto an agreement reached at the end of the process. Similarly, no one has the ability to force a trail's establishment. There is a balance.

The amendment adopted would prevent the establishment of a new trail if the majority of the local governments along the rail right-of-way pass a resolution opposing the proposed trail use. While that sounds reasonable at first glance, I believe the Congress needs to better understand how such a new requirement would be implemented efficiently.

For example, I believe we must carefully consider any implementing difficulties likely to result with this amendment. How will it impact the work load of the Surface Transportation Board, the agency which holds jurisdiction over rail abandonment and rail banking matters? How is the STB to know what constitutes the majority of local governments? Further, how is this new process carried forward when only one community is along a proposed trail? Would that one local government have veto authority over a new trail?

Mr. President, I strongly believe these and other considerations must be addressed as this legislation continues through conference. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over the STB, I am committed to further exploring this matter along with any and all anticipated effects of this amendment when we hold hearings later this month on the STB's reauthorization. I will work to ensure our findings are carefully considered during conference consideration.

Mr. President, railbanking is a voluntary program requiring agreement between the railroad abandoning a line and a trail-managing agency—most, which I understand, are local. I want to ensure that in an effort to improve the current process, we are not unintentionally jeopardizing future trails. I look forward to working with my colleagues on this important matter in the weeks ahead.

AMENDMENT NO. 1911 TO AMENDMENT NO. 1676

(Purpose: To save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program)

Mr. ABRAHAM. Mr. President, I would like to call up my amendment 1911, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. DODD, proposes an amendment numbered 1911 to amendment No. 1676.

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

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

(The text of the amendment is printed in the March 9, 1998 edition of the RECORD.)

AMENDMENT NO. 1911, AS MODIFIED, TO AMENDMENT NO. 1676

Mr. ABRAHAM. Mr. President, at this point I send to the desk a modification of my amendment.

The PRESIDING OFFICER. Without objection, the Senator may modify his amendment.

The amendment (No. 1911), as modified, is as follows:

In section 410 of title 23, United States Code, as amended by section 3101(g)(1)—

(1) strike the section heading and insert the following:

"§ 410. Safety belts and occupant protection programs";

(2) in the first sentence, insert ''(a) IN GENERAL.—'' before ''The Secretary shall''; and

(3) add at the end the following:

''(b) CHILD OCCUPANT PROTECTION EDUCATION GRANTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The term 'covered child occupant protection education program' means a program described in subsection (a)(1)(D).

''(B) COVERED STATE.—The term 'covered State' means a State that demonstrates the implementation of a program described in subsection (a)(1)(D).

''(2) CHILD PASSENGER EDUCATION.—

''(A) GRANTS.—

''(i) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to a covered State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in subparagraph (B) through—

''(I) the covered child occupant protection program of the State; and

''(II) at the option of the State, a grant program established by the State to provide for the carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

''(ii) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a covered State is eligible to receive, or has received, a grant under subsection (a).

''(B) USE OF FUNDS.—Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs that—

''(i) are designed to prevent deaths and injuries to children under the age of 9; and

''(ii) educate the public concerning—

''(I) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques; and

''(II)(aa) appropriate child restraint design selection and placement and; and

''(bb) harness threading and harness adjustment; and

''(iii) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

''(C) REPORTS.—

''(i) IN GENERAL.—The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant.

''(ii) REQUIREMENTS FOR REPORTS.—A report described in clause (i) shall—

''(I) contain such information as the Secretary may require; and

''(II) at a minimum, describe the program activities undertaken with the funds made available under the grant.

''(D) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation to carry out this subsection, $7,500,000 for each of fiscal years 1999 and 2000.''.

In the heading for section 410 of title 23, United States Code, as amended by section 3101(g)(2), strike ''program'' and insert ''programs''.

Mr. ABRAHAM. Mr. President, I would like to speak briefly about this amendment, which I offer on behalf of myself and Senators DODD and MCCAIN. I believe this amendment will save many children's lives and prevent countless injuries.

Last October, I introduced S. 1312, the Child Passenger Protection Act. This bill sought to provide $7.5 million to the U.S. Department of Transportation for each of the next two years for the purpose of awarding grants to State highway agencies and other public safety organizations which promote important safety information on the use of car seats. My amendment today, which has been cosponsored by my colleague from Connecticut, Senator DODD, is essentially identical to S.1312. We believe this amendment will encourage and expedite the dissemination of child safety seat information to parents and help save children's lives in the process.

Mr. President, I urge my colleagues to consider the following alarming statistics. Motor vehicle crashes are the leading cause of unintentional injury-related death among children ages 14 and under, accounting for more than 40 percent of all unintentional injury-related deaths. In 1995, nearly 1400 child occupants ages 14 and under died in motor vehicle crashes in this country. In 1996, more than 305,000 children ages 14 and under were injured as occupants in motor vehicle-related crashes.

Because most motor vehicle safety features are designed for the comfort and protection of an adult-sized body, children are particularly at risk of death and injury during automobile crashes. However, child safety seats and safety belts, when installed and used correctly, can prevent injury and save lives. In fact, it is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a collision by a factor of 71% for infants and 54% for children ages 4 and under.

Regrettably, Mr. President, results from regional child restraint clinics have indicated that currently between 70% and 90% of child occupant restraints are incorrectly installed or otherwise misused. Three weeks ago, in conjunction with Child Passenger Safety Week, a workshop was sponsored by local public safety officials in nearby Fairfax County, Virginia, to help educate parents on the proper installation and use of child safety restraints. According to a Washington, D.C. television affiliate that covered the event, of the 113 child safety seats that were inspected, only 2 were installed correctly! That is less than 2%!

Mr. President, as the parents of three small children, my wife Jane and I have struggled with making sure that each of our children is properly positioned and safely secured while riding in vehicles. This is an issue that is near and dear to our hearts. That is why Jane and I have joined with the SAFE KIDS coalition back in our state of Michigan, to work on this problem. What we've learned is this: understanding which seat is age- and size-appropriate for your child and knowing how to install that seat—and how to properly secure the child in that seat—can be very confusing for parents.

The amendment offered today by myself, Senator DODD and Senator MCCAIR is designed to help eliminate much of that confusion. Our amendment would provide $7.5 million for each of the next two fiscal years to the U.S. Department of Transportation for the purpose of awarding grants to State highway agencies and child passenger safety organizations who promote important safety information on the use of child safety seats.

While national programs such as the Air Bag & Seat Belt Safety Campaign already exist to help instruct parents on the proper location for placing child safety seats in vehicles, there is currently no national program designed to instruct parents on how properly to install child safety seats or to secure children in those safety seats.

This amendment will provide critical assistance for training public safety officials on the proper techniques for installing and using child safety seats while also providing invaluable public education through workshops, publications, and audio-visual aids.

In conclusion, Mr. President, there is considerable—and mounting—evidence concerning the high incidence of misuse of child safety seats and other restraint systems for children. There is also an incredibly compelling correlation between the improper use of child safety restraints in vehicles and an inordinately high rate of death and injury suffered by children in automobile crashes. Based on these factors, I believe it is imperative that we in Congress provide a relatively small amount of ''seed'' money to assist public safety officials, highway safety organizations, and child safety advocates in educating parents in the United States on the proper installation and use of safety seats and other restraints for children who are passengers in vehicles.

As I said at the outset, the question is not whether such a program will save lives; the only question is how many young lives will it save.

Mr. President, before I conclude, I would just like to acknowledge the role in this legislation played by Congresswoman MORELLA of Maryland, who introduced the original companion bill over in the other Chamber. She has been a leader in this area, and I look forward to working with her to keep this provision in the bill, as well as working with her in the future on other initiatives relating to child passenger safety.

Mr. President, that said, let me also indicate very briefly the purpose of the modification which we entered here a few moments ago at the suggestion of Senator MCCAIN.

Basically, we have done three things. First, we modified the amendment so it conforms with the grant programs that are contained in the Commerce Committee's public safety provisions, specifically the new section 410 entitled ''Safety belts and occupant protection program.''

My amendment will now establish a new supplemental grant under section 410, where States can get assistance for establishing programs aimed at improving the practices of parents and public safety officials when it comes to ensuring the safety of child occupants. The basic grant contained in the Commerce Committee's amendment provides incentives for States to pass tougher laws for dealing with parents who fail to adequately safeguard their children in vehicles. My amendment would assist in educating them so that punishment is less necessary.

That said, I believe this amendment has been cleared on both sides.

Mr. DODD. Mr. President, I rise today along with my friend and colleague Senator ABRAHAM to speak to this amendment that will help save lives and prevent injuries to our youngest children by improving education and awareness about child safety seats.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under. Yet some 40 percent of kids are still riding unrestrained. And of the children who are buckled up, studies estimate that eight out of ten are restrained incorrectly. Each year more than 1,400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented.

The most proven way to protect our children is child safety seats. They reduce the risk of death by 69 percent for infants and 47 percent for toddlers. We must work to ensure that they are used at all times and used correctly.

This amendment that we introduce today will provide $7.5 million to the Department of Transportation for the purpose of awarding grants to state highway agencies, as well as child safety organizations who promote important information on the use of child safety seats. The legislation will ultimately allow funds to be used to help parents become better informed on the best way to restrain and protect their children. This money may also enhance public education on car safety through workshops, publications, and audio-visual aides.

This past June, Senator ABRAHAM and I sponsored a resolution that allowed the National SAFE KIDS Campaign to use a small portion of the Capitol Hill grounds to conduct a car seat check-up event and launch a new national safety campaign. The initiative, SAFE KIDS BUCKLE-UP, was a joint project of the National SAFE KIDS Campaign and the General Motors Corporation. Its purpose was to educate families about the importance of buckling up on every ride. This event and this initiative have been a success, but we need to do more to educate parents and public safety officials, not only on Capitol Hill, but in our communities.

This legislation will put more resources at the disposal of the people in our towns and cities, so they may do a better job of educating others and raising awareness on this issue.

Protecting our children is a critical national priority that deserves national attention. I applaud Senator ABRAHAM for his work on this issue, and I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, as chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal safety policies, I believe this amendment will be very beneficial to promoting the travel safety of our nation's youngsters.

Last April, we held Car Safety Seat Check-Up Day in Arizona. Numerous safety officials—including Administrator Martinez, participated in this event. During this event, parents had the opportunity to have trained law enforcement officers show them how to properly install child safety seats in their automobiles to maximize the effectiveness of the life saving equipment. In addition to the child restraint instructions, literature was distributed on other vital highway safety issues, including seat belt use and airbags.

I have continually urged NHTSA to take additional actions to improve the safety of children in motor vehicles. In that effort, public education is an important first step in addressing transportation safety concerns specific to young passengers. I am hopeful NHTSA's initiatives, coupled with the Abraham amendment, will greatly advance our efforts to promote child protection mechanisms.

Mr. President, as this measure continues through the legislative process, I want to express my intentions to strongly champion this initiative during conference deliberations. In particular, I want to ensure the states that receive assistance under this new program are fully vested participants. Given the very limited funding resources we are authorizing for this important program, we need to do all we can to ensure these limited dollars go as far as possible. As such, I believe we should explore the merits of authorizing the Secretary to implement requirements for matching funds as a condition for eligibility.

Mr. BAUCUS. Mr. President, I have some good news and some bad news. The good news is that the amendment offered by the Senator from Kansas has been cleared. The bad news is we have not yet checked with Commerce to make sure the amendment offered by the Senator from Michigan is cleared. We have not yet heard from the Commerce Committee, the committee of jurisdiction. So I suggest to the manager of the bill, and to the proponent of the amendment, if he could withhold and have his set aside, we could take up the Brownback amendment and agree to it. I expect Senator HOLLINGS and his staff will clear the Senator's amendment.

Mr. ABRAHAM. That is perfectly agreeable to this Senator. If someone wants to move to lay aside this amendment and move back to Senator Brownback's, that will be fine.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the Abraham amendment.

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

AMENDMENT NO. 1956

Mr. CHAFEE. We will proceed now to a vote on the Brownback amendment. That Brownback amendment is acceptable on this side.

Mr. BAUCUS. It is acceptable on this side as well.

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

The amendment (No. 1956) was agreed to.

Mr. BROWNBACK. 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. BAUCUS. 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. BAUCUS. 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. 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, we are moving along and making good progress.

AMENDMENT NO. 1957 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, on behalf of Senator HUTCHISON from Texas, I send an amendment to the desk and ask for its immediate consideration. It is an amendment which has been cleared by both sides. It would allow a State at its discretion to spend up to one-fourth of 1 percent of its funds allocated under the surface transportation program on initiatives to halt the evasion of motor fuel taxes. The U.S. Department of Transportation, which administers the motor fuel tax evasion program, has no objection to the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 1957 to amendment No. 1676.

Mr. WARNER. 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 73, strike line 18 and insert the following:

''nance of the system.

''(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.''

Mr. WARNER. Mr. President, my understanding is this is acceptable to the distinguished ranking member.

Mr. BAUCUS. Mr. President, the Senator is correct; this is acceptable. Frankly, I think it is important to point out that there is, in some cases, an increase of fuel tax evasion. This amendment allows States to use a portion of their surface transportation funds to combat fuel tax evasion. So we are adding a new eligibility to surface transportation accounts.

I mention that also in part because the whole point of this underlying bill is to give States more flexibility compared with the current law, and this provision, in fact, will add even more flexibility than that contained in the underlying bill.

Mr. WARNER. I thank my distinguished colleague.

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

The amendment (No. 1957) was agreed to.

Mr. WARNER. 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. 1958 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from Alaska, Mr. STEVENS, and ask for its immediate consideration. The amendment has been cleared by both sides. It would allow for the application of anti-icing applications to be eligible for certain Federal aid highway funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, proposes an amendment numbered 1958 to amendment No. 1676.

Mr. WARNER. 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:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and (2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

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

The amendment (No. 1958) was agreed to.

Mr. WARNER. 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. WARNER. Mr. President, I see our distinguished colleague from West Virginia. There are several additional amendments that will take but a few minutes. We wish to accommodate the senior Senator. Can he just acquaint the managers as to his desire?

Mr. BYRD. I thank my friend. I have no desire for the floor.

AMENDMENT NO. 1769 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of both Senators from Alaska and ask for its immediate consideration.

This amendment, offered by Senators MURKOWSKI and STEVENS, eliminates the redundant provisions of the law by integrating the so-called major investment study, MIS, requirement into the overall transportation planning process.

Under current law, States are required to conduct a major investment study when there are high-cost and high-impact transportation alternatives being considered. There have been many concerns raised that the MIS requirement duplicates other planning and project development processes already required under ISTEA.

This amendment would eliminate only those elements of the MIS that are duplicative of other transportation planning requirements. It would integrate those elements of the MIS requirement which are not duplicated elsewhere in the law into the larger transportation planning process. This amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. MURKOWSKI, for himself, and Mr. STEVENS, proposes an amendment numbered 1769 to amendment No. 1676.

Mr. WARNER. 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 269, line 2, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 278, between lines 14 and 15, insert the following:

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

(1) FINDING.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

(2) STREAMLINING.—

(A) IN GENERAL.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) REQUIREMENTS.—The Secretary shall amend regulations as appropriate and develop procedures to-

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations.

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practicable a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decisionmaking process.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall affect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

Mr. MURKOWSKI. Mr. President, my amendment on major investment study requirements for highway projects in metropolitan areas was cleared by the managers and adopted during today's debate, but I wanted to say a few words about it.

Mr. President, regulations now require a major investment study for all large metropolitan projects. This requirement needlessly duplicates planning and study processes already required for such projects under other long range transportation planning efforts required in Title 23. The result is a significant slow-down in planning and project completion.

In my home state, major projects in our largest city, Anchorage, have been frozen in place by this needless insistence on needless studies. This amendment directs the Secretary to adopt

regulations eliminating the Major Investment Study as a stand-alone requirement within six months, and to integrate any non-redundant and worthwhile portions of it into a new, streamlined transportation planning process that involves all concerned parties as early as possible in the planning and decision process.

This is a very important step in alleviating needless red tape and confusion for metropolitan planners, and moving forward on some vital projects, and I appreciate the managers' help in resolving this issue.

Mr. WARNER. I urge the adoption of the amendment.

Mr. BAUCUS. This is a red-tape buster. It is a good amendment.

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

The amendment (No. 1769) was agreed to.

Mr. WARNER. 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. 1838 TO AMENDMENT NO. 1676

(Purpose: To improve the magnetic levitation transportation technology deployment program)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished senior Senator from Pennsylvania Mr. SPECTER; the Senator from New York, Mr. MOYNIHAN; and the junior Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, for himself, Mr. MOYNIHAN and Mr. SANTORUM, proposes an amendment numbered 1838 to amendment No. 1676.

Mr. WARNER. 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 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

Mr. WARNER. Mr. President, this amendment provides that preconstruction costs and planning costs are included as eligible activities under the maglev program.

The maglev program is one which the senior Senator from New York, Mr. MOYNIHAN, has really been the driving force, and it is catching on in terms of interest all across America. I am pleased to submit this on behalf of those three Senators.

Mr. BAUCUS. Mr. President, as the Senator from Virginia stated, the Senator from New York has been the leader in maglev. It is really incredible that this Nation is so far behind other countries. We are going to have it eventually in this country. It is too bad we did not have it earlier. This helps in that process. It is not additional money, but it does help the maglev program, and I accept the amendment.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the amendment I have offered with my distinguished colleagues, Senators MOYNIHAN and SANTORUM, which clarifies that pre-construction planning activities are eligible for funding under Section 1119 of the bill, which establishes a magnetic levitation transportation technology deployment program.

I have long supported the concept of maglev systems, where through the use of magnetic levitation, the passenger cars are propelled above a steel and concrete guideway at speeds as high as 300 miles per hour. In January, 1998, I rode the maglev being developed by Thyssen in Lathen, Germany at 422 kilometers per hour and it was exhilarating to be in a kind of mass transit which goes so fast. I am committed to bringing this technology to Pennsylvania, where it will create thousands of manufacturing jobs for steelworkers and high tech firms. It would be a tremendous boon to the economy of every stop along the line from Philadelphia to Pittsburgh. People could go from Philadelphia to Pittsburgh in one and a half hours non-stop, revolutionizing our transportation system. Or, there would be intermediate stops in Harrisburg, Lewisburg, Altoona, Johnstown, and Greensburg, adding only about 40 minutes to the trip.

Section 1119 of the pending bill reflects the provisions of the maglev funding bill introduced by Senator MOYNIHAN, which I cosponsored, and would fund the capital costs associated with 1 maglev project chosen by the Secretary of Transportation. The bill includes $30 million in contract authority and more than $900 million in authorizations of appropriations for the outyears. However, in the absence of our amendment, the bill does not provide specific financial assistance for pre-construction planning activities.

There are several States which have groups currently exploring the feasibility of maglev projects and which need federal assistance for pre-construction planning, feasibility studies, final design work, and environmental impact statements. States showing interest include California, Florida, Maryland, Nevada, and Pennsylvania.

The Specter-Moynihan amendment amends the bill to clarify that pre-construction planning activities are eligible project costs and that the Secretary may make grants to more than one maglev project for such pre-construction planning costs. Without such funds, it is unclear whether any project will be ready for the capital assistance envisioned in the current bill.

Our amendment would make eligible for federal funds pre-construction planning activities include: (1) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as required by state law; (2) pricing of final design, engineering and construction activities; and (3) other activities necessary to provide the Secretary with sufficient information to evaluate whether the project should receive financial assistance for final design, engineering, and construction activities.

I am particularly hopeful that this amendment will ultimately help MAGLEV, Inc., a nonprofit consortium in Pittsburgh, which has licensed the German technology and plans to build a state-of-the-art steel fabrication facility capable of constructing the steel guideways needed for a maglev system, which has the potential to create hundreds of jobs in the region. The first planned maglev system segment could be from Westmoreland County into downtown Pittsburgh and on to the Pittsburgh International Airport, at a projected cost of $1.3 billion.

I look forward to working with my colleagues to ensure that this amendment is preserved in conference with the House and thank them for allowing it to be included in the bill.

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

The amendment (No. 1838) was agreed to.

Mr. WARNER. 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. 1959 TO AMENDMENT NO. 1676

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator CAMPBELL and Senator GRAMM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CAMPBELL, for himself, Mr. GRAMM and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1959 to amendment No. 1676.

Mr. WARNER. 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:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

Ms. MOSELEY-BRAUN. Mr. President, I thank the leaders of the Environment and Public Works Committee—Chairman CHAFEE, Senator BAUCUS, and Senator WARNER—for working with us on this amendment, and I want to thank my colleague from Colorado, Mr. CAMPBELL, for offering this amendment with me.

Our amendment will help address concerns that the National Highway Traffic Safety Administration has been actively lobbying state legislatures to enact state laws that are not consistent with any other federal mandate or incentive program. It has come to our attention, for example, that NHTSA has engaged in an active lobbying campaign to urge states to enact laws mandating that motorcycle riders wear helmets.

Two years ago, during consideration of the National Highway System bill, Congress voted to repeal a section of the Intermodal Surface Transportation Efficiency Act that sanctioned States without mandatory motorcycle helmet laws. At that time, Congress determined that the issue of motorcycle safety was best left in the hands of State governments, and that the decision about whether or not to enact mandatory helmet laws was best left to State lawmakers.

Since that time, the National Highway Traffic Safety Administration (NHTSA) has actively engaged in a lobbying campaign to try to persuade State legislators to enact mandatory motorcycle helmet laws. According to the U.S. General Accounting Office, they sent letters, made phone calls, showed up at State hearings on motorcycle helmet laws and acted in a variety of ways to encourage States to enact mandatory helmet laws. Sometimes they have been invited to offer their technical expertise, and sometimes they have simply shown up to try to persuade State legislators to require motorcycle riders to wear helmets.

NHTSA recently entered into a $149,000 contract to produce a media package designed to encourage States to enact mandatory helmet laws. This contract includes the production of a video and other promotional materials. I would like to quote from the description of the contract:

The contractor shall produce a media package that includes a 12 to 15 minute video presentation and complementary 'white paper' that presents the injury prevention and economic benefits of enacting mandatory motorcycle helmet laws for all riders. . . . While the primary audience will be state legislators, the information contained in the video and accompanying 'white paper' can also be used by Federal, state, and local safety officials, and injury prevention groups who are working to replace existing, but ineffective, helmet laws with stronger mandatory helmet use legislation. This information will also be used to provide technical assistance in order to defeat repeal efforts of existing laws.

Mr. President, I know that NHTSA engages in lobbying efforts on a number of safety issues and encourages States to enact laws and implement policies relating to a variety of highway safety issues. I do not oppose these activities, and our amendment does not prevent NHTSA from continuing to work with States to improve highway safety.

With regard to motorcycle safety, however, NHTSA would do better by the American public if they were to encourage States to implement rider education and awareness programs, rather than concentrating their energy on encouraging States to enact mandatory motorcycle helmet laws.

The evidence suggests that it is those States with the most comprehensive rider education programs that have the lowest accident and fatality rates—not the States with the toughest mandatory helmet laws.

In 44 States, motorcycle riders pay for rider education programs. Since 1980, both motorcycle accidents and motorcycle fatalities have fallen from an all time high of 5,097 fatalities and 177,160 accidents to 2,221 fatalities and 73,432 accidents. Through safety training, over 15 years, motorcyclists reduced accidents by 58 percent and fatalities by 56 percent.

The job of NHTSA should be to encourage States to strengthen their motorcycle rider education programs—not to encourage States to restrict the freedoms of motorcycle riders by forcing them to wear helmets.

I would like to quote briefly from a letter from the director of NHTSA, Dr. Ricardo Martinez, to a State legislator, discussing this issue. I believe this letter succinctly illustrates NHTSA's attitude toward motorcyclists. Dr. Martinez wrote in this letter dated June 17, 1997, ''Like other preventable diseases, motorcycle riders can be vaccinated to prevent most head injuries by simply wearing a helmet.''

Mr. President, motorcyclists are not diseased, and they should not be treated as though they are. The issue is not whether motorcycle riders ought to wear helmets. Of course they should.

The question, however, is what is the appropriate Federal role in improving motorcycle safety? The question is whether the Federal government should mandate the use of motorcycle helmets, and whether the Federal government should actively try to persuade State governments to mandate the use of motorcycle helmets.

Congress answered the first question two years ago when we repealed the penalties on States that did not have mandatory motorcycle helmet laws.

Our amendment addresses the second question, and will redirect NHTSA's interest in improving motorcycle safety toward the promotion of rider education programs, and away from the misguided promotion of mandatory helmet laws.

I again thank the leadership of the Environment and Public Works Committee and Senator CAMPBELL, who has been a leader in this issue. We worked together two years ago, along with a number of other senators, to repeal the motorcycle helmet mandate. He is here now, and I know he would like to comment on the intent of this amendment.

Mr. CAMPBELL. Mr. President, I thank the senator from Illinois, Ms. MOSELEY-BRAUN. She has been a leader on this issue and I have enjoyed working with her.

Mr. President, I want to clarify the intent and effect of our amendment. It will not prohibit NHTSA from lobbying on behalf of tougher drunk driving laws, seat belt laws, or air bag requirements. In each of those cases, there are federal mandates or incentive programs designed and in place. It would also not prohibit NHTSA from lobbying on behalf of improved motorcycle safety. In fact, we would hope that NHTSA would engage in more activities designed to improve motorcycle safety and education programs.

Ms. MOSELEY-BRAUN. Mr. President, my colleague from Colorado just made an important point. We would encourage NHTSA to work with state governments to improve motorcycle safety and education programs, to work with them on accident prevention, on rider education, and on driver awareness campaigns. Our amendment is simply designed to ensure that NHTSA's efforts on behalf of motorcycle safety are no longer one-sided, and are no longer in conflict with the stated intent of Congress, which was to leave the decision of whether to enact mandatory motorcycle helmet laws entirely to state legislatures.

Mr. CAMPBELL. Mr. President, I thank the Senator from Illinois for that clarification, and I urge the adoption of the amendment.

Mr. WARNER. Mr. President, this amendment clarifies that funds provided under this bill shall not—I repeat, shall not—be used by the Department of Transportation for lobbying activities unless those activities are consistent with existing Federal programs.

Mr. BAUCUS. Mr. President, this amendment has been cleared on this side.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 1959) was agreed to.

Mr. WARNER. 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. BAUCUS. Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added as a cosponsor.

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

Mr. WARNER. 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. MOYNIHAN. 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. 1838

Mr. MOYNIHAN. Mr. President, Senator SPECTER, for himself and the Senator from New York, submitted amendment No. 1838. I ask that that now be the pending business.

The PRESIDING OFFICER. That amendment has already been agreed to.

Mr. MOYNIHAN. There are just some days you have nothing but luck around here. Might I just thank the managers for having agreed to the amendment. I am sure Senator SPECTER would want to be associated with this. I make the point for the record that in our present legislation, the Secretary of Transportation is directed to choose one maglev project to proceed.

Senator SPECTER and I feel that there is no reason we should not have more than one, if that makes sense. If there are alternative engineering techniques that should be tested, the Secretary agrees more than one is the way to proceed in an experimental mode.

I note, sir, that magnetic levitation was invented on the Bronx-Whitestone Bridge in February of 1960. A nuclear engineer by the name of Powell, working at Brookhaven, was on his way back to MIT from a visit, and between the time the car slowed down in that ''permanent'' traffic jam and the time he paid his toll, he thought up maglev.

The Germans are now in the process of building a route from Hamburg to Berlin, which will be open in 2005 and make the trip in 55, 58 minutes. The Japanese have much the same technology. We have nothing. In ISTEA I we authorized $1 billion for this newest mode of transportation since the airplane. It is an extraordinary phenomenon. It travels easily at 270 miles an hour, will go to 350—no friction, no exhaust. We invented it; the Germans and the Japanese are building it.

In the 6 years of ISTEA, with the $1 billion authorized, no Secretary of Transportation took any effort, any energy, any initiative. That is a formula for failure, failure in Government. We hope that this will not continue. We have authorized an equal amount in this bill, but we had better pull up our socks here or we are going to find ourselves with the most important transportation technology of the next century manufactured elsewhere—important here.

I just add, because the distinguished senior Senator from West Virginia is on the floor, that this type of transportation is uniquely suited for the generation of electricity and powerplants that is then distributed along the system. It does not have to—you do not have your powerplant within the train or within the car or within the plane. It is simply electricity moving along magnets—elemental. Simple as a thing can be, a great American invention so far ignored by our Department of Transportation, which I am sorry to say is still in the four-lane highway mode and does not seem to be able to get out of it.

But that is a personal view. I do not want to associate it with Senator SPECTER—just mine.

I thank the Chair, and I thank the managers of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 1960 TO AMENDMENT NO. 1676

(Purpose: To give preference under the Interstate 4R and bridge discretionary program to States that are bordered by 2 navigable rivers that each comprise at least 10 percent of the boundary of the State, and for other purposes)

Mr. WARNER. Mr. President, I now send to the desk an amendment on behalf of Senator CHAFEE and Senator BAUCUS and myself.

This amendment addresses a number of issues which, in the judgment of the three principal managers, strengthen this bill. It primarily relates to the I–4R and bridge discretionary program, Indian roads, research activities, and other very significant issues.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. CHAFEE and Mr. BAUCUS, proposes an amendment numbered 1960 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. WARNER. My understanding is it is acceptable.

Mr. BAUCUS. Mr. President, on this side I do accept this amendment. Frankly, this is another one of those that just makes the bill more fair. And it is a good idea.

Mr. WARNER. I urge the adoption of the amendment.

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

The amendment (No. 1960) was agreed to.

Mr. WARNER. 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. 1961 TO AMENDMENT NO. 1676

(Purpose: To provide that a State with respect to which certain conditions are met shall be eligible for the funds made available to carry out the high density transportation program that remain after each State that meets the primary eligibility criteria for the program has received the minimum amount of funds)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN and Senator ABRAHAM relating to the density program.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1961.

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

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

The amendment is as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph

(2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)''; and

(3) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

Mr. WARNER. Mr. President, this amendment just expands the eligibility of States under the density program. It clarifies the conditions States are required to meet to be eligible for the program. I understand this is acceptable on this side.

Mr. BAUCUS. It has been cleared.

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

The amendment (No. 1961) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

AMENDMENT NO. 1962 TO AMENDMENT NO. 1676

(Purpose: To provide additional uses for the payment by AmTrak to non-AmTrak States)

Mr. BAUCUS. Mr. President, I have an amendment which I send 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. DASCHLE, for himself, Mr. THOMAS and Mr. ENZI, proposes an amendment numbered 1962 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:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking ''and'' at the end of clause (iii) and all that follows through ''clauses (i) and (iv).'', and

(2) by adding after clause (iii) the following:

''(iv) capital expenditures related to State-owned rail operations in the State,

''(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

''(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

''(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

''(viii) the provision of passenger ferryboat service within the State, and

''(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

Mr. DASCHLE. Mr. President, Congress last year approved a $2.3 billion tax program primarily to finance capital improvements for Amtrak. This amendment applies to that legislation, which was part of the Taxpayer Relief Act of 1997.

Under the able and distinguished leadership of the Chairman of the Finance Committee [Mr. ROTH] and the Ranking Member [Mr. MOYNIHAN], the law wisely set aside 1 percent of the total tax benefit for each state with no Amtrak service, which amounts to $23 million. The 6 states currently lacking Amtrak service are South Dakota, Wyoming, Oklahoma, Maine, Alaska and Hawaii. However, the law limited the use of those funds by non-Amtrak states to inter-city passenger rail or bus service capital improvements and maintenance, or the purchase of inter-city passenger rail services from the National Railroad Passenger Corporation.

This formulation presented real problems for states like South Dakota, Wyoming, Hawaii and some of the other non-Amtrak states that have no passenger rail service and only limited inter-city bus service. Due to these limitations, this otherwise valuable funding would not significantly benefit our states, nor could they wisely invest funds in such service.

Our amendment would expand the eligible uses of funding provided to non-Amtrak states under this provision to include the expenditure of such funds for transit, rail and highway safety, state-owned rail lines, small rural air service facilities, and passenger ferryboat service. These modes of transportation provide a similar function in our states to the role played by Amtrak in the states it serves.

None of these funds come from any other states, nor does our amendment authorize any additional funds for our states. It is completely budget-neutral. Rather, it simply expands the eligible uses of the funds that our states are already scheduled to receive by law.

Mr. President, let me explain the types of programs our states could use these funds for under our amendment.

First, it allows use of our funds for rural and public transportation projects that are eligible for funding under Sections 5309, discretionary transit-urban areas, 5310, transit capital for the elderly and handicapped, and 5311, rural transit capital and operations. Rural public transportation, a portion of which is inter-city in nature in transporting elderly and disabled from small towns to larger cities for medical care, shopping and other purposes, as well as providing local nutritional needs and mobility, is extremely important and needed in South Dakota in order to deal with the vast aging population in a sparsely populated area. During FY 1996 in my state, rural public transportation operators provided 1,114,672 rides and traveled 2,102,414 miles transporting the elderly and disabled of which over 50% of the rides were for medical, employment and nutritional needs. However, only about two-thirds of the state currently has access to limited public transportation, and over half of the existing transit vehicles in the providers' fleets are older than 7 years or have over 100,000 miles. Therefore this funding would address significant public transit needs.

Second, it allows use of our funds for rail/highway crossing safety projects that are eligible for funding under Section 130 of Title 23. Only 219 out of 2025 of South Dakota's rail/highway crossings are signalized, and there is a tremendous unmet need to improve the safety of rail/highway crossings in the state.

Third, it provides for capital expenditures for state-owned rail lines. This is extremely important for states like South Dakota, which made a major investment and currently owns many of the rail lines operating in the state in order to provide a core rail transportation system to benefit the state's agricultural economy. This is a very narrow class of operations. This special one time credit would be utilized only to upgrade state-owned railroads. In cases where states own railroad facilities, they were purchased by the state only as a last resort. The state took extraordinary measure to preserve a core level of rail transportation to protect the public interest and support the state's economy.

South Dakota owns 635 miles of active trackage that was purchased from the bankrupt Milwaukee Railroad in the 1980's. The primary operation on this line is performed under an operating agreement between the South Dakota and the Burlington Northern/Santa Fe Railroad. Much of the state-owned rail line has been in place since it was originally constructed, and much of it is in sub-standard condition or is too lightweight to efficiently handle current railroad car weights. This funding would allow the state to upgrade its rail line to enhance movement of agriculture and natural resource products.

Fourth, it expands the eligible use of the funds to hazard elimination safety projects that are eligible for funding under Section 152 of Title 23. This funding would be used to implement safety improvements at locations on public roads where there is a documented high accident frequency. Projects eligible under this program include installation of traffic signals, traffic control signs, or guardrails; reconstruction of intersections, construction of turning lanes, climbing lanes, or passing lanes; flattening slopes, removing sharp curves, and other appropriate safety measures. This would reduce the potential for traffic accidents and save lives.

Finally, at the request of my distinguished colleague from Hawaii [Mr. INOUYE], the amendment permits use of the funds for passenger ferryboat service within any non-Amtrak state. This makes perfect sense for states like Hawaii and Alaska that rely on ferryboat

service in the same fashion that other states rely on Amtrak service.

Mr. President, I thank the able Ranking Member on the Committee on Environment and Public Works [Mr. BAUCUS] for his assistance in moving this amendment, and the assistance of the distinguished Chairman [Mr. CHAFEE] for expediting its consideration.

Mr. BAUCUS. Mr. President, it is a very simple amendment offered on behalf of Senator DASCHLE, Senator THOMAS, and Senator ENZI. Essentially, it allows States that receive Amtrak money but States which have no Amtrak to be able to spend that money on light rail or rural rail service. That is the point of the amendment.

Mr. WARNER. Mr. President, this amendment is acceptable on this side. I urge its adoption.

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

The amendment (No. 1962) was agreed to.

Mr. WARNER. 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. BAUCUS. Mr. President, I ask unanimous consent that Senator INOUYE be added as a cosponsor.

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

Mr. WARNER. 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. 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, on behalf of the distinguished majority leader and the Democratic leader, I make the following unanimous consent request. I ask unanimous consent that it be in order during the pendency of the Finance Committee amendment Senator MACK be recognized to offer an amendment in relation to repeal of the 4.3-cent gas tax, and the amendment be considered under the following terms: 2 hours for debate prior to a vote in relation to the amendment, to be equally divided in the usual form; that no amendments be in order to the Mack amendment, or the language proposed to be stricken, prior to a vote in relation to the Mack amendment; and that following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Mack amendment or a motion to waive.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, parliamentary inquiry. The right to raise a point of order is preserved under this?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

That was important on behalf of Members.

Mr. BAUCUS. Mr. President, reserving the right to object, I want to underline that last point about the availability of a point of order.

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

Mr. WARNER. I thank the Chair.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1911, AS MODIFIED

Mr. ABRAHAM. Mr. President, I call up amendment No. 1911.

Mr. President, earlier today I spoke at some length about this amendment which involved making dollars available for educational efforts to try to better inform families as to how to properly use child passenger safety seats. We discussed it at some length, and at that time it had not been cleared on both sides. It is my understanding that it now has. I hope we can agree to it at this juncture.

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

Mr. BAUCUS. Mr. President, we checked with the Commerce Committee and the ranking member, and it is also cleared with them.

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

The amendment (No. 1911), as modified, was agreed to.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I thank the managers again for their working with us on this. Also, I would like to thank both the chairman and ranking member of the Commerce Committee for their help and cooperation on behalf of Senators MCCAIN and DODD.

We appreciate very much its inclusion in the legislation. I think it is an important step in the right direction.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Drew Willison, a congressional fellow in my office, be extended floor privileges during the pendency of this bill.

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

AMENDMENT NO. 1726

Mr. REID. Mr. President, I rise in opposition to an amendment offered by my friend, the senior Senator from the State of Arizona, concerning what he refers to as ''demonstration projects.''

I rise as someone who has served both in the House of Representatives and in this body, and am aware of demonstration projects that have been initiated in both the House of Representatives and in this body.

First of all, we must acknowledge that the House is going to have demonstration projects in their bill. There is no question about that. They have had them in the past. They will have them in the future. As long as there is a House of Representatives, there will be demonstration projects. There is no chance that the House will pass a transportation bill—an ISTEA bill—without earmarks of individual Members' projects.

The Senate, in its wisdom, has refused at the committee level to adopt such a procedure for the consideration of demonstration projects. I have stated in those committee meetings that I thought they were wrong. But I accept the will of the majority of the committee and have not talked at great length about that. But I don't think that we should merely defer to the House on this matter. It would appear that we will, before this procedure is all over, have in the Senate version of the bill projects that are referred to as ''demonstration projects.''

The House has a procedure. These aren't just willy-nilly thrown into the bill. The House committee of jurisdiction required a 14-point checklist. They are filled out for each demonstration project before they would even consider it. Only a very few projects on that list in the House will ultimately be accepted for funding. If the original ISTEA legislation is any indication, well under 10 percent of the final dollar amount in the House will be earmarked for demonstration projects.

I also say to my friend from Arizona, for whom I have the greatest respect—and we have worked very closely on a lot of different issues—that I don't think that referring to these matters as ''glorified pork'' is doing anything to add any stature to this body or the other body.

For example, in the State of Nevada—we are the fastest growing State in the Union—we have tremendous problems in the Las Vegas area. We have 300 new people, approximately, moving in there every day. We have all kinds of traffic problems because of that tremendous growth.

I say to my friend from Arizona, and others within the sound of my voice, take for example, Hoover Dam. Hoover Dam is built over the Colorado River, which separates the States of Arizona and Nevada. The traffic that travels from Arizona into Nevada has to go over the bridge. For decades, they have said that is a security risk to this country and should be replaced. It has only gotten worse as years have gone by. We have now often times 5 to 7 miles of backups of cars waiting to get

over that bridge. It is not only dangerous and unsafe but also, because of the national importance of this dam, it is very insecure for purposes of terrorist attacks. We have authorized, Mr. President, a new bridge over the river to alleviate that traffic. That is going to have to come in some type of an earmark. It is going to cost $150 million. Somehow, because of the need to move commerce—not to Las Vegas but throughout the country—we are going to have to have something done about heavy traffic coming over that river. Commerce is being held up there, interstate commerce—trucks hauling goods from all over the country. We need to do something with the bridge over the river.

Take, for example, what we refer to as the ''spaghetti bowl'' in Las Vegas, on I–15 and U.S. Highway 95 from Salt Lake to Reno, to the bridge, and to Boulder City. I have already indicated that we are the fastest growing State in the United States. This spaghetti bowl is holding up interstate commerce. Large trucks hauling all kinds of products simply can't move through that area because it is clogged. We have been very fortunate in that this interchange is going to be rebuilt. It is going to be rebuilt with earmarked funds. Now, maybe someday we would have done that anyway, but how many lives would have been lost and what would be the loss to productivity in not being able to move people through that part of the country? So it is good that we went ahead and did this.

Carson City, NV, remains one of only a handful of State capitals in the United States that are not linked to an interstate system. An earmark in the original ISTEA bill funded the first leg of this critical link.

Finally, we have a real problem bringing people between the States of California and Nevada. This used to be just a Nevada problem, until California came to the realization that commerce from California simply could not move through southern Nevada because it was clogged on I–15. We worked out a cooperative project with the States of California, Nevada, and Arizona. This interchange that sends traffic to all three States is now beginning to be replaced. This, again, was done with an earmark. There is certainly nothing wrong with that, something that benefits the country. It doesn't benefit Arizona more than Nevada, or California more than Nevada, or Arizona more than California. It benefits all three States. There is terrible congestion there. There is a lot more work that needs to be done on I–15 and along its entire route.

As I have indicated, at some time, perhaps, these projects would have been funded. But what tragedies would have occurred had these projects not gone forward? In a State that is experiencing growth like Nevada or California, we have been able to move ahead on some of these projects more rapidly than we would have normally. Delivering critical needs and services promptly is what the people of this country expect. It has nothing to do with glorified pork.

Not surprisingly, this year's list of House requests is filled with far more projects such as the ones that I have just described than some of the unusual projects described by my colleague from Arizona. We are talking about a relatively small amount of money here, and the projects that are funded in this manner are frequently of critical importance to the States or they would not be earmarked.

Regarding the notion that these projects should count against the State's obligation limit, I would ask three questions:

First, would the House ever agree with that? The answer is, obviously, no. We spoke today with the House Surface Transportation Committee. To say they reacted coolly, coldly, is an understatement. Instead of preparing for the inevitable day when demonstration projects both exist and are outside the obligation limit, we are, once again, hiding behind some type of rhetoric that has nothing to do with effectively preparing the conference's bill for the Senators.

Second, how are we defining a demonstration project under this amendment? I feel very confident that the Senators from Maryland and Virginia are not eager to have the Woodrow Wilson Bridge count against their State's obligation limit. The bridge is federally owned, just like the bridge at Hoover Dam. Perhaps the State should be held harmless. I believe that is the case. But that argument can be made about any number of federally owned facilities; as example, Hoover Dam. The bridge between Nevada and Arizona has to be built. Should Nevada or Arizona be penalized as a result of that? Obviously, the answer is no.

Third, we have to give our colleagues some credit. The members of the conference committee are charged with doing what they can to hammer out a bill that is acceptable to both bodies. This is a key point. Obviously, a State that gets a disproportionate share of demonstration projects is going to get less in the final bill. Is it always dollar for dollar? Of course not. But it needs to get past both Houses. Spreading largess one way or another is frequently the way we get a bill. We have to look at the process we have used to get the bill this close to completion. It is a tedious process, but it has worked well.

Finally, I suggest to my friend from Arizona that if the Senate would be realistic, and we usually are, and we will be when the conference is completed, there will be demonstration projects.

I suggest this amendment should not be something we just accept. I think we should vote against it. I know people are going to say, Why should I vote this way? Usually we knock it out in conference anyway. But I do not think we should be doing that. I think we should recognize this is not a good amendment. It is something unrealistic, for the points I mentioned, and they are that conference committee members will do their best to come up with a good bill, demonstration projects, by definition, are very difficult to come by—for example, the Hoover Dam Bridge and the Woodrow Wilson Bridge are two good examples—and, last, the House is never going to agree to this. So I think we should vote the right way and vote against this amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. 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. 1963 TO AMENDMENT NO. 1676

(Purpose: To provide for a committee amendment)

Mr. ROTH. 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 Delaware [Mr. ROTH] proposes an amendment numbered 1963 to amendment No. 1676.

Mr. ROTH. 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 text of the amendment is located in today's RECORD under ''Amendments Submitted.'')

Mr. ROTH. Mr. President, I am pleased to rise today to send to the desk the Finance Committee's amendment to the pending legislation. The work of the Finance Committee complements the work undertaken by the Environment and Public Works Committee. In general, the Finance Committee amendment updates the current Tax Code provisions to correspond to the purposes of the pending legislation. There are several additional provisions contained in the Finance Committee amendment that I would like to highlight in my remarks today.

In particular, the Finance Committee amendment extends the current expiration date of the highway fund excise taxes and the authority to spend revenue from the highway fund for 6 years. It also extends current law transfers of revenue on motorboat and small engine gasoline taxes from the highway fund to the aquatic resources trust fund for 6 years.

The Finance Committee amendment also extends the alternative fuels tax provision for 6 years. These provisions are extended at reduced rates. They are identical to the provisions that were included in the Senate version of the Taxpayer Relief Act of 1997.

The Finance Committee amendment clarifies a provision relating to the

taxability of employer-provided transportation benefits. The amendment clarifies employees who have the choice of either receiving cash compensation or receiving one of three nontaxable transportation fringe benefits. The nontaxable transportation fringe benefits are employer-provided parking, employer-provided transit passes and employer-provided van pooling services. This provision would give all employees the flexibility to determine the type of employer-subsidized transportation benefit that they want to use or whether they want to receive cash instead of using these employer-provided benefits.

This provision also provides that the value of tax-free employer-provided transit passes and van pooling services would be increased from $65 per month to $100 per month in the year 2002. Both of these changes are offset by delaying the cost-of-living increase and the amount of tax-free employer-provided parking that would have been made in 1999.

The Finance Committee also extends the highway trust fund expenditures authority through September 30, 2003. This provision is important because without it, States would not have access to highway trust fund monies.

With regard to another issue, railroads are unfairly burdened under current law. They are required to pay a higher deficit reduction tax than other modes of transportation. The Finance Committee amendment helps to remedy this unfairness by repealing the $1.25 gallon deficit reduction rail diesel tax as of March 1, 1999.

The committee amendment also clarifies the tax treatment of funds received under the Congestion Mitigation Air Quality Program. The Finance Committee amendment includes a proposal to allow public-private partnership to use tax-exempt bonds to fund highway toll roads and bridge construction projects.

Finally, the amendment also includes language that would provide for a 2-year moratorium on the fuel terminal registration requirement concerning kerosene. Senator CHAFEE and Senator NICKLES have worked hard to reach this compromise. It is their hope that the market will work properly to ensure the availability of both dyed and undyed kerosene. If not, then the provision would be implemented as originally enacted.

The amendment includes a supplement through the technical explanation of the Finance Committee amendment that was printed in the CONGRESSIONAL RECORD on October 8, 1997. Mr. President, the Finance Committee amendment was approved on a voice vote. All members of the Finance Committee support the amendment. It is my hope that this Senate will proceed swiftly to enact this amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I rise in the spirit of the chairman's wish and the Senate's clear interest that we move ahead and get this work done. It is almost finished. This is an absolutely indispensable title. It provides the money for the programs that have been authorized so far.

I will make two points. One is that the amendment was reported out of the Committee on Finance unanimously. Once again, the chairman has brought us to a bipartisan unanimous position, and I personally thank him for accepting the provision that gives equal treatment to mass transit commuters, as well as those who receive parking benefits from their employers.

This is an excellent measure, Mr. President. It is not without certain serendipity that the managers of the underlying bill, the Senator from Rhode Island and the Senator from Montana, are also members of the Finance Committee.

So we are here in perfect accord, and I hope we can proceed directly to approving this amendment, although I understand we have an agreement that an amendment will be offered shortly by the Senator from Florida.

I thank the Chair, and I yield the floor.

Mr. CHAFEE. Mr. President, I am pleased to strongly support the amendment offered by the chairman of the Finance Committee which adds the revenue title to the Intermodal Surface Transportation Efficiency Act of 1997. Along with extending the motor fuel excise taxes, this amendment includes several changes to the nation's tax laws that will further the goal of improving the quality of transportation in our country.

I want to take a few moments to discuss a few of those provisions.

EXPANSION OF COMMUTER CHOICE BENEFITS

The Internal Revenue Code allows employers to provide parking or transit benefits to employees on a tax-free basis. These benefits are limited to parking valued at no more than 175 dollars per month and transit or commercial vanpool benefits valued at no more than 65 dollars per month.

Prior to this year, these tax exempt benefits had to be offered by an employer on a take-it-or-leave-it basis. That created a strong inducement for employees to drive to work, even in those instances where an employee would prefer alternative methods of commuting. Given the choice between free parking or nothing at all, most commuters will choose to drive to work and take advantage of the free parking.

Last year's tax bill corrected this problem by giving employers flexibility in offering transportation benefits. Under that change, employers who want to offer employees a choice between free parking or a raise in salary can do so without jeopardizing the tax benefits for employees who want to keep their parking spaces.

The Finance Committee amendment extends this flexibility to transit and vanpool benefits. Under this change, an employee now can choose between taxable cash compensation and tax-free transit or vanpool benefits. This puts transit benefits on a level playing field with employer-provided parking.

EXPAND TAX-FREE TRANSIT BENEFITS

In addition to providing flexibility in the provision of transit benefits, the Finance Committee amendment, as modified by Chairman ROTH, increases the level of tax-free transit benefits.

Currently, the tax code is tilted heavily in favor of commuters who drive to work. Up to $175 per month of parking benefits can be provided to an employee on a tax-free basis. That results in a tax savings of almost 600 dollars per year for a typical middle-income family working in a major metropolitan area of this country.

Employees who commute to work by other means, however, are not provided commensurate tax benefits. The current limit for tax-free transit benefits is 65 dollars per month.

The Finance Committee amendment begins to narrow this gap by increasing the amount of tax-free transit benefits to $100 beginning in the year 2002.

HIGHWAY INFRASTRUCTURE PRIVATIZATION ACT

The Finance Committee amendment also includes a pilot program that will make it easier to finance public-private partnerships for the provision of transportation infrastructure projects. This proposal is modeled after legislation which I introduced last year along with my distinguished colleagues, Senators WARNER, MOYNIHAN, and BOND. Senators BOXER and GRAHAM are also cosponsors of that bill.

One needs only to venture a few blocks from here to see the terrible condition of many of the nation's roads and bridges. Regrettably, the United States faces a significant shortfall in funding for our highway and bridge infrastructure needs.

This investment need comes at a time when we in Congress are desperately looking for ways to constrain federal spending to keep the budget balanced. State governments face similar budget pressures. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs.

In the United States, highway and bridge infrastructure is the responsibility of the government. Governments build, own and operate public highways, roads and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

To help meet the nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built by government can be financed using tax-exempt debt, but those built by the private sector, or those with substantial private-sector participation, cannot. As a result, public/private partnerships for the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the tax code's bias towards public sector financing must be addressed.

The Finance Committee amendment creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st century. It makes tax exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to $15 billion.

The 15 projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of Treasury. To qualify under this program, projects selected must: serve the general public; be on public owned rights-of-way; revert to public ownership; and, come from a state's 20-year transportation plan. These criteria ensure that the projects selected meet a state or locality's broad transportation goals.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a state's tax exempt volume cap.

TWO-YEAR DELAY ON TERMINAL DYEING MANDATE FOR KEROSENE

Finally, I am pleased that the Finance Committee has worked with Senator NICKLES and me on a compromise that delays the implementation of the terminal dyeing mandate for kerosene for 2 years. Coming from the Northeast, this is an important matter for me, and I think the chairman's proposal is a reasonable approach to a contentious issue.

Last year's tax bill included a provision which required that kerosene used for nontaxable purposes be dyed to distinguish it from kerosene during the winter to prevent diesel fuel from congealing. As you may know, diesel used as a motor fuel is subject to the highway excise tax. When kerosene is mixed with diesel motor fuel, the excise tax applies to the kerosene added.

In the Northeast, however, essentially the same diesel fuel is used as home heating oil. As home heating oil, diesel is not subject to the excise tax. Therefore, kerosene mixed with diesel that is destined for home heating oil use is also not taxed.

When Congress decided to dye kerosene, there was considerable concern about whether terminals would invest in the equipment necessary to make sure dyed, nontaxable kerosene would be available for use in home heating oil. If terminals chose not to add this equipment, the only recourse would be for home heating oil dealers to purchase taxed kerosene and pass the cost along to home heating oil customers. Customers purchasing home heating oil on which tax has been paid would be eligible to file for a refund with the IRS, but you can imagine how cumbersome that would be for both the homeowner and the Service.

So, when Congress imposed the dyeing regime, it also included a mandate that all terminals make dyed kerosene available. This mandate has proven to be burdensome on many terminal operators. Chairman ROTH, Senator NICKLES, and I were able to work out a compromise that delays that terminal dyeing mandate for 2 years. That will give Congress ample time to determine whether the market will accommodate the need for dyed kerosene without the mandate.

I am confident that the marketplace will meet the demand for dyed kerosene in those areas where it is needed. However, if that does not turn out to be the case I can assure the Senate that I will fight to reimpose the terminal dyeing mandate so that home heating oil customers are not left out in the cold.

AMENDMENT TO CORRECT THE FLOW OF TAX REVENUES

Mr. President, I had intended to offer an amendment to correct a provision included in last year's Taxpayer Relief Act that could have dramatic effects on the highway program in the future. That provision, which granted those collecting highway taxes an unprecedented 75-day delay in depositing those taxes with the Federal Government, will affect future apportionment formulas used to distribute highway money to the States.

This provision was not included in either the House or the Senate tax bills. Nevertheless, this measure was slipped into the conference agreement purportedly to make the path to a balanced budget by the year 2002 more uniform. Now that we are on track to reach balance this year, the proposal included in last year's tax bill is no longer necessary.

The provision allows those collecting excise taxes from July 15 through September 30 of this year to hold onto that money and deposit it with the Federal Government no later than October 5, 1998. From a Federal budget standpoint, what this proposal does is shift highway tax revenue from the current fiscal year to the next fiscal year.

Switching revenue from one year to another could affect the highway program because the State apportionment formulas use revenues collected from each of the States as the key factor. Senators may remember the contentious debate this body had in 1996 during consideration of the fiscal year 1997 Transportation appropriations bill when we attempted to correct an error made by the Department of Transportation in interpreting Treasury excise tax collection data. My amendment would have attempted to avoid a similar problem that may be caused by this excise tax deposit shift.

The problem facing the Environment and Public Works Committee is that there is a strong likelihood that any problems created by this excise tax revenue shift will not be crop up until well after the damage is done. This special benefit—which I might add was also extended to the airlines on the collection of their excise taxes—will expire on October 5 of this year. The effect on the state allocation formulas will not appear, however, until the year 2000. At that point, there will be no way to undo the effect of the delay in receiving those receipts.

I remain very concerned that this deposit shift will come back to haunt the Senate. I also believe that the only sure way to prevent that from occurring would be to repeal the provision that was included in last year's tax bill.

Nevertheless, the chairman of the Finance Committee has convinced me that my amendment should be reviewed further, and I accept his opinion. Therefore, I will not offer my amendment at this time.

Mr. MOYNIHAN. 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. 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.

AMENDMENT NO. 1906 TO AMENDMENT NO. 1963

(Purpose: To repeal the 4.3-cent transportation motor fuels excise tax transferred to the Highway Trust Fund by the Taxpayer Relief Act of 1997, effective on the date of enactment of this Act)

Mr. MACK. Mr. President, consistent with a prior UC agreement, I call up for consideration amendment No. 1906.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 1906 to amendment No. 1963.

Mr. MACK. 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 the amendment, add the following:

SEC. ___. REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is

amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

''(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.''.

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

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator is recognized for 1 hour. There is also a Senator recognized for 1 hour in opposition.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, this amendment is straightforward. It calls for repealing the 4.3-cent gas tax, while ensuring deficit-neutrality through a corresponding reduction in overall spending caps. So the first point I want to make to my colleagues is that this is, in essence, budget neutral.

In 1993, when President Clinton and a Democratic Congress raised the gas tax 4.3 cents, they did so for deficit reduction purposes. Again, I do not think I have to remind my colleagues it was a pretty contentious debate. The underlying bill ended up passing, I believe, by one vote. However, it seems clear now that this tax is no longer needed. All the estimates that we are receiving from many, many different sources would indicate that we are going to see surpluses out for many years to come. However, rather than to return this tax, the Congress is on the verge of retaining this tax for increased transportation spending, having succumbed to a multiyear campaign by the transportation industry.

The industry vehemently maintains that the gas tax's user fee is paid by a consumer who believes gas taxes will be used for transportation purposes. However, this is simply not the case. Gas taxes being used for deficit reduction is not a unique event. What many do not know, or simply will not acknowledge, is that the gas tax was created for deficit reduction purposes, and for the first 20 years had been used for that purpose. It was for the same purpose that the 4.3-cent gas tax was enacted in 1993. However, this Congress is one that is committed to fiscal restraint and providing tax relief to America's working men and women. It is much different than the Congresses of the last several decades, which were all too willing to commit and spend taxpayers' dollars. It seems to me that this Congress ought to return to the taxpayer this now unnecessary deficit reduction gas tax, and, in so doing, we can provide tax relief directly to the men and women who need it most—America's working class who drive on our Nation's roads every day.

This tax should be repealed. The American people were asked to contribute more money at the pump so that we might achieve a balanced budget. And we did. But nobody has gone back to the American people and asked them if their money can be kept for increased spending. It seems to me this is a question which ought to be asked. I am confident that almost all of us have heard from our States claiming that they need more transportation dollars. They have asked for more flexibility in spending their transportation dollars, and they have complained about the bureaucratic red tape which accompanies gas tax dollars funneled through Washington.

Repeal of the 4.3 cents offers the Congress a way of meeting all of these goals. First, it keeps the faith with the taxpaying public by returning a deficit reduction tax which is no longer needed. Again, I remind everyone, there was a very strong debate about this, passing a 4.3-cent gasoline tax for the purpose of deficit reduction. It was almost implied—in fact, I guess if I went back and pulled up the various speeches, I am sure that there were those who said, when there is, in fact, no longer a deficit, this tax will be repealed and returned to the taxpayer.

Secondly, it gives States the opportunity to replace this tax with one of their own. This gives the taxpaying public ample opportunity to have their voices heard on the issue of whether this gas tax should be lowered again or kept in place for increased transportation spending.

Finally, should the States and the respective taxpayers support using the gas tax for increased transportation spending, it would be free from Federal strings and available for the States' priorities, not Washington's. Estimates from transportation economists and several State secretaries of transportation suggest that without Federal interference, mandates, and restrictions, a State could get as much as 20 to 40 percent more for their gas tax dollars.

As a final point, according to data compiled by the Congressional Research Service, since 1990, two-thirds of all States have increased their own gas taxes. This clearly indicates that our Nation's States have the will and the ability to increase their own gas taxes should they need them and should their citizens choose to do so.

So I say to my colleagues, let us repeal this 4.3-cent gas tax which we told the American people would be used to achieve a balanced budget. Let us give them a chance to consider, with their State legislators, whether they are willing to see this tax used for increased transportation spending.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as——

The PRESIDING OFFICER. Is the Senator rising in opposition?

Mr. WARNER. I do rise in opposition.

The PRESIDING OFFICER. The Senator is recognized for 1 hour.

Mr. WARNER. Mr. President, as an author of the underlying bill, before we had done such valuable work in the Senate to amend it, I would have to say, with the greatest respect to my colleague, while philosophically I align myself with his view of giving the States and the people of those States the greatest say over their tax dollars and the wisdom of having those dollars at their discretion—and if several States do go through the legislative process, putting a replacement tax on the books, there is a question and doubt about that, I am sure the Senator will agree with me—but with due respect, this amendment, were it to be adopted by the Senate, would be literally destructive of this bill and the work that the committee, under the leadership of the distinguished chairman and ranking member and myself, have provided these many, many months to get where we are.

I think we have at long last, Mr. President, reconciled many, many differences to try and bring back a feeling of credibility in the principle of equity of distribution among the several States.

The needs for the highway system are clearly in the minds of all Senators, as well as, I am sure, the Senator from Florida. There is no dispute there. So we are down here in the final hours of this bill now faced with an amendment which would, in my judgment, simply be destructive and would result in the unraveling of the bill as it presently is before the Senate.

At this point I am perfectly willing to yield the floor if other Senators wish to speak to the issue. I see the distinguished chairman of the Finance Committee and my distinguished chairman of the Environment Committee.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have the greatest respect for the author of this amendment. But as the distinguished Senator from Virginia has so ably stated, this amendment, if adopted, would be a killer amendment. So I rise in opposition to this amendment. Under current law, the 4.3-cent tax is transferred to the highway trust fund. And that tax is being proposed to be used to fund important highway programs.

I point out, as the Senator from Virginia has already mentioned, months of hard work have gone into the development of this legislation. The bill has been considered for several days on the Senate floor. I think it is important that we move forward as expeditiously as possible.

As I said, this amendment, if adopted, would have the effect of killing the ISTEA legislation. It would be most regrettable to have that happen. It is time, in my judgment, to pass the legislation and give States the necessary highway funding without further delay.

I yield the floor.

Mr. WARNER. I yield such time as the Senator may consume.

Mr. BAUCUS. Mr. President, this sounds good, repeal the 4.3-cent gasoline tax. Nobody likes paying taxes. We all know that. We also know we want our highways.

If this amendment were to pass, we would be going backwards. Why do I say that? I say that, first, because it would, as the Senator from Delaware said, kill this bill. This is a killer amendment. This amendment would take about $6 billion a year away from the highway bill, $6 billion that would not be spent on highway construction, maintenance, et cetera.

In addition, it is inadvisable because we are now at this point, with the passage of this bill and the defeat of this amendment, spending the money that comes into the highway trust fund back out on to highways. That is, the revenue coming in as a consequence of this bill will be used to finance spending on our roads and our highways.

I might say, Mr. President, that polls confirm that Americans support the gas tax so long as the funds are being used on our highways. That is what this bill does. This amendment says, sorry, folks, we are not going to repair the roads and highways, not to the degree we should, and we are going to be derelict and not live up to our responsibilities.

Today, all levels of government spending on highways and roads and bridges is about $34 billion a year. The Department of Transportation says we need more than that. It says we need $54 billion just to maintain current conditions, just to maintain. We need about $74 billion a year to improve. If this amendment passes, we are going to take $6 billion a year away from what we otherwise would be spending. That is, today I say we spend $34 billion, and it is true with the passage of this bill we spend more than $34 billion, but I might say I think it is obvious to Senators who are listening to this that it sounds good but it is a bad idea. I urge Members to yield back time and get on with the vote. We all know where the votes are in this, and we are just wasting our time by debating this further.

Mr. WARNER. I simply say, philosophically I agree with my colleague, but I think it is an important amendment, one deserving such attention as the distinguished Senator from Florida desires. I will make a motion at an appropriate time here on the Budget Act, just to inform Senators, but I remind Senators we are ready to move on this amendment. If any Senator desires to speak, he or she should make that known to the managers of the bill.

I agree with my colleague from Montana. I am prepared to yield back the time in opposition.

Mr. MACK. Mr. President, let me say to my colleagues, I have nothing but the greatest of respect for each of you as well. We all know that we come to the floor with different interests in this debate. I suspect if the addition of the 4.3 cents that I believe Senator CHAFEE added during this debate on the underlying bill, that probably, if that 4.3 cents had gone back to each individual State as the money was contributed, it would be much harder for me to be here today offering an amendment to repeal it.

But I think it is fair to say from the perspective of a donor State—and I might add, a donor State for the past 41 years—that we are just kind of saying the time has arrived in which we think there ought to be greater equity in the allocation of funds and we believe that our States, and again the 29 donor States, would be better off with

the 4.3 cents coming back to their individual States for them to make a determination about how it should be spent.

I just happen to believe, and many transportation economists support it, that the dollars spent in States themselves are more efficiently used, more effectively used, the purchasing power is much greater. Again, I respect the perspective that my colleagues on the other side of this issue raise, but I have a totally different viewpoint.

The second point I raise is that the comment was made a few moments ago that somehow or another if I were to be successful in this amendment—and I think we all know before we have a vote what the outcome is going to be. I make a point that if we were to repeal this, to then assume that all of these funds would then not be spent for highway construction is fundamentally flawed.

I indicated in my opening comments that State after State has raised their own gasoline taxes to be spent at home, and I say those States—and I suspect mine would be one of them because we do have tremendous needs with respect to transportation, whether that be mass transit or whether that be highway construction—have tremendous needs and I am confident that the State legislatures would, in fact, address the issue of the 4.3-cent repeal.

Again, the budget's bottom line is the 29 donor States would be much better off if, in fact, they were able to collect this money and set their own priorities. So that is, again, one of the reasons that I have offered this amendment.

The last point I make before I yield to others is that the original bill had been crafted without this new funding. Any funding attributable to the 4.3 cents has been provided as a totally separate section of the committee's original bill.

I don't think we are destroying the underlying work. I say to my colleagues, I look at this in a sense as two different packages. One, there is the underlying bill; and then the other has to do with how the 4.3 cents is divided up.

Again, my intention here is not to destroy the work that the committee has so diligently done, and in no way do I mean to imply by the offering of this amendment that I don't appreciate the work you have done to try to accommodate us. Each of us knows there is a point at which we have to stand up for our own beliefs, and the time has arrived with respect to this issue.

I yield the floor.

Mr. WARNER. I might say we have a basic disagreement on the likelihood that the States would all enact the tax promptly, but that certainly is an issue to be understood by all Senators.

As to the funding, yes, the Senator is correct. The underlying bill which came out of the subcommittee, which I am privileged to chair, of which the distinguished Senator from Montana is the ranking member, did not have these funds. I and, as a ranking member, Mr. BAUCUS, joined Senators BYRD and GRAMM, and the rest is history. This amendment was adopted very strongly in the Senate.

I have to say as to the bill as it has been amended under the leadership of the distinguished chairman, the Senator from Rhode Island, we have had to make some modifications to the allocation in the underlying bill as we placed on top the Chafee amendment which added the funds derived from the Byrd-Gramm-Warner-Baucus amendment.

I assure the Senator that with the funding profile in this bill of equity among the States, where we had a 90 percent return in the original bill out of subcommittee and now we have achieved, I think, in many instances a 91 percent return in the combination of the underlying bill and the Chafee amendment, such amendments as we put on, some today, are—I use the word not ''killer'' but ''destructive,'' out of my respect for my good friend.

Mr. BAUCUS. If I could very briefly say to my good friend from Florida, I think it is important for us to look at our national motto: E pluribus unum. We are different States. Florida is a very densely populated State. Western States are very thinly populated. There are large expanses. Western States have high State gasoline taxes to match the Federal funds. I can't speak for all the western States, but I know my State of Montana has a 27-cents-a-gallon State gasoline tax. I don't know what it is in Florida.

The assumption that, with the passage of the amendment, States themselves can spend their own money that they otherwise send to Uncle Sam, that money would be spent on highways may work in more densely populated States where the present gasoline tax is a little lower and where those States can finance the spending of the additional highway dollars, but I say to my good friend, in the West that is much more difficult. In fact, if Montana were to spend the same dollars that it sends to Uncle Sam and spend it at home, the State of Montana would have to raise the gasoline tax 12 to 15 cents. So we would be up to about 42 cents a gallon State tax on top of Federal. That is typical of a lot of western States. It just can't be done.

So, it is the nature of the beast that the very densely populated States, the smaller, densely populated States similar to the State of Florida, are by definition going to have to probably pay a little more into the trust fund so that the very thinly populated States that already have very high State gasoline taxes trying to make their State match can have highways built in their States so we have a truly national system.

If you follow the logic of the amendment of the Senator, and I understand it, it is essentially moving toward 50 nations, 50 States. We had that argument about 200 years ago when we scrapped the Articles of Confederation. We decided under the principles of federalism—it is complicated, I grant you—that we are a nation and we are 50 States—not 50 then but today 50.

It is not an easy matter. It is complex. We have to find some rough justice here. The effect of the amendment of the Senator, I submit with all graciousness, would have put an unfair burden on the thinly populated States because they couldn't raise the money, frankly, to have a truly national interstate highway or primary road system. It is for that reason, in addition, that I do not think the Senator's amendment is good for our country.

Mr. MACK. If I may take a couple of minutes to respond, and then I think my colleague, Senator GRAHAM, will seek recognition, I think it is fair to say that the so-called donor States, some of the more densely populated States, have recognized the needs of western States. I grant that there are unique situations that exist among the different States of our Nation.

I might just say I don't think in my wildest imagination that if this amendment would pass, we would have created, then, 50 nations, but I understand the point that my colleague is trying to make.

We understand and I think that, by our actions in the past, we recognize that. But the concept, when the Interstate Highway System was put into effect, in fact, was an interstate system. It was done for a national or Federal purpose. That is, in fact, why the formulas were initially created. But I again make the argument that—and I think most people would agree—for all intents and purposes, the Interstate System has been completed.

While I probably would go much further than this amendment, all I am suggesting is that we take the 4.3-cent gasoline tax, which was originally passed for the purpose of deficit reduction, and eliminate that. I think it is fair to say that we do have an interstate system that is in place. States like mine recognize the needs of other States around the Nation. We helped build those, pay for those, and maintain those. But now it's time to recognize that there is a new era, that things have in fact changed. The Interstate System is built. There is no longer a deficit—at least, we are being told that—and it is safe to assume that, for as far as we can see, there will be surpluses. There ought to be a repeal of the tax.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Rhode Island may require.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, I have the greatest respect for my distinguished colleague from Florida, and I would like to point out several things,

if I might, in connection with the repeal of the 4.3-cent gasoline tax.

It seems to me that this is an amendment that is about 2 weeks late. As we have had pointed out here, about 10 days ago, maybe a little bit more, we were in a jam on this floor in connection with this so-called ISTEA II legislation. State after State was asking for more, and so, thus, then came the freeing up, if you would, through negotiations with the majority leader, the leader of the Budget Committee and others from both sides of the aisle, of this money, which started out at $18 billion and worked its way up to $25 billion. Because we had that extra money, we were able to achieve peace on the floor here, and we have adopted an amendment, which we just did a couple of hours ago, which we call the donor States amendment. As a result, the money has been spent. At least it has been allocated on the floor.

If this amendment should pass, it then would unravel everything that we have accomplished in the last 2 weeks in this body. It would unravel the agreement we reached because there aren't additional funds to substitute for the 4.3 cents that we allocated. So I think it would be very unfortunate. Maybe if the amendment had been brought up, as I say, some 2 weeks ago and we then could say to everybody that there is no more, that is all there is, perhaps an agreement would have been reached. But I doubt it because sides were dug in pretty hard around here, and it was necessary for the majority leader to become involved and the Budget Committee chairman in order to extricate ourselves from that difficult situation.

I want to raise one more point, Mr. President, and that is as follows. Every industrial nation in the world has far higher overall gasoline taxes than we have in this Nation. If you talk to any environmental group, they will say that gasoline taxes result in a reduction in miles traveled by automobiles. In other words, if somebody is encumbered by a gasoline tax, raising the cost of operating his or her vehicle, those people will be more cautious about using their vehicle, or else they will seek out vehicles that get far more miles per gallon than would otherwise be true. So a gasoline tax, no matter whether it's modest or very substantial, results in environmental improvements, lower emissions, obviously, and less global warming.

So in a strange way that many of us haven't thought about, a vote to repeal the 4.3 cents would really be a vote against the environment and our efforts to reduce emissions in this country and our efforts to curb the global warming that is occurring.

So, recognizing that both of my colleagues from Florida are very good environmentalists, I urge them to consider that measure when they rise to make their presentations.

I thank the Chair.

Mr. WARNER. Mr. President, to inform the Senate with regard to the status of the timing on this amendment, of course, under the time agreement—I first ask the Chair to state the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia has 43 minutes. The Senator from Florida has 48 minutes.

Mr. WARNER. I thank the Chair. It is the intention of the Senator from Virginia, in my capacity of managing time for the opponents, to yield back my time at such time as the distinguished Senators from Florida indicate they are prepared to do so.

Just prior thereto, I shall make the following motion, which I do not make now but I state for the RECORD and for the information of all Senators:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment would result in a loss of Federal revenue of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(b) of the Congressional Budget Act of 1974 against the pending amendment.

I will ask the Chair at the appropriate time that that be stated.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to repeat the admonition the Senator from Virginia made for all those who wish to speak either for or against this amendment. Please come to the floor. I am not sure what the proponents of the amendment will do with their time. But as has been pointed out, we are anxious to move on with this legislation.

Speaking just for our side, I hope that all those who wish to speak in opposition will come to the floor; here is your chance. The store is open for business. We are anxious to move on. If there are no speakers, the idea would be to close debate as soon as possible thereafter.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, controls the time.

Mr. MACK. Mr. President, I yield to my distinguished colleague such time as he may require.

The PRESIDING OFFICER. The Senator from Florida, Mr. GRAHAM, is recognized.

Mr. GRAHAM. Mr. President, I commend my friend and colleague, Senator MACK, for having brought this fundamental issue to the Senate at the earliest opportunity that was available to have this matter debated. It had been our understanding and advice that it was on the amendment offered by the Finance Committee that the amendment that Senator MACK brings to us today to repeal the 4.3-cent deficit reduction tax, which was adopted in 1993, would be germane and appropriate. So we offer it to our colleagues at this earliest opportunity.

Mr. President, I believe that there are a number of fundamental issues raised by this amendment. The first of those is the obvious, and that is that the United States is a federal system. We have the opportunities for the needs of our people to be met, as the Presiding Officer knows well as a former Governor of one of our States, by action at the State level, or by action at the national level where appropriate, and as illustrated by the transportation system, a merger of State and Federal initiatives. So the statement that is made that if we repeal these funds, it will have a serious adverse and continuous effect on our transportation system ignores the fact that (a) these funds were not levied for the purposes of transportation and, up until this proposal that is before us today, these funds have never been spent for transportation, and, third, that we are in essence returning to the States the fiscal capacity which they can decide to use for transportation.

So we are not, in this amendment, hostile to the needs of transportation. We are particularly aware of those needs in a rapidly growing State. Our position is, however, that this degree of capacity to meet transportation needs should be at the States' discretion. The States should decide whether they wish to use this amount of resources to expand their transportation needs, and we should not arrogate that decision to us to make by shifting a tax initially levied for one purpose, deficit reduction, to a new purpose, transportation spending.

Second is the enormity of the decision that we are about to make. The Interstate Highway System and the current Federal highway trust fund both came into being in the mid 1950s during the administration of President Dwight Eisenhower. President Eisenhower had a great vision for this Nation, which was that it would be linked by a system of the most modern highways. The Nation accepted that vision and, in 1957, we launched this goal.

In that year, 1957, as we were starting the National Interstate Highway System, this Congress determined that the appropriate level of funding to commence the project was $2.1 billion. That is what was spent in the first year of the Interstate Highway System. Fifteen years later, in 1973, the system was well underway. Its tentacles were beginning to reach across America. Suburbs were being united by modern highway systems with major cities. Cities were being connected. Regions were being brought together in a national interstate highway system upon which we spent, in the 1973 Highway Act, $5.9 billion a year, for a total under that act of $17.8 billion for 3 years.

In 1976, as the system continued to expand, in my State, as it was reaching down the east coast, what is now Interstate 95, we were spending $8.7 billion a

year on the Interstate Highway System. In 1978, as we were beginning to complete some of the major systems within our largest cities, we were spending $12.8 billion on the Interstate Highway System. Those numbers continued to grow until, by 1987, we were spending $14 billion a year on the Interstate Highway System, and I am pleased to announce that we brought it to completion.

In fact, the last segment of the original Interstate Highway System that was completed was I–595 in Broward County, FL. A celebration should be held at that site where the last bit of asphalt and concrete were poured to complete a half century of America's effort to build the Interstate Highway System. When we passed ISTEA I in 1991, we declared this to be the first post-Interstate Highway System bill. Our actions were not quite consistent with the rhetoric because, in the first year after completion of the Interstate Highway System, we spent $20.4 billion a year on highways—more than $6 billion more than we were spending in the last year when we were completing the Interstate Highway System.

Now, today, we are proposing to pass a bill, which started at $145 billion over a 6-year period, which has now reached $173 billion over a 6-year period, for an average over that time of $28.8 billion. So we are going to be spending, in the period that is now almost 10 years after the completion of the system, approximately $14 billion, more than 100 percent more per year than we were spending in the last year of completing the Interstate Highway System.

(Ms. COLLINS assumed the Chair.)

Mr. GRAHAM. Madam President, I say enough is enough. We have finished our task. We have built the Interstate Highway System that was President Dwight Eisenhower's vision. This is the time to begin to ask the question: What is the Federal role in transportation? What is our next step in terms of meeting the transportation needs of the American citizen?

I do not believe it is appropriate at this time to be doubling the amount of Federal expenditures over what we were spending as we were completing the very purpose for the Federal highway trust fund, which was the Interstate Highway System.

Third, there is the issue of: Is this a fair tax? The Senate has considered that issue at great length. We considered it in 1993 when the tax was imposed as part of the deficit reduction program. This tax was not passed to add to the spending on the transportation system. Rather it was to reduce the Federal deficit.

In 1996, recognizing that fact and recognizing that we were moving rapidly toward an elimination of the deficit, and at a time when there was a spike in gasoline taxes, our then colleague, Senator Bob Dole, offered an amendment to repeal the 4.3 cents. On the 14th of May of 1996, we had a vote on a cloture motion to close down debate and to proceed to vote on Senator Dole's proposal to repeal the 4.3 cents.

I might say that I opposed the repeal of the 4.3 cents because I felt we needed to retain those funds in the General Treasury until such time as we had in fact achieved the objective of eliminating the Federal deficit. But 54 of our 100 Members on the 14th of May of 1996 voted to invoke cloture and bring to a vote the proposal to repeal the 4.3 cents tax. There were many arguments made at that time in favor of that repeal.

I will quote from one of those, which was given by the senior Senator from Texas which related to the issue of the fundamental unfairness of this 4.3 cents tax. The Senator stated on the 14th of May of 1996:

> We, therefore, created through this gasoline tax an incredible redistribution of income and wealth. The Clinton gasoline tax imposed a new burden on people who drive to work for a living in order to subsidize people who, by and large, do not go to work. We have an opportunity in this pending amendment to solve this problem by repealing this gasoline tax, thereby eliminating this burden on people who have to drive their cars and trucks great distances to earn a living. In my State it is not uncommon for someone to drive 40 miles from where they work, and, as a result, a gasoline tax imposes a very heavy burden on them. We have an opportunity to eliminate this inequity by repealing the 4.3-cents-a-gallon tax on gasoline—a permanent gas tax that for the first time ever went into the general revenue to fund social programs instead of paying for highway construction.

Madam President, we have that same opportunity again today to repeal this 4.3-cents tax, which is imposing this very heavy burden on many of our people.

Finally, Madam President, on the issue of a national system or a parochial transportation system at the original recommended authorization level of $145 billion, which is the level recommended by the Senate Committee on Environment and Public Works, we would have been spending approximately $23 billion more on the highway system under ISTEA II than we spent on the highway system under ISTEA I since 1991. So there was a substantial increase in highway spending already recommended. On top of that, we have added an additional almost $29 billion of highway spending.

How have we chosen to distribute this money? I come from a State which, since the inception of the highway system, the Interstate Highway System in 1957, has been a donor State; that is, we have contributed more each year into the fund than we have received back from the fund. This was to be the year in which we would make a major breakthrough in terms of equity in the distribution of funds.

I will say in commendation to the Senator from Virginia, the Senator from Rhode Island, and the Senator from Montana that we have made substantial progress in ISTEA II in terms of that goal of equity.

Mr. WARNER. Madam President, if the Senator will yield, I wish to credit the Senator from Florida, and I will have further comments about his contribution all the way since 1991 on behalf of the donor States.

Mr. GRAHAM. Madam President, I appreciate that generous comment, which is typical of my friend from Virginia, with whom I was pleased to join as an original cosponsor of what we call step 21. Step 21 had as a central goal to provide that, of those funds which came into the Federal highway trust fund, 95 percent of those funds would be returned to the contributing States, thus leaving 5 percent of the total to be available to meet national needs as determined by this Congress. When we were debating step 21 and the various alternatives for the Federal highway program, it was determined that there was not an adequate amount of money left to meet national needs, if 95 percent was returned to the contributing State. So two changes were made.

One change was to lower the percentage from 95 percent to 90 percent, and the second was to change the base upon which the percentage was applied from the amount that each State contributed to the fund to the amount which each State received from the fund for formula programs, which now is that approximately 91 to 92 percent of all of the funds which will be distributed will come through one of these formula programs.

The rationale for stepping back from that original goal of equity of 95 percent of contributions into the fund was that there were insufficient dollars in order to be able to achieve that level of equity. The concern of many today is that we have now added almost $29 billion to the original $145 billion of highway funds, and, yet, we have made only marginal progress towards that original goal of equity. We still are going to utilize not a percentage of the money going into the fund but rather a percentage of money coming out of the fund under the formula programs. And we have increased the percentage from 90 to 91 percent, albeit even that is going to be subject to a variety of factors that will occur over the next 6 years as to whether a true 91 percent is established as the floor.

Madam President, I believe we missed a major opportunity, if these new funds were going to be available, to use them, first, to achieve the goal of equity, which was established as a principal objective, and then to use the balance for those things that we considered to be of a national priority.

So, with that history, I conclude that the best course of action for the additional funds which were adopted in 1993 as a deficit reduction measure, not a transportation measure, and which we have failed to use in the way to maximize the achievement of equity, is to say the appropriate thing to do is to follow the advice of our colleagues who spoke with such eloquence in 1993 and 1996 and terminate this tax at the Federal level.

Let us give our citizens tax relief. It would represent tax relief of approximately $6 billion a year to the American motorist by repealing this tax at the Federal level. I would not suggest that the American motorist should immediately begin putting those dollars in their wallets, because we are essentially releasing that capacity to the States so the States can decide whether they wish to utilize these funds by levying part or all of this as a State gasoline tax, therefore using those funds to meet needs which people in the States and communities of America identify to be of the greatest priority.

I believe that is in the spirit of this new Congress and its emphasis on placing authority and responsibility as close to the people as possible. I believe we can say that we are able to meet our national transportation responsibilities with approximately an additional $23 billion above what we are spending in the current transportation bill without having to utilize this 4.3 cents.

I believe that we would come closer to our goal of equity by allowing the States, unencumbered by all of the Federal constraints and regulatory requirements and the sheer expense of shipping people's money from Maine to Washington and then back to Maine—let it stay in Maine and not be subjected to any of the transactional costs of coming through Washington. Let the people of Florida, let the people of North Dakota, California, West Virginia, Virginia, Montana, and every other State decide what they want to do with the 4.3 cents if they choose to levy it for their transportation needs.

So I commend my colleague for his tenacity in raising this opportunity to provide tax relief, enhance federalism, and to truly recognize that we have celebrated the victory of completion of the Interstate System, that we are in a new era, and that we should recognize and act as if we are in that new era.

Thank you, Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I will take about 2 minutes, and then I will yield the floor.

First, I say to our distinguished colleague from Florida that, while we, first, disagree on this issue, he, indeed, has been a partner. He is a very valued member of the Environment and Public Works Committee. He has been in the forefront of this legislation beginning back in 1991 when there was a recognition that the donor States were simply not getting an equitable allocation. Under his leadership, we put together step 21, which was the coalition of the various highway officials in the several States that were donor States who worked for years on procedures by which to correct the inequities that were placed on the donor States in 1991. We should always remember, it was that group that was the foundation group of the legislation that we now are considering here in the Senate. Eventually that was joined with a group under the leadership of the distinguished Senator from Montana, Mr. BAUCUS, Stars 2000, and it was that coalition that began to move this legislation. I shall always be grateful. Also, the Senator from Florida was very helpful, drawing on his experience as Governor, in streamlining this procedure so the various highway projects, once authorized, funds appropriated through the States, were started, and you could expedite the Federal Highway Administration and the like to get them done on time.

We shall always remember with great respect the contributions of the distinguished Senator from Florida. I point out both Senators from Florida. I notice that under ISTEA I, since 1991, you received 81 cents on the dollar. Under this bill before the Senate, Florida will receive a 52 percent increase, approximately. That is quite an achievement which the two Senators from Florida have made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I yield 10 minutes to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I thank the Senator from Florida for yielding to me and for sponsoring this amendment, which I am proud to cosponsor, and heartily urge my colleagues to support, and I also thank the other Senator from Florida, who has just made an eloquent argument in favor of this amendment as well.

Madam President, there are three primary points I would like to make in support of the Mack amendment. First of all, this represents the first opportunity that we have had to repeal a portion of the 1993 tax increase that virtually every Republican—maybe every Republican; I will have to go back and look to be sure—voted against. I was a Member of the House at the time and I recall that after the so-called Clinton tax increase of 1993 there was a great uprising in the State of Arizona, especially over the 4.3-cent gas tax increase that was a part of that. I introduced a bill immediately to repeal that 4.3-cent gas tax increase.

I remember a radio station asked me to go to a service station and talk to people who came by to gas up their cars and trucks. I was amazed at the reaction of the people as they drove up and heard about this increase in the gas tax. They were irate. They were very supportive of my effort to get it repealed which has, up to now, been unsuccessful. Perhaps with the sponsorship of the Senator from Florida, now it will be successful.

But I must say that Republicans who voted against that tax increase in 1993 but who vote against its repeal today have some answering to do to their constituents. I think this is a symptom of Potomac fever. We oppose a tax increase, especially when it is the agenda of the opposing party, and we go back home and we rail against it. But then too many of our colleagues fail to follow up their rhetoric with action to repeal the tax.

Now is our opportunity. Where will Republicans stand? I know a lot of my Democratic colleagues will continue to support the tax. They are not about to vote for this repeal, except for certain enlightened Democrats such as the Senator who has just spoken. But where will my Republican colleagues stand, those who opposed the gas tax when it was put into effect, who argued against it, who voted against it, and now have an opportunity to repeal it? Ah, but now they have an opportunity to divide up the money. The longer you are here, the more accustomed you get to spending American taxpayer dollars. After all, you get to go home and show the folks what a wonderful, magnanimous, generous person you are by giving them back some of their money.

As the good Senator from Virginia just said, States like Arizona and Florida got increases in their percentage in this bill. Yes, that is true. When you start from a very low percentage and you get a good increase in the total dollars, it represents a big increase percentage-wise. But, like my colleagues from Florida, I represent a State, Arizona, which is still a donor State. Something mysterious happens. Arizonans send a dollar to Washington in gas taxes and Federal highway taxes and we get 89 cents back. Something happens to the other 11 cents.

Here in Washington, DC, it's not so bad. The round trip actually earns them $2 on the $1 they send. Maybe that is because they do not send it so far. We have colleagues from other States, I will not mention them, but some colleagues are here representing constituents who send $1 and they get $2 back, or more than $2 back, and they ask us to be grateful for the fact that we get 90 cents instead of 89 cents, ''We gave you an increase.'' Madam President, it is not fair. That is the second reason I suggest we repeal this 4.3-cent gas tax.

We have a policy now in the Congress called devolution. It's a fancy word for ''let's give the power back to the States and the local government and to the people.'' The Federal Government has gotten too big and too powerful. One way we could do that is by repealing this 4.3-cent gas tax. My colleagues who want to spend the money on highways, all they have to do is go back to their State legislatures and say, Folks, we just repealed the 4.3-cent Federal tax. If you want to tax the people of Montana, Virginia, New York, whatever, 4.3 cents, they will never notice the difference at the gas pump. They will be paying exactly the same for a gallon of gas today as yesterday and tomorrow. Then we can spend the 4.3 cents in Montana or New York or Virginia or whatever the State is.

Actually, a lot of us would be better off because we do not lose any of that money as it makes the trip to Washington and then comes back. If my State of Arizona wanted to immediately put on a 4.3-cent State gas tax, the State of Arizona would come out very well. We would get to spend that money on our Arizona roads, and maybe the State legislature would do that, but I would rather have them decide that rather than have people here in Washington decide that we are going to retain this tax with the result that my State gets back about 89 cents or 90 cents. So that is the second reason. It is the right thing to do in terms of returning the power back to the people at the lower levels of government so they can decide for themselves how much tax they want to impose upon themselves.

The third reason is that America is already an overtaxed nation. This last year the taxes, the total tax burden has now gone up well over 38 percent. It is the highest level since 1945: $6,047 for every man, woman, and child in the country. That is over $27,000 for a family of four. We are an overtaxed nation. We do not need this money. We are now in a budget surplus situation. This tax increase was designed to reduce the deficit. The deficit has been reduced and our surplus is going to be, I suggest, at least as much as the money that would be lost as a result of the imposition of this tax. In any event, it has been paid for in the sense that obligations of Government have been reduced correspondingly so it has a neutral budget effect.

Madam President, I think, since this is a tax that affects every American equally, its repeal would not be for the wealthy. It would have just as much of an effect on the wealthy or the poor or the modest-income or whatever. It would be a very fair way to return some of the hard-working American families' money to them so they could decide themselves how to spend it. I urge support for the Mack amendment to repeal the 4.3-cent Federal gas tax, because, first of all, it is unnecessary, second, because it is unfair; third, because it is contradictory to our policy to return power to the States and the people, and fourth, because it adds an unnecessary tax burden to the already overtaxed families of America.

I urge my colleagues to support the Mack amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, I would like to inquire as to the amount of time remaining?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes 42 seconds.

Mr. MACK. And those opposed?

The PRESIDING OFFICER. They have 38 minutes 38 seconds.

Mr. MACK. I would inform the Senate, to my knowledge, we have only one more speaker. Should there be no speakers on the other side, I will be prepared to yield back the remainder of time at the conclusion of the comments of Senator NICKLES.

Mr. WARNER. Madam President, I thank the distinguished Senator—at which time, speaking on behalf of the opposition, I shall yield back the time, make the appropriate budget statement, and then the Senator will be recognized for the procedure he will follow thereafter.

Mr. MACK. I am of the opinion we will not have any more speakers, but I will reserve that judgment until that time arrives.

I yield 10 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleagues from Florida for this amendment. I wish to be made a cosponsor of this amendment and ask unanimous consent to be made a cosponsor.

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

Mr. NICKLES. Madam President, I also compliment my colleague, Senator WARNER from Virginia, for his leadership on this. Senator BAUCUS, Senator GRAHAM, Senator BYRD, Senator CHAFEE—a lot of people—worked a long time on this bill. I hope we can finish this bill today. If not today, certainly this week. This is an important piece of legislation.

The reason why I cosponsored the amendment of my colleague from Florida, Senator MACK, is because I happen to think he is right. I know a lot of work has been going into allocations. The Senators managing this bill have been bending over backwards to be fair to every Senator. I think they have been doing the best job they can and I compliment them on their work. But I happen to think Senator MACK is right. Should the gasoline tax be a prerogative of the State or the Federal Government? Should we all as colleagues have to bend and beg and plead? I do not really like doing that. I don't like asking for money in appropriations. I have done it on occasion. Senator BYRD has accommodated me on occasion when he was chairman of the Appropriations Committee. Sometimes Senator STEVENS has. I appreciate that. But I really do not enjoy that nor do I enjoy, when we have a highway bill, saying, ''Oh, please, we need more money. We are not doing very well in this bill. We are not doing as well as I hoped.''

We happen to be a donor State. I know Virginia has been. I know Florida has. I know a lot of States have. We don't like it. We don't like sending a dollar to Washington, DC, and getting 80 cents back in return. Unfortunately, that has happened year after year after year. We are talking about a lot more money.

I heard on the floor discussions: Senator WARNER is going to get 50 percent more, 52 percent. So is Oklahoma. It's a lot more money compared to the last 6 years, a lot more money to our States.

Every one of our contractors is going to be delighted with this bill. They have been knocking on my door: Please pass this bill. They maybe don't get involved in should we be donors or should we not. My thought, though, is this tax really should belong to the States. I do read the Constitution. The Constitution and the 10 amendments say all the rights and powers are reserved to the States and to the people. Shouldn't we allow the States to have the prerogative to have a gasoline tax and spend it the way they want? Then we don't have to fight and beg and plead and say, ''Hey, wait, I want 90 cents of my dollar back.'' If I do really good, I will get 90 cents on the dollar back. You lose 10 percent off the top. Not all States lose 10 percent; some States do better than other States. I guess that is the way it is always going to be when you have a national program.

Our State does not qualify as a dense State. That applies to some big States. There is a dense State formula in here that helps some States. Our State doesn't qualify for the Appalachian Regional Commission. I know some States do. There is a bonus provision. Maybe we do—no, we didn't qualify for that. We get a little something.

My point being you have to beg, cajole, and plead. Maybe you come up with 90 cents, but that is 90 cents on 90 cents. My math is not always accurate, but sometimes it's fast, and 90 percent of 90 percent is about 81 cents. I have seen one chart that says we will come out with about 82 cents, maybe 83 cents. The point being, you send $1 to Washington, DC, and in return you lose maybe 17, 18 percent before it gets back to the State.

Then, as Senator MACK mentioned, when it comes back, there are a lot of strings. It's not quite as simple as, ''Here, States, you get your money back. You can have the 82 cents or 90 cents or whatever and you can spend it as you wish.'' That is not the case. There are lots of strings. You have little requirements like you have to meet Davis-Bacon. You have to meet a lot of other requirements, Federal highway standards and so on. Guess what. A lot of these roads are not Federal highway roads or they are not part of the interstate system. The interstate system is, by and large, complete. It needs a lot of maintenance, I guess, but certainly that could be maintained without this 4.3 cents per gallon.

In my State of Oklahoma, the legislature has already passed legislation, already the law of the land. If the Federal Government does not extend the 4.3 cents, or if we repeal it, that tax increase goes on automatically for our State. So there will not be any loss of income. The State is going to pick it up. Our State is going to be a lot better off.

Every once in a while you do vote your State interest around here, and my State interest is, let's repeal that 4.3 cents and we are going to get 100 percent of the money, not 90 cents, not

82 cents, we are going to get 100 percent of the money. And we don't get the Federal strings, and the Governor and the legislature can decide how they want to spend it. They don't have to spend it on this type of road—primary road, secondary road. They have all the flexibility they want because it's theirs. They have all the authority. They don't have to worry about the differences. Hey, wait a minute, budget authority/budget outlays, this is not easy. And we are going to allocate 100 percent of this money for contract authority, but the outlays won't hit for a number of years. We don't have to worry about that. If we repeal this, the States are going to have 100 percent of the money and they can let the contracts and they can make the decisions and, frankly, I think some of us should have some more confidence in our States. So I rise in support of this amendment.

I opposed the 1993 tax increase that was passed by President Clinton at that time. It didn't have a Republican vote, as I recall. I thought that was a mistake. That was a 4.3-cent-per-gallon gasoline tax increase that went into the general revenue. It did not go to highways. A lot of us said we thought that was a mistake. At least in this bill, and I compliment the sponsors, at least we are going to rectify that. Under this bill, assuming the amendment of Senator MACK and myself does not pass, this money at least will be spent for highways. I think that is a giant step in the right direction. I compliment the sponsors, and particularly Senator GRAHAM and Senator BYRD, who were very persistent—I started to say stubborn in their efforts. Because that helped make that happen. That doesn't mean our budget problems are over. We are going to have some challenging times to stay within the caps on the budget, but we will wrestle with that. Hopefully, we will stay on the caps in the budget and will still be able to put 100 percent of the moneys coming in into the highway program and the gasoline tax will stay in the highway program.

I think the better fix would be the fix that Senator MACK is proposing, and that is, let's allow the States to have this tax and let's give the States the option.

My guess is a strong majority of the States would continue the tax, because all States have very significant needs and demands on their highways for safety, for maintenance, for upgrades. Certainly my State does, and I know that is the action our State would take.

So I believe the best solution would be the solution proposed by my colleagues from Florida, and that would be to give the States the option. Let's repeal the 4.3-cent tax. I think it was a mistake in 1993; I still think it is a mistake in 1998. Let's allow that money to go back to the States, and if the States want to enact it, they can, or if they want to return it to the taxpayers, they will have that option to do so as well.

With that, I urge my colleagues to vote in favor of the Mack amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know how my distinguished leader wants to be accurate. In the course of his remarks, there might have been the inference, in support of the Mack amendment, that all the money would go back to the States, but, in fact, as you well understand, 14 and a fraction cents still go to the highway fund.

Mr. NICKLES. That is true.

Mr. WARNER. We are really talking about 4.3.

Mr. NICKLES. Yes, 4.3.

Mr. WARNER. Madam President, I am prepared to make the following statement to the Senate:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment will result in a loss of Federal revenues of nearly $6 billion for the first year and $30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(B) of the Congressional Budget Act of 1974 against the pending amendment.

The PRESIDING OFFICER. All time has to be yielded back on the amendment before the point of order may be made.

Mr. WARNER. I understand. I am prepared to do that at such time as we yield back the time. I thought I stated that.

The PRESIDING OFFICER. The Chair will so acknowledge.

Mr. WARNER. I thank you.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. WARNER. Does the Senator yield back his time?

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

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

Mr. STEVENS. Who controls the time?

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I control the time in opposition. We will accommodate the Senator. Are his remarks generic to the bill?

Mr. STEVENS. They are on this amendment. I am in opposition to it.

Mr. WARNER. I yield such time as the Senator may use.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I am constrained to come here in two roles. One is as chairman of the Appropriations Committee. And I am certain everyone will understand that problem. This is, obviously, a situation in which we negotiated a very tightly wrapped package, and it will eventually come to our committee. The distinguished Senator from West Virginia and I will allocate money under it.

The real difficulty I see with the amendment of the Senator from Florida is, having reached an agreement of what to do with the 4.3 cents of the tax revenue, now that we have transferred it to the highway trust fund, it would be repealed. I just cannot understand an attempt to do that at this time, I say respectfully to my friend.

I do understand people who are insisting that the donor States ought to be totally recognized to get 100 percent of their money back, and this obviously would be one way to do that.

I am here in the second role as a Senator from the largest State in the Union, 20 percent of the landmass in the United States. I repeat for the Senate, we have a thousand miles more of roads now than when we became a State almost 40 years ago. We are completely locked out of this highway program.

I wonder what Dwight D. Eisenhower, the person I consider to be one of the greatest leaders of the 20th century, would feel about the concept that roads would only be built by those people who lived within the State. The national concept of highways was, in fact, the Eisenhower dream, and it has been fulfilled in the Interstate Highway System, but the difficulty is it does not reach our State.

Furthermore, this concept that people who drove from Florida to Alaska would suddenly stop at the border and be told, ''Sorry, we don't have tax revenues, so we can't build you any roads,'' or you drove to Seattle and went to the dock where we currently maintain the ferries for citizens of the United States and others to come to Alaska by Alaskan-owned and operated ferries—you would find out they wouldn't be there any longer.

The concept of highways in this country has always been a national concept, and I have always thought, as I paid my gasoline taxes as I drove across the country—and I have driven across the country and up to my State many times—as we drive even into our neighboring country of Canada, we pay a Canadian gasoline tax. It never entered my mind that the Canadians somehow would think I was a Canadian citizen paying taxes in Canada.

Nor do I think that all the people who travel on the roads in Florida or any of the rest of these roads around the country are necessarily residents of that State. The States collect the taxes, but they certainly have no right to collect the taxes from people from outside their State who are traveling through that State to come to mine.

The idea of repealing this gas tax at this time is just completely abhorrent to this Senator's way of thinking. But beyond that, I am here, once again, to say to the sponsor of this amendment, the amendment is unfair, basically, to the States that do not have the highways totally constructed yet.

This is a bill to improve existing highways, not to continue the idea of making sure that there are highways in this country to reach every portion of this great continent that Americans who travel with their families, travel in RVs, travel in their personal automobiles want to go. I just can't believe we are going to abandon the concept that there is one national system of highways. And if there is a national system of highways, some of this highway money has to trickle into Alaska.

Somehow or another, we have to find some way—I see the Senator from Oklahoma smiling. I wonder what would have happened if I just returned from Philadelphia, and suppose we put in the Constitution that there would be no money spent coming from the original 13 States beyond the confines of the 13 States. That is what you are saying—you cannot spend money beyond our State if it was taken into the Treasury through our State.

Again, I say to the Senate advisably, we send 25 percent of the oil of the United States to the United States, to what we call the ''south 48,'' every day—every day. It is the oil that is used to produce the gasoline that your States tax. The taxes are derived from that oil. They do not come back to our State.

How about we put in a provision that says 100 percent of the revenue of the United States from the development of any resource in any State comes back to that State? Would that be agreeable? Would the Senator from Florida like to see that? We have the store house of the United States as far as resources are concerned. We would be able to build roads then, Madam President.

As long as we base this concept that the money has to go back to the very State in which it was collected from any citizen of the United States traveling through the United States, no matter where they are from, it goes back to the State that collected the money, then we won't have a National Highway System.

I am against this concept of repealing this tax. I hope that the Senate will find that the point of order is well taken. I congratulate the Senator from Virginia for making it.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, before I yield back the remainder of my time and ask for a waiver of the Budget Act, I cannot help but respond to my delightful colleague from Alaska.

First of all, with respect to Eisenhower, if you go back and read the record, Eisenhower indicated that he was in favor of repealing the gas tax when the interstate system was completed. So I think if he had the opportunity, we would know where he stood on this issue.

In respect to the comments made about Florida and Alaska and oil and so forth, I remind my colleagues, I am talking about 4.3 cents of the gasoline tax. That is point 1.

Point 2, we have supported the interstate system for 41 years, and there will be sufficient funds to, in fact, maintain the interstate system after the repeal of the 4.3 cents.

I just could not let those comments go without responding.

At this point, I am prepared to yield back the remainder of my time.

Mr. WARNER. Madam President, at this time I yield back the time in opposition and restate, which has been put in the RECORD twice, the budget point of order.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAUCUS. I ask the Senator from Virginia when he expects this vote to occur.

Mr. WARNER. Now.

Mr. BAUCUS. I say to the Senator, that's fine.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO WAIVE THE BUDGET ACT

Mr. MACK. Madam President, I move to waive the Budget Act for consideration of my amendment and 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 motion to waive the Budget Act in relation to the Mack amendment No. 1906. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

The yeas and nays resulted—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

Abraham	Gregg	Mack
Ashcroft	Hutchison	McCain
Brownback	Inhofe	Nickles
Coats	Kyl	Smith (NH)
Coverdell	Levin	Thompson
Graham	Lugar	Thurmond

NAYS—80

Akaka	Campbell	Durbin
Allard	Chafee	Enzi
Baucus	Cleland	Faircloth
Bennett	Cochran	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Ford
Bond	Craig	Frist
Boxer	D'Amato	Glenn
Breaux	Daschle	Gorton
Bryan	DeWine	Gramm
Bumpers	Dodd	Grams
Burns	Domenici	Grassley
Byrd	Dorgan	Hagel
Harkin	Lautenberg	Rockefeller
Hatch	Leahy	Roth
Helms	Lieberman	Santorum
Hollings	Lott	Sarbanes
Hutchinson	McConnell	Smith (OR)
Inouye	Mikulski	Snowe
Jeffords	Moseley-Braun	Specter
Johnson	Moynihan	Stevens
Kempthorne	Murkowski	Thomas
Kennedy	Murray	Torricelli
Kerrey	Reed	Warner
Kerry	Reid	Wellstone
Kohl	Robb	Wyden
Landrieu	Roberts	

NOT VOTING—2

Sessions	Shelby

The PRESIDING OFFICER. On this vote the yeas are 18, the nays are 80. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment fails.

Mr. CHAFEE. Mr. President, we have a couple of quick colloquies and then it is my understanding that the Senator from Arizona has an amendment which he wishes to present. So let's proceed with these colloquies. Then when the Senator from Arizona completes his amendment, which I understood was going to be something like 10 minutes equally divided, I understand he was going to ask for a rollcall vote, but I don't see the Senator here.

Meanwhile, the Senator from Colorado has a colloquy.

AMENDMENT NO. 1328

Mr. ALLARD. I want to thank the chairman for yielding, and I will engage the chairman and the ranking member in a brief colloquy, if I may.

I had an amendment, 1328, filed and was prepared to offer it for a vote. The amendment would have added particulate matter and ozone as an equally weighted factor for funding from the Congestion Mitigation Air Quality Program (CMAQ).

My concern is that Colorado has problems from PM–10 in the Denver Metro Area that are transportation related that could be lessened from inclusion in the CMAQ program. My understanding is that high altitude states may have a problem with respect to this pollutant that low altitude states may not have. As the chairman and the ranking member of the Environment and Public Works Committee both know, my amendment would have an impact not only on the CMAQ program, but on the formula as a whole.

Out of respect to the hours of work put in by the Senator CHAFEE, WARNER, and BAUCUS, I'm not going to offer the amendment. However, H.R. 2400 which was reported out of the Transportation and Infrastructure Committee in the House of Representatives does make allowances for funding PM–10 in CMAQ.

It's my hope that the leadership of the EPW Committee would find a way to help areas like Colorado deal with their unique problems with respect to PM and carbon monoxide in conference and I will provide any assistance necessary in working toward that end. I will not be offering that amendment

with the assurances that you will continue to work with me.

Mr. CHAFEE. I say to the Senator from Colorado that we are happy to pledge to him that we will strive in our work during the conference with the House to address the issue the Senator has raised. The House bill includes the provision he would have offered, so the issue will be in conference. The PM factor will be considered.

The Senator from Colorado has raised a very good point. In some western cities transportation emissions are a principal source of fine particulates in the air. EPA has recently issued new standards for particulate matter that may require these cities to adopt transportation strategies to reach attainment. The CMAQ program in this highway bill is intended to help cities solve their transportation-related air quality problems. So I am happy to pledge to the Senator from Colorado that we will strive in our work during the conference with the House to address the issue he has raised. The House bill includes the provision he would have offered, so the issue will be in the conference and the PM factor could be included in the final formula for CMAQ funding. I want to stress though that we should only move in that direction where the particulate pollution problem is caused by transportation as opposed to stationary sources such as power plants.

Mr. BAUCUS. Mr. President, I supplement what the chairman of the committee said. This has been a matter with the Senator from Colorado and is a matter that relates to CMAQ funding. I can assure the Senator from Colorado that, as I think the Senator from Rhode Island said, we will work with the Senator, work it out in conference, and try to come up with a solution that is workable and agreeable with the Senator from Colorado.

Mr. ALLARD. I thank both the chairman and ranking member for their willingness to work with me on this very important issue.

I yield back the remainder of my time.

Mr. CHAFEE. I thank the Senator from Colorado for being able to work this out. He has been very patient and very helpful as we have tried to reach conclusion on this matter, something he cares deeply about. We will do in the conference exactly as I said and make an honest effort.

Now, Mr. President, the Senator from Arizona has an amendment, but that amendment, it is my understanding, was going to be opposed by the Senator from Iowa. I don't see him here. In fairness to him——

Mr. MCCAIN. Perhaps I could take a few minutes in describing it and by that time the Senator from Iowa would be here.

He is rather familiar with the issue, as the Senator knows.

Mr. CHAFEE. He certainly is. Why don't you go ahead, and we will try to round up the Senator from Iowa.

AMENDMENT NO. 1968 TO AMENDMENT NO. 1963

(Purpose: To prohibit extension of inequitable ethanol subsidies)

Mr. MCCAIN. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1968.

Mr. MCCAIN. 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:

At the end of the amendment, add the following new section:

''SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.''

Mr. MCCAIN. Mr. President, I say to the Senator from Rhode Island, the distinguished managers, I will take about 5 minutes and then I will have no more debate. This issue is very well known. I do not like to impede the progress of the Senate. While I am speaking, perhaps the Senator from Iowa will agree to that time agreement. I want to let him know I am agreeable to any time agreement.

Mr. President, the amendment prevents an extension of inequitable Government subsidies for the ethanol industry that would cost the American taxpayers $3.8 billion.

The amendment is simple. It negates the effect of the Finance Committee amendment, which is No. 1759, to the ISTEA legislation, which would extend for an additional 7 years the tax credits for ethanol and methanol producers. The value of these ethanol subsidies is estimated by the Congressional Budget Office at $3.8 billion in lost revenue.

Enough is enough. The American taxpayers have subsidized the ethanol industry, with guaranteed loans and tax credits for more than 20 years. Since 1980, government subsidies for ethanol have totaled more than $10 billion. The Finance Committee amendment to ISTEA, if not stricken, would give another $3.8 billion in tax breaks to ethanol producers.

Current law provides tax credits for ethanol producers which are estimated to cost the Treasury $770 million a year in lost revenue, and the Congressional Research Service estimates that loss may increase to $1 billion by the year 2000. These huge tax credits effectively increase the tax burden on other businesses and individual taxpayers.

The current tax subsidies for ethanol are scheduled to expire at the end of 2000. This amendment does not change current law; it allows the existing generous subsidies do continue until the turn of the century. The amendment merely ensures that the subsidies do expire and are not extended for another 7 years.

Mr. President, let me just take a moment and try to explain why we have such generous ethanol subsidies in law today. The rationale for ethanol subsidies has changed over the years, but unfortunately, ethanol has never lived up to the claims of any of its diverse proponents.

In the late 1970s, during the energy crisis, ethanol was supposed to help the U.S. lessen its reliance on oil. But ethanol use never took off, even when gasoline prices were highest and lines were longest.

Then, in the early 1980s, ethanol subsidies were used to prop up America's struggling corn farmers. Unfortunately, the usual ''trickle down'' effect of agricultural subsidies is clearly evident. Beef and dairy farmers, for example, have to pay a higher price for feed corn, which is then passed on in the form of higher prices for meat and milk. The average consumer ends up paying the cost of ethanol subsidies in the grocery store.

By the late 1980s, ethanol became the environmentally correct alternative fuel. Unfortunately, the Department of Energy has provided statistics showing that it takes more energy to produce a gallon of ethanol than the amount of energy that gallon of ethanol contains. In addition, the Congressional Research Service, the Congressional Budget Office, and the Department of Energy all acknowledge that the environmental benefits of ethanol use, at least in terms of smog reduction, are yet unproven.

In addition, ethanol is an inefficient, expensive fuel. Just look at the 3- to 5-cent-per-gallon increase in gasoline prices during the winter months in the Washington, D.C. area when ethanol is required to be added to the fuel.

Finally, let me quote Stephen Moore, of the CATO Institute, who puts it very succinctly in a recent paper:

. . . [V]irtually every independent assessment—by the U.S. Department of Agriculture, the General Accounting Office, the Congressional Budget Office, NBC News and several academic journals—has concluded that ethanol subsidies have been a costly boondoggle with almost no public benefit.

So why do we continue to subsidize the ethanol industry? I think James Bovard of the CATO Institute put it best in a 1995 policy paper:

. . . [O]ne would be hard-pressed to find another industry as artificially sustained as the ethanol industry. The economics of ethanol are such that, for the industry to survive at all, massive trade protection, tax loopholes, contrived mandates for use, and production subsidies are vitally necessary. Only by spooking the public with bogeymen such as foreign oil sheiks, toxic air pollution, and the threatened disappearance of the American farmer can attention be deflected from the real costs of the ethanol house of cards that consumes over a billion dollars annually.

Mr. President, last year, when the Congress was considering the Taxpayer Relief Act, the House Ways and Means Committee took a bold step and included in its version of the bill a phase-

out of ethanol subsidies. In the report accompanying the bill, the House Committee stated:

[Ethanol tax subsidies] were assumed to be temporary measures that would allow these fuels to become economical without permanent Federal subsidies. Nearly 20 years have passed since that enactment, and neither the projected prices of oil nor the ability of ethanol to be a viable fuel without Federal subsidies has been realized. The Committee determined, therefore, that enactment of an orderly termination of this Federal subsidy program is appropriate at this time.

The Senate Finance Committee took the opposite view, but fortunately, reason prevailed and the conference agreement on the Taxpayer Relief Bill made no change to current law, allowing this needless subsidy program to expire at the turn of the century.

Mr. President, we should end these subsidies. If ever there was a prime example of corporate pork, the unnecessary, inequitable ethanol subsidy program is it.

Mr. President, with today's booming economy, it is hard to justify continued government subsidies for programs that have not lived up to expectations after more than two decades of government assistance. It is even harder when those subsidies are given to an industry that makes over $30 million a year producing ethanol.

Current law terminates ethanol subsidies after the year 2000. This amendment would avoid the $3.8 billion cost of extending the ethanol subsidies through 2006. I urge my colleagues to oppose changing current law and adopt my amendment to prohibit extension of the ethanol subsidies.

Again, Mr. President, I am not without sympathy for the corn producers. I have less sympathy for the large corporations that produce it. But the fact is that I would be willing to agree to an orderly phaseout of this program. But for us to just permanently extend a program that has no viable benefit to consumer or environment doesn't make any sense.

Mr. President, how do we go to the American taxpayer and say, gee, we are cutting your taxes, trying to save you money, we are trying to have good Government here, when we have already spent some $10 billion in subsidies over the last 20 years? And now we are going to go through a $3.8 billion cost to the taxpayer as a result of the ISTEA bill.

Mr. President, we should not do that. We really should not do it. Again, I urge my colleague from Iowa, Senator GRASSLEY, who I respect enormously—I would be glad to talk about a phaseout. But a phaseout must take place.

Mr. President, 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.

Ms. MOSELEY-BRAUN. Mr. President, several months ago, during the debate on the Balanced Budget Act of 1997, some of my colleagues called upon Congress to end its commitment to ethanol.

These lawmakers drew their daggers in professed horror, charging that federal support for ethanol was some sort of ''deficit buster,'' or a conspiracy of ''corporate welfare.''

While I know that in recent years, this mantra has become popular and convenient for some, it falls far short of the facts in this instance.

Ethanol, as my colleagues are aware, is an alcohol-based motor fuel manufactured from corn. Over fifty facilities produce ethanol in more than twenty different states. By the year 2005, 640 million bushels of corn will be used to produce 1.6 billion gallons of ethanol.

Ethanol is good for the environment. Ethanol burns more cleanly than gasoline, and, according to the Environmental Protection Agency, diminishes dangerous fossil-based fumes, like carbon monoxide and sulfur, that choke the air of our congested urban areas.

Tankers will not spill ethanol into our oceans, killing wildlife. National parks and refuges will not be target for exploratory drilling. When ethanol supplies run low, you simply grow more corn.

Ethanol strengthens our national security. Ethanol flows not from oil wells in the Middle East, but from grain elevators in the Middle West, using American farmers, and creating American jobs. With each acre of corn, ten barrels of foreign oil are displaced—up to 70,000 barrels each day.

And for farmers, ethanol creates value-added markets, creating new jobs and boosting rural economic development. According to a recent study conducted by Northwestern University, the 1997 demand for ethanol is expected to create 195,000 new jobs nationwide.

Ethanol is the fuel of the future—and the future is here. Illinois drivers consumer almost five billion gallons of gasoline, one-third of which is blended with ethanol. Chicago automotive plants are assembling a new Ford Taurus that runs on 85 percent ethanol. More and more gas stations are offering ethanol as a choice at the pump.

Isn't it worth cultivating an industry that improves the environment and promotes energy independence? Isn't it the responsibility of Congress to foster an economic climate that creates jobs and strengthens domestic industry? Don't we have a commitment to rural America, and a responsibility for its economic future?

Mr. President, I think the answer to these questions is a resounding yes, and that's why I urge my colleagues to oppose this amendment.

Mr. GRASSLEY. Mr. President, I urge my Senate colleagues to vote against the anti-ethanol tax hike amendment offered by Senator MCCAIN.

The good Senator from Arizona took us down this road last year, only to be turned back by a vote of 69–30.

I want to thank the 35 Republicans and 34 Democrats who joined in defending the Grassley/Moseley-Braun ethanol program extension, and urge that you join us again in defending one of our Nations's bright spots in our long battle to reduce our dependence upon foreign energy.

I want to thank Chairman ROTH for honoring the request from Senator LOTT, Senator MOSELEY-BRAUN, and me to include in the highway bill the same ethanol language that we defended in that 69–30 vote last year.

Mr. President, with increased frequency, we hear loosely tossed around the phrase ''corporate welfare.''

Unfortunately, by failing to establish and apply a consistent, workable definition, ''corporate welfare'' becomes as worn and arbitrary as the term ''pork barrel.''

Is it ''corporate welfare'' for an Arizona road construction company to take a government check to build roads?

Clearly, without the government money, it would not be building roads, so does that make it ''corporate welfare?''

Is it ''corporate welfare'' for a defense contractor to take a government check to build aircraft? Clearly, without the government money, it would not be building military aircraft.

If the key factor in identifying corporate welfare is the receipt of a government check, then America has a lot of companies depending upon corporate welfare.

But what if the company receives no government check—not one thin dime from Uncle Sam?

What if America decides that because it has become increasingly and dangerously dependent upon foreign energy, that we must establish programs and incentives to develop domestic sources of energy and to conserve energy?

What if, instead of doling out government checks to specific corporations, we establish a program to lower the taxes of motorists who use gasoline blended with home-grown ethanol?

That's exactly how the ethanol program works! Not one thin dime from the government goes to ethanol producers such as ADM. We do not pick the winners and losers.

We do not influence, let alone decide or dictate who makes ethanol or who doesn't.

Ethanol is produced by 35 companies with plants in 22 states. Many of these are farmer owned and operated cooperatives that support small towns and small businesses.

Anybody under the sun in America can produce ethanol, and the fact is, one of the biggest growth areas in ethanol production is coming from cooperatives.

But no matter who makes ethanol, they will get absolutely no government funds from the ethanol program that my colleague from Arizona seeks to destroy through a tax hike.

The ethanol program doesn't even fit the criteria outlined by the corporate subsidy reform bill introduced by Senator MCCAIN.

One key test under his bill is whether or not government spending benefits the public, as opposed to a narrow group of corporations. Numerous studies have demonstrated that ethanol incentives provide tremendous economic, energy, and environmental benefits to the public.

Those who oppose the ethanol program are not trying to eliminate a subsidy; they are attempting to impose a tax increase upon America's motorists.

And we all know that the power to tax is the power to destroy, and that is just exactly what will happen if the anti-ethanol forces win.

Ask the Society of Independent Gasoline Marketers of America what will happen. If you deny them the alternative of ethanol-blended gasoline as a supply option, many will no longer be able to compete with the major oil companies. Many independents will be forced out of business by big oil, and gasoline prices will rise.

And rise indeed: According to recent economic analysis, the termination of the ethanol program would force motorists to pay an extra $3 billion for gasoline!

The Midwest Governors Conference analysis of the ethanol program found that it provides a 20–1 return on investment. It adds $4.5 billion annually to farm income, it reduces our trade deficit by $2 billion, and it generates $4 billion in increased federal revenues.

Does the ethanol program promote the public interest? Absolutely.

Is the ethanol program ''corporate welfare?'' Absolutely not!

There is not one shread of credibility to accusations that the ethanol program is corporate welfare.

Unfortunately, many of us have been caught up with misinformation. Misinformation disseminated by big oil's massive brain washing-machine, with it's hyper spin cycle that fuels the engines of tabloid journalism.

Again, it's a massive brain-washing-machine, with a hyper spin cycle. And you thought I was going to say it was a vast right wing conspiracy.

Mr. President, a year or so ago, Senator MCCAIN produced a white-paper which analyzed and critiqued our nation's current defense planning assumptions which require us to be prepared to go it alone simultaneously fighting wars in two regions of the world, and do so with a win-win objective. He concluded that our financial and military resources are stretched too thinly to meet the demands of such a defense plan.

We may not always agree, but Senator MCCAIN rightfully takes a backseat to no one in his understanding of military affairs.

I hope, therefore, he will take to heart my following comments which touch directly upon stretched military resources as well as the question of corporate welfare.

Over 40 years ago, American oil producers convinced the federal government to impose oil import quotas and tariffs with the argument that we faced a national security crisis because we were importing a mere 10 percent of our oil.

Today, our national security crisis is far more severe—we depend upon foreign energy for over 50 percent of our needs. I believe it's about 54 percent today.

In 1995, the administration reported, and I quote:

> Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity . . . petroleum imports threaten to impair national security.

Now, Mr. President, what I am about to share, will shed light, not only upon Senator MCCAIN's concern about our military resources being spread too thin, but also upon the very reason our petroleum imports continue to grow and continue to jeopardize our national security.

In 1987, Secretary of Navy, John Lehman, stated that our total cost of protecting the Persian Gulf oil supply lines—forces, training, operations, bases and support—amounted to 20 percent of our total military budget.

That amounted to $40 billion per year that taxpayers were being forced to pay to defend foreign oil.

By any definition, this $40 billion, gold-plated military escort service is a subsidy directly benefiting the major oil companies and the Persian Gulf oil producing nations.

So I ask, isn't this $40 billion military subsidy simply corporate welfare for an exclusive club of oil companies?

And doesn't the expenditure of 20 percent of our military budget to defend oil supply lines partly explain the reason for and suggest solutions to the problems detailed in Senator MCCAIN's white paper?

What would happen if the oil companies, or even the oil producing nations, were required to pay for this $40 billion per year military escort service?

Well, I can hear the oil importers already saying, ''You either pay me now, or pay me later. We'll just pass on the cost to the American consumer with high gasoline costs.''

My answer to that is ''maybe so, but let's take a look at all the trade-offs.''

I ask my colleagues to think about this. One analysis concluded that this $40 billion taxpayer subsidy put the real cost of imported Persian Gulf oil at $140 per barrel, during a time that U.S. domestic producers were getting about $18 per barrel.

Is it any wonder that thousands of American independent oil producers were forced out of business during the 1980's?

Isn't it just a little ironic that these taxpaying oil producers were being forced to subsidize the very foreign competition that was running them out of business?

And, if they were still producing today, would we be so reliant upon foreign oil?

Which, in turn, leads to the question of whether or not we would feel so compelled to devote 20 percent of our military resources to the Persian Gulf in the first place.

Would it not make more sense to let the market place take over by requiring someone other than the taxpayer to pay for this military escort service?

Wouldn't this put Oklahoma and Texas producers back in business?

And to cap it all off, think of this: Most of this subsidized Persian Gulf oil goes not to the United States, but to our economic competitors in Europe and Japan! So here we are, subsidizing the energy of our foreign manufacturing competitors so that they can better undercut American manufacturers.

I'm not sure what we have here: Corporate welfare? Foreign aid? Or is it Foreign corporate welfare?

Picking up on John Lehman's admission that we must devote 20 percent of our military budget to protect Persian Gulf oil supply lines, it goes without saying that we are also talking about the lives of our sons and daughters who bravely, and honorably serve in our military.

And as inflammatory as this may sound to some, the truth is not one of our sons and daughters have ever been asked to sacrifice life or limb to defend the supply lines and production of America's home-grown domestic fuel—ethanol.

Isn't that worth something? Isn't that worth a mere 5.4 cent exemption from highway taxes?

Or is your thirst of tax increases too great to resist?

Are we that blind? Just a few months ago, officials of a Persian Gulf nation admitted publicly that they wanted American oil companies to establish operations in their country. Why? Because they knew the U.S. military would then most definitely come to the rescue if that country faced aggressive military action from a neighboring country.

A few months ago, four of our nation's top national security experts wrote to congressional leaders calling for increased support for ethanol.

They warned, and I quote:

> The domestic ethanol industry provides fuels that reduce imports . . . We implore Congress of the United States to continue and indeed strengthen tax incentives for the ethanol industry.
>
> To do otherwise would threaten America's national and economic security, weaken its plans to improve the environment and relinquish U.S. world-wide leadership in the biofuels area.

This letter was signed by: General Lee Butler USAF (Ret.) Former Commander, Strategic Air Command, Desert Storm; R. James Woolsey, Former Director of the CIA; Robert McFarland, Former National Security Advisor to the President; and Admiral Thomas Moorer USN (Ret.), Former Chairman, Joint Chiefs of Staff.

Mr. President, by using ethanol, Americans reduce by 98,000 barrels a day, the amount of oil and MTBE that must be imported.

But the ethanol program is just one of many government programs implemented to reduce our dependence upon

foreign energy. Others include: Mass transit subsidies, energy efficiency and conservation programs, alternative fuel vehicle incentives, subsidies to help oil and gas producers to develop advanced technologies for exploration and extraction, programs to promote natural gas use, and the Strategic Petroleum Reserve.

Let's face it, no single government program can eliminate dependence upon foreign oil entirely, but these various initiatives, taken together as a whole, can help reduce our vulnerability.

I ask my friends from oil and gas states:

Is your problem the farmer and ethanol producer from the middle west?

Or is it OPEC and the oil sheiks from the Middle East?

Isn't it time we started pulling together, instead of pulling apart?

Or do you propose giving up and surrendering to the OPEC oil sheiks by eliminating all energy and conservation programs?

If so, be prepared to face the termination of the 14 cent highway excise tax exemption for natural gas.

Be prepared for the termination of the highway tax brake for propane, liquefied natural gas, and methanol which now only pay 13.6 cents, 11.9 cents and 9.15 cents respectively, instead of the full 18.3 cents per gallon.

Be prepared for the termination of the percentage depletion allowance for domestic producers, which drains the treasury to the tune of $900 million per year.

And while my colleagues from oil and gas states think about this, could they please tell us, are these tax breaks and subsidies programs to promote energy independence, or are they merely forms of corporate welfare?

What about mass transit subsidies. I have seen figures that show some mass transit taxpayer subsidies, for capital and operations, can run as high as $15 per rider. If you assume a 20 mile ride, that comes out to a government subsidy of 75 cents per rider/mile.

Compare the ethanol investment. Ethanol has transported people 200 billion miles at a cost to taxpayers of about 2.5 cents per mile. It's even less if you subtract the savings to our farm programs.

So, which does a better job of reducing our dependence on foreign energy?

Ethanol at 2.5 cents a mile, or mass transit that can cost as high as 75 cents a mile?

We could terminate all these programs aimed at reducing our dependence upon foreign oil.

Are we that short-sighted? Are we that parochial? I think not.

I know we're not, because 35 Republican and 34 Democratic Senators voted to save the ethanol program extension. Senate Republican Leader LOTT and Democratic Leader DASCHLE are both committed to extending this program. House Speaker GINGRICH and Minority Leader GEPHARDT have both pledged to support the ethanol program.

And I know first hand, that both President Clinton and Vice President GORE support the ethanol extension because they both called me at my farm last year to pledge their support.

It would be true folly to destroy one of the few bright spots in our fight for energy independence.

Ethanol production has become highly energy efficient. Today, it takes 100 Btu's to yield 135 Btu's of ethanol. In sharp contrast, it takes 100 Btu's to produce 85 Btu's of gasoline or 55 Btu's of methanol.

And ethanol helps reduce every mobile source pollutant that EPA regulates. It reduces carbon monoxide, ozone, NO_X and toxic emissions.

Furthermore, the Department of Energy and the Argonne National Laboratory recently finished a study entitled, ''Fuel-Cycle Fossil Energy Use and Greenhouse Gas Emissions of Fuel Ethanol Produced from Midwest Corn.'' This study reported that ethanol use results in a 50–60 percent reduction in fossil energy use and a 35–46 percent reduction in greenhouse gas emissions.

Mr. President, I ask my colleagues to join with me and voting against the McCain tax hike amendment.

Ethanol is good for national security. It is good for the environment. It is good for America's motorists. It is good for our balance of trade. It is good for our farm economy.

I have said it before, but it bears repeating. Ethanol is just plain good, good, good.

Mr. DASCHLE. Mr. President, I strongly oppose the amendment to strike extension of the ethanol tax incentive from the federal highway bill. This program has proven its value to the nation in the past, and its continuation is important not only to the economic vitality of rural America, but also to the national goals of improving air quality and weaning the country from its dangerous dependence on foreign oil.

Over the last 20 years, ethanol has grown from a good idea to a serious alternative fuel for American motorists. Its use today—over a billion gallons per year—significantly reduces our need to import foreign oil. As General Lee Butler has pointed out, every barrel of oil we import from the Middle East costs us, in real terms, more than $100 The cost Americans pay at the pump for gasoline is not reflective of this extraordinary investment, which underscores the need to do even more to reduce our consumption of imported oil.

In addition, clean-burning ethanol helps cities throughout the country achieve clean air standards inexpensively and easily, while reducing emissions of greenhouse gases. And, in rural America, it provides jobs at a time when family farms are struggling to survive.

Mr. President, less than a year ago, this body made clear its overwhelming support for renewable fuels when it defeated a similar amendment to the budget bill by a vote of 69 to 30. The Senate should reaffirm its support for this program just as resoundingly today.

The only difference between last year and today is that today we are debating this tax incentive in the context of the transportation bill. In the past, some have raised the specter that this tax incentive could reduce the federal investment in our transportation infrastructure. I would like to dispel that argument once and for all.

Last week, Transportation Secretary Rodney Slater wrote me that, ''The Administration believes that the ethanol tax exemption does not reduce needed investments in roads, bridges, and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.'' I ask unanimous consent that the entire letter from Secretary Slater be printed in the RECORD.

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

SECRETARY OF TRANSPORTATION,
Washington, DC, March 6, 1998.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The Administration strongly supports the use of alternate fuels as a meaningful way to address some of the Nation's air quality, energy conservation and balance of payment problems. The future of U.S. transportation will depend heavily on alternative fuels. For these reasons, the Administration is firmly in favor of continuing an ethanol excise tax exemption.

The Administration believes that the ethanol exemption does not reduce needed investments in roads, bridges and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.

The extension of the tax exemption for ethanol use as a highway motor fuel is part of the Administration's surface transportation reauthorization proposal, S. 468, the National Economic Crossroads Transportation Efficiency ACt (NEXTEA). Our proposal would extend the current exemption provision through September 30, 2006, because of the many benefits that domestic ethanol production provides to the Nation.

Sincerely,

RODNEY E. SLATER.

Mr. DASCHLE. Given the clear benefits of the ethanol tax incentive and the fact that it does not affect federal investments in transportation projects, I urge my colleagues to join me in opposing this amendment and helping to ensure that America has the tools to meet its energy, environmental and economic goals long into the future.

Mr. LOTT. Mr. President, I appreciate Senator MCCAIN's position on this. I understand how he feels about it. I also appreciate the fact that he is willing to bring it up in such a fashion where he can make this points and we can move on to a vote on a motion to table. A number of Senators on both sides could come over and speak at

great length on this subject. But in the interest of trying to begin to move toward a conclusion and getting within, hopefully, a short period of time, the final votes before we would have the cloture vote so we can see what is exactly left to be done on this bill.

In order to get that accomplished, I move to table amendment No. 1968 and 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 motion to table Amendment No. 1968.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—71

Abraham	DeWine	Kohl
Akaka	Dodd	Landrieu
Allard	Domenici	Levin
Ashcroft	Dorgan	Lott
Baucus	Durbin	Lugar
Bennett	Faircloth	Mack
Biden	Feinstein	McConnell
Bingaman	Ford	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grams	Murray
Bryan	Grassley	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Roberts
Campbell	Hatch	Roth
Chafee	Helms	Sarbanes
Cleland	Hollings	Smith (OR)
Coats	Inouye	Stevens
Cochran	Jeffords	Thomas
Conrad	Johnson	Thurmond
Craig	Kempthorne	Torricelli
D'Amato	Kerrey	Wellstone
Daschle	Kerry	

NAYS—26

Byrd	Hutchison	Rockefeller
Collins	Inhofe	Santorum
Coverdell	Kyl	Smith (NH)
Enzi	Lautenberg	Snowe
Feingold	Leahy	Specter
Frist	Lieberman	Thompson
Gorton	McCain	Warner
Gregg	Nickles	Wyden
Hutchinson	Robb	

NOT VOTING—3

Kennedy	Sessions	Shelby

The motion to lay on the table the amendment (No. 1968) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I now enter into a colloquy with the distinguished Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a colloquy in order to clarify that a specific kind of innovative materials research will be eligible for funding under this bill.

Many of our Nation's bridges have been in service far longer than originally planned. As a result, they have fallen into a state of serious disrepair. Many of them are in need of outright replacement. Over the past several years, the Federal Government has supported research in an effort to develop a new, stronger, and more environmentally sensitive material for use in bridge construction. One of the most promising developments in this area is a new technology known as ''wood composites.'' These materials combine wood, an abundant and renewable resource, with modern composites to give the wood significantly more strength and durability.

I am proud to say that the University of Maine's Advanced Engineered Wood Composites Center has been a leader in developing wood composite technologies, and it has done so in part with research funds from the National Science Foundation. That research has now advanced to the point where composite-reinforced wood is being used in pilot projects in Maine and elsewhere in the United States.

Wood composites have shown a great deal of promise as a means of providing low-cost, extremely durable, and environmentally safe material for building and repairing bridges. Given its performance and its promise, we should be enthusiastically promoting further development of this exciting new technology.

I have discussed with the chairman my strong support for ensuring that the research involving wood composites, specifically wood fiber-reinforced plastic composites, will be eligible for funding under the sections of this legislation. Specifically, the bill authorizes funding to: First, establish four new national university transportation centers; second, section 2005 of the bill authorizes funding for the Department of Transportation's basic research and technology programs over the next 6 years; third, section 2001 of the bill authorizes funding for the Federal Highway Administration's National Technology Deployment Initiatives and Partnership Program; and, finally, section 2013 of the legislation authorizes funding for an innovative bridge research and construction program.

The purpose of my colloquy with the distinguished chairman today is to confirm my understanding that the ongoing research involving wood FRP composites is eligible for funding under all of these sections of the ISTEA reauthorization bill, and further that the University of Maine's Wood Composites Center will be eligible to apply for designation as one of the new NUTCs authorized in the bill.

I yield to my distinguished friend and colleague from Rhode Island, the chairman of the committee, Senator CHAFEE, for any reassurances that he might be able to give me in this regard.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to confirm the understanding of the Senator from Maine, Ms. COLLINS, that, in fact, wood composite research involving so-called wood FRP composites is eligible to compete for funding under those sections of the ISTEA II legislation that she mentioned.

Furthermore, I want to confirm for the Senator that the Advanced Engineered Wood Composites Center at the University of Maine is eligible to apply for designation by the Federal Highway Administration as one of the four new national university transportation centers authorized by the ISTEA legislation as well.

I understand there is a great deal of excitement about this new, emerging field of wood composite research. Certainly I believe that the Federal Government should be actively encouraging and providing funding for this innovative activity, which would be beneficial to rebuilding many of our bridges across our country.

Mr. President, I look forward to continuing to work with Senator COLLINS during the committee conference on this matter, and I want to express my appreciation to her for her efforts in bringing this matter to my attention.

Ms. COLLINS. Mr. President, I thank the distinguished chairman of the committee. I invite both the distinguished chairman and the distinguished ranking minority member, Senator BAUCUS, to come to the University of Maine sometime and look at the fabulous research that is being done in this area. It is extremely exciting. The wood reinforced with these composites is stronger than steel. I am very proud of the research that is going on in my State and I believe it can contribute greatly to the transportation future of this country.

Mr. CHAFEE. Is that all in Orono?

Ms. COLLINS. It is.

Mr. CHAFEE. The home of black bears, I believe.

Ms. COLLINS. That's right.

Mr. BAUCUS. I say to my gracious friend from Maine, I accept her invitation. I would love to see this process, not only because anyone would like to visit Maine, but, second, it is mutually beneficial to lots of other States which have a very prominent reinforced products industry. I thank the Senator.

Ms. COLLINS. I thank the Senator. We will throw in a lobster dinner as well.

Mr. BAUCUS. It's a deal.

Ms. COLLINS. I yield the floor.

Mr. CHAFEE. 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. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent we temporarily lay aside the Finance amendment currently pending.

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

AMENDMENT NO. 1969 TO AMENDMENT NO. 1676

(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 biennial review of the impact of complying with requirements relating to disadvantaged business enterprises)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1969 to amendment No. 1676.

Mr. MCCONNELL. 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 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 and II 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 and II 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 and II 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 and II 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 and II 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 and II 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. MCCONNELL. Mr. President, the amendment I send to the desk has been cleared, I am told, by both Senator CHAFEE, the chairman of the committee, and Senator BAUCUS, the ranking minority member. It is my understanding there is no objection.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment offered by the Senator from Kentucky deals with the so-called Disadvantaged Business Enterprise Program. I want to emphasize this McConnell amendment is not the same as the earlier McConnell amendment which we voted on a week ago. This new amendment would clarify Department of Transportation policy with regard to grant recipients who are under a Federal court order.

It also would require a new GAO study of the DBE program and of discrimination against DBEs in general.

Mr. President, the Senator has made a number of modifications to this. It is an amendment we are prepared to accept. I thank him for working out these modifications with us.

Mr. BAUCUS. Mr. President, this amendment has been worked out and cleared on our side.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly that this amendment is simple, fair and noncontroversial, as evidenced by the fact that my colleagues have signed off on it.

It says two things:

First, no State or local transit authority will lose its ISTEA funding simply because it suspends the DBE Program in response to a court order declaring the program unconstitutional.

Second, my amendment asks GAO to study the program and lets Congress know how the program is working to ensure it genuinely helps disadvantaged women and minorities.

Even though ISTEA and the DBE program were declared unconstitutional last summer by the federal court in Colorado, this legislative body chose to reauthorize the program because the Secretary of Transportation and the Attorney General promised us that any possible problems with the program had been cleaned up under the new proposed regulations.

The Senate accepted the Secretary and the Attorney General at their word. As my good friend and respected colleague from New Mexico stated on the floor last Thursday night:

> I say to the administration very clearly right now: You have now put the signature of the Attorney General of the United States and the Secretary of [Transportation] on the answer to . . . seven questions [about the constitutionality of this program]. And this Senator, and I think a number of other Senators, is going to be voting to keep the provisions in the bill based on these kinds of assurances. . . . If, in fact, it comes out in a few months that the regulations are not being interpreted in the way suggested here, then I assure you that we will change them. . . . This better become a very, very, serious challenge to the administration as they finally implemented this program.

I appreciate the candor of my friend, Mr. DOMENICI. Consistent with that candor and with that challenge, my amendment simply says that the Senate is taking the administration at its word.

And, if for any reason, the program is not fixed, and more courts strike down the program, then my amendment ensures that we will not punish the States for complying with federal court orders.

The PRESIDING OFFICER. Is there further debate on the amendment? If

not, the question is on agreeing to the amendment.

The amendment (No. 1969) 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.

NEPA PROCESS AND TRANSPORTATION PROJECTS

Mr. SMITH of New Hampshire. Mr. President, I would like to speak for a few minutes on the need to bring some common sense and reason to the environmental permitting process for transportation projects. 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.

As a member of the Environment and Public Works Committee, I am very familiar with the planning and construction process for highway and bridge projects. As such, I have been disturbed by statistics showing that it takes 10 years to plan, design and construct a typical transportation project in this country.

Why does it take so long to plan a project? The answer lies in the multiple layers of agency evaluations on the impacts of various modes and/or alignment as required by the National Environmental Policy Act (NEPA). While it would be sensible and efficient if the NEPA process established a uniform set of regulations and submittal documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews of separate regulations and requiring planners to answer requests for separate additional information. Also, each of these agencies issues approvals according to separate schedules. The result: the time period between project beginning to completion has grown to at least 10 years, assuming that the project is non-controversial and there is adequate funding available. If either of these assumptions is not the case, the time period could be even longer.

I am sure that if Senators contacted their own state transportation departments, they would be dismayed by the number of transportation projects that are delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety and traffic improvements that would save lives. Clearly, this process from start to finish is too long and too cumbersome, often taking eight years just to complete the planning, review and design phases of a project.

There are numerous examples to illustrate 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.

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. Unfortunately, there are certain groups who consider the National Environmental Policy Act to be a sacred statute in which no changes are warranted. I disagree with that viewpoint.

I had intended to offer my own NEPA streamlining amendment today which would greatly improve the environmental review process for highway-related projects. In fact, my amendment is endorsed by numerous professional organizations involved in transportation as well as the association of state departments of transportation—the people who have first-hand knowledge and experience in the planning and design of a project. When it takes an average of eight years to complete the environmental review process, there is something wrong with the system.

Many of these wasteful endeavors could have been avoided if a coordinated interagency review procedure was established early in the process. I think it is also important to establish a framework with mutually agreed upon deadlines for each agency to take action, as well as establish an effective dispute resolution process. As it stands now, often times there is no Federal-State coordinated review process established from the beginning, no set timetables for meeting certain reviews or permit approvals, and no system for resolving disputes in a timely manner.

We need to design a better system that protects both the taxpayers' investment and the environment. I do not buy the argument that making common sense reforms to the NEPA review process is in any way compromising environmental protection.

In conclusion, I hope we can continue working on improvements to the planning process as the ISTEA bill makes its way through conference. The system is ''broke'' and needs fixing. Thank you, Mr. President, and I yield to the distinguished majority leader.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire for raising this important issue on the ISTEA bill. I completely agree with his statement about the need to reform the NEPA review process as it pertains to transportation projects. In fact, the National Environmental Policy Act as a whole needs to be looked at for possible improvements. I fully support the goals and intent behind NEPA, but I also believe that States are capable of carrying out NEPA's requirements when planning and reviewing various transportation projects within their borders.

While I agree with my friend that S. 1173 makes good progress toward streamlining the environmental review process, I share his concerns that it might not go far enough in resolving this problem. It is clear we need a more effective environmental coordination process that results in less staff time and expense for all the agencies and stakeholders in the NEPA process.

If we are successful in this effort, we will hopefully reduce the time it now takes in reaching final decisions and receiving project approvals and permits, saving resources and lives. Therefore, I congratulate my colleague on his efforts thus far and encourage him to pursue additional improvements to the current NEPA review process. At this time, Mr. President, I yield back to my friend from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank the majority leader for his comments and support on this issue as we move toward Senate passage and conference committee deliberations on the ISTEA legislation. I yield the floor.

Mr. CHAFEE. 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. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that three members of my staff be permitted to have access to the floor for further consideration of this bill.

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

Mr. STEVENS. Mr. President, we are down to the point where this Senator wants to get some information. I don't serve on this committee, so I want to serve notice to the managers that I have a series of questions I want to ask them.

I keep being told that the money under this bill is allocated, that there is no way at all to consider any amendments that might deal with the marine highway system.

So, in the course of the next few hours, I intend to find out what has happened to the money that is in this bill and why there is no money to fulfill the needs of our State.

I suggest the absence of a quorum, until I get the information that my staff is bringing.

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

The bill 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. 1963

Mr. CHAFEE. Mr. President, I ask unanimous consent that no further amendments be in order to the Finance amendment and the amendment be agreed to with a motion to reconsider being laid upon the table.

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

The amendment (No. 1963) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. 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. 1970 THROUGH 1973, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I have a series of technical amendments here that are agreeable to both sides, and I will have them considered en bloc. The first is an amendment by Senator BYRD dealing with a study of the highway and bridge needs and road needs of the country. The second is a MOSELEY-BRAUN safety amendment. The third is a SARBANES amendment dealing with travel plazas. The fourth amendment is from Senator MOYNIHAN dealing with the Pennsylvania Station Redevelopment Corporation board of directors and the membership of that board.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes amendments en bloc numbered 1970 through 1973 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

The amendments (Nos. 1970 through 1973) are as follows:

AMENDMENT NO. 1970

(Purpose: To impose certain requirements concerning the biennial infrastructure investment needs report)

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

''(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) estimates of the future highway and bridge needs of the United States; and

''(2) the backlog of current highway and bridge needs.

''(b) FORMAT.—

''(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).

Mr. BYRD. Mr. President, this amendment is designed to keep the Congress and the American people informed about the real condition of our National Highway System.

Under current law, the Secretary of Transportation is required to sent a biannual report to the Congress on the performance and conditions of America's highways.

Unfortunately, the report that was due at the beginning of last year was not completed and delivered to the Congress until last week, some 18 months late. Moreover, the new report uses an entire new set of measures that make it impossible to determine whether the condition of our roadways has improved or declined. Indeed, the new report abandons the format utilized in prior years which provided direct and clear data on the condition of our highways and bridges. This data enabled all citizens and policy makers to measure the progress of lack of progress that had been made on improving our highway system.

This amendment would ensure that all future reports include data using the format that was used in prior years so that we can compare ''apples to apples'' when formulating our national policy on highways.

AMENDMENT NO. 1971

(Purpose: To improve highway safety)

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

AMENDMENT NO. 1972

(Purpose: To authorize the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway)

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

AMENDMENT NO. 1973

(Purpose: To provide for the inclusion of the Secretary of Transportation and Federal Railroad Administrator on the Boards of Directors of the Pennsylvania Station Redevelopment Corporation and the Union Station Redevelopment Corporation)

At the end of the bill add the following:

SEC. . PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: ''(3) In furtherance of the redevelopment of the James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.''

SEC. . UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

''Section 820. Union Station Redevelopment Corporation

''To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.''

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1970 through 1973), en bloc, were agreed to.

Mr. CHAFEE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1974 AND 1975, EN BLOC, TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments numbered 1974 and 1975, en bloc, 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. 1974

(Purpose: To reduce the amounts authorized to be appropriated for motor carrier safety)

On page 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

AMENDMENT NO. 1975

On page 108, line 14, strike ''(A)'' and insert ''(A)(i)''.

Mr. CHAFEE. Mr. President, the one amendment on behalf of Senator MCCAIN deals with the Commerce Committee's budget allocation.

The other is on behalf of myself, and it is a truly technical modification of the bill by changing a site reference. It is necessary to comply with the contract authority levels for highway safety programs.

Both of these amendments have been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1974 and 1975), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the attention of the distinguished Senator from Rhode Island for a moment. Mr. President, I am about ready to send an amendment to the desk.

AMENDMENT NO. 1976 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the ferry discretionary program)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1976 to amendment No. 1676.

Mr. STEVENS. 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. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''this section'' and inserting in lieu thereof ''$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System''.

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both Federal and State, for providing marine ferry service.

Mr. STEVENS. Mr. President, my amendment will extend and provide a modest increase for the national ferry program under section 1064 of the previous ISTEA bill. The old ferry program provided $18 million a year nationwide in contract authority for ferry boat and ferry terminal construction. We have raised that to an average of $30 million per year in contract authority and in addition have authorized $20 million to be appropriated. The amendment would require that $12 million per year of the $30 million of contract authority be used for ferries, ferry terminals, and approaches to ferry terminals within marine highway systems which are part of the national highway system. As many of my colleagues know, the Alaska Marine Highway System is unique in this nation in that Congress has deemed it important enough to designate it as part of the national highway system. Alaska is by far the largest state in the union. We possess half of all the coastline, twenty percent of all the border, and almost half of all the federal lands in the United States.

For these and other reasons, the amendment is of particular importance to Alaska. Alaska has very few roads. In fact, our State capitol lies within an area of Alaska the size of West Virginia which contains no intercity roads at all. Practically all of this land is federally-owned, and the present Administration has made it very difficult for us to build roads on federal lands in Alaska. Ferries are the only form of surface transportation for Alaskans in this area. The ferries currently serving Alaska are almost thirty years old. The oldest ones have been in service since the Kennedy Administration. These vessels must be replaced soon.

I would also like to point out that twenty percent of the nation's oil comes from Alaska. Our oil produces 25 million gallons of gasoline each day. This translates to $1.6 billion dollars in gas taxes going straight to the federal Treasury, for which Alaska gets no credit whatsoever. This money is on top of the income taxes paid into the Treasury by the oil companies and their employees in my state. Alaska gets no credit in the highway formula for fueling the nation's cars. While this amendment does not help us build more roads, it will improve transportation for many Alaskans.

A number of Senators (INOUYE, AKAKA, LAUTENBERG, BREAUX, MURRAY, FAIRCLOTH, KERRY, KENNEDY, SNOWE, COLLINS, MOYNIHAN, HELMS, and REED) had joined Senator MURKOWSKI and me in an earlier amendment that would have provided $50 million per year in contract authority for ferries. While this compromise does not provide all of the funding needed for ferries nationwide, it is an improvement over the existing program.

Mr. President, again, this will amend the Intermodal Surface Transportation Efficiency Act reauthorization for the ferries and ferry terminals. It has been under discussion here for some time. I am delighted that we now have an allocation of contract authority that could be applied to this. It also provides for an authorization for appropriations for the balance of the months we needed for the circumstances I described previously.

Mr. MURKOWSKI. Mr. President, I compliment the staffs and I thank Senator CHAFEE.

Mr. President, Ferries are a small but extremely important part of our transportation system. This amendment reauthorizes the ferry discretionary program at $30 million per year, with an authorization to appropriate $20 million more annually, and

it calls on the Secretary of Transportation to conduct a thorough review of existing ferry services and potential new routes, and to both report back to Congress and to discuss his findings with interested local and state governments. It is our hope this will both maintain this important link in our transportation chain, and stimulate thought and action toward both standard and high-speed ferries as cost effective and environmentally sensitive alternatives for traditional solutions such as bridges and causeways. Included is a provision setting aside $12 million for ferry systems that are in the national highway system.

Mr. President, in my state of Alaska, where roads are few and far between our ferry system—the Alaska Marine Highway System—is the only scheduled transportation link between many island communities which are not connected by roads. Many of these villages are too small even to have the smallest of landing strips, and expensive float planes are the only other option for travel.

It is absolutely irreplaceable. It carries senior citizens from their small communities to doctors' offices and hospitals in larger communities. It is how basketball and swimming and other sports teams from remote villages are able to reach out to meet and interact with other teams from other communities. It is how small communities receive their fresh milk, their fresh bread, and their canned goods and other foodstuffs. Most of these are fishing communities, and quite often the ferry system is now a fishermen sidelined by an engine breakdown will get his new parts so that he can get back to making a living for himself and his family.

Mr. President, I could go on, but I trust the message is clear. In my state, the service provided by our ferry system is an integral part of the fabric of life. When I say it is irreplaceable, that is not just a figure of speech, it is the literal truth.

In other states, Mr. President, ferry services may have slightly different impacts, but they are all equally essential. In Hawaii they offer a necessary alternative to a strained road system that is close to its limits. In the southeast, they quickly and safely evacuate those threatened by hurricanes. In the Pacific Northwest and in the northeastern states they move hundreds of thousands of vehicles and millions of passengers quickly and safely and with a minimum of pollution.

In all, 25 states have benefited from the ferry discretionary program under ISTEA. In alphabetical order, these are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, Maryland, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Puerto Rico and the Virgin islands have also received funds.

Mr. President, that is an impressive list, but the sad fact is that the funding that has been available under this program is not keeping pace with the need. Ferries—like any vessel—are very expensive to operate, let alone the cost of maintaining the necessary shoreside facilities, and of expanding both those facilities and the capacity of our nation's ferries in response to increasing demand.

Let me offer a little comparison here. The national highway program has paid for and is paying for the construction and replacement of over 483,000 bridges over waterways of various sizes. In FY97 alone, almost $2 billion went to bridges. The ferry program was a puny $18 million—less than one percent of the bridge dollars, and not nearly enough to do the job.

And what of those communities that are beyond the reach of bridges and are dependent—literally dependent—on ferries? The communities may not be physically or reliably reachable by road, but they are full of American citizens who deserve the same priority treatment from Congress as those who are reliant on bridges.

My amendment gives those communities the recognition and assistance they need and deserve. I urge the support of all my distinguished colleagues, and ask for it's immediate adoption.

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

The amendment (No. 1976) was agreed to.

Mr. STEVENS. 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.

MODIFICATION TO AMENDMENT NO. 1951

Mr. CHAFEE. Mr. President, this is a modification to amendment No. 1951, which we adopted earlier in the day. It recognizes the changes that were made in various sections.

I send the modification to the desk.

The PRESIDING OFFICER. The amendment is modified.

The modification is as follows:

On page 40, strike lines 10 through 15 and insert the following:

''(other than the Mass Transit Account) to carry out sections 502, 507, 509 and 511: $68,000,000 for fiscal year 1998; $1,500,000 for fiscal year 1999, $4,500,000 for fiscal year 2000, $2,500,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, $4,500,000 for fiscal year 2003.''

Mr. LOTT. Mr. President, pursuant to the consent agreement on March 10, I will ask the clerk to report the cloture motion. But before he does that, I want to announce to all Senators that this will trigger the cloture vote that was postponed from Monday's session of the Senate. Assuming cloture is invoked then, all Senators will have an additional 4 hours to file with the clerk any additional first-degree amendments. Due to the lateness of the hour, we will amend the request in the closing remarks to reflect a new time of 10 a.m. tomorrow morning for the deadline on filing the amendments. I thank all Senators for their cooperation, and I particularly congratulate and thank the Senators managing the bill, Senators CHAFEE and BAUCUS. They have made good progress. I think maybe when we get this cloture vote, we can begin to see what amendments we have to consider and we can begin to bring this to closure.

This will be the last vote of the evening. There will be another vote in the morning. This one will be on the McCain amendment, probably sometime between 10:30 and 11 o'clock.

Therefore, I make that request.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation. Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry E. Craig, D. Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, R.F. Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spencer Abraham, Jesse Helms.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the ISTEA authorization bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—96

Abraham	Craig	Helms
Akaka	D'Amato	Hollings
Allard	Daschle	Hutchinson
Ashcroft	DeWine	Hutchison
Baucus	Dodd	Inhofe
Bennett	Domenici	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Bond	Enzi	Kempthorne
Boxer	Faircloth	Kerrey
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Ford	Landrieu
Bumpers	Frist	Lautenberg
Burns	Glenn	Leahy
Byrd	Gorton	Levin
Campbell	Graham	Lieberman
Chafee	Gramm	Lott
Cleland	Grams	Lugar
Coats	Grassley	Mack
Cochran	Gregg	McConnell
Collins	Hagel	Mikulski
Conrad	Harkin	Moseley-Braun
Coverdell	Hatch	Moynihan

Murkowski	Roth	Stevens
Murray	Santorum	Thomas
Nickles	Sarbanes	Thompson
Reed	Sessions	Thurmond
Reid	Shelby	Torricelli
Robb	Smith (NH)	Warner
Roberts	Smith (OR)	Wellstone
Rockefeller	Snowe	Wyden

NAYS—3

Kyl	McCain	Specter

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1977 TO AMENDMENT NO. 1676

(Purpose: To add certain counties to the Appalachian region for the purposes of the Appalachian Regional Development Act of 1965)

Mr. WARNER. Madam President, I ask unanimous consent we can now bring up an amendment by the distinguished Senator from Georgia, Mr. CLELAND. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CLELAND, proposes an amendment numbered 1977 to amendment No. 1676.

Mr. WARNER. Madam 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___. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting ''Hale,'' after ''Franklin,'';

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting ''Elbert,'' after ''Douglas,''; and

(B) by inserting ''Hart,'' after ''Haralson,'';

(3) in the undesignated paragraph relating to Mississippi, by striking ''and Winston'' and inserting ''Winston, and Yalobusha''; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting ''Montgomery,'' after ''Lee,''; and

(B) by inserting ''Rockbridge,'' after ''Pulaski,''.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, I would like to explain this briefly. Two counties in northeast Georgia are in Appalachia, Elbert County and Hart County. They opted out of the original act creating the Appalachia Regional Development Corridor in 1965. They now desire to enter on behalf of their counties. This amendment directs itself to two counties in Georgia that qualify in every respect and meet the standards of the law. I urge the amendment be agreed to.

Mr. WARNER. Madam President, I ask unanimous consent a letter to me from the Appalachian Regional Commission be printed in the RECORD.

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

APPALACHIAN REGIONAL COMMISSION,
Washington, DC, March 10, 1998.

Hon. JOHN WARNER,
Chairman, Subcommittee on Transportation and Infrastructure, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter of March 10, 1998, requesting technical assistance regarding the economic status of possible additional counties to be served by the Appalachian Regional Commission. It should be noted that the Congress has added only three counties to ARC since our early formation.

ARC uses four categories to describe the economic status of our 399 counties: attainment (those counties that are performing at national economic norms); competitive (those counties that are near national norms but are not yet fully at national averages); transitional counties (those counties whose economies are still significantly below national levels on key indicators but are not suffering from severe distress); and distressed (those counties whose economies are substantially below the national level of economic performance).

In making these determinations we examine unemployment, per capita market income, and poverty rate. Distressed counties, for example, have three-year unemployment rates that are at least 150% of the national average, per capita market incomes that are no more than two-thirds of the national average, and poverty rates that are at least 150% of the national rate.

If the ARC criteria were applied to the additional counties, they would be categorized as follows: Hale County, Alabama—distressed, Elbert County, Georgia—transitional, Hart County, Georgia—transitional, Yalobusha County, Mississippi—distressed, Montgomery County, Virginia—transitional, Rockbridge County, Virginia—transitional.

I have attached a chart that shows the specific data for each of these counties. If you have any questions, please let me know.

Sincerely,

JESSE L. WHITE, JR.,
Federal Co-Chairman.

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

The amendment (No. 1977) was agreed to.

Mr. WARNER. Madam 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. WARNER. I wish to thank the distinguished Senator from Georgia. He worked long and hard on this amendment. It involves a lot of small—five States are touched by this amendment—small rural areas. Without his leadership on it, it is not likely this matter would have been incorporated in this bill. I thank the Senator.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 1979 TO AMENDMENT NO. 1676

(Purpose: To provide for the reconstruction of national defense highways located outside the United States)

Mr. CHAFEE. Madam President, on behalf of Senator MURKOWSKI and Senator STEVENS, 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. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 1979.

Mr. CHAFEE. Madam 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 43, between lines 15 and 16, insert the following:

''(xiii) amounts set aside under section 11___.

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

Mr. MURKOWSKI. Madam President, I thank the managers for accepting my amendment on the reconstruction of the Alaska Highway. The Alcan is the only road link between the contiguous states and Alaska. It was constructed in 1942 during World War II to respond to a critical strategic need for such a highway.

This amendment adds language needed to fund the last stages of a multiyear reconstruction project on the Alcan, which runs 1,520 miles from Dawson Creek, British Columbia to Fairbanks, Alaska.

The still-unfinished portion is the last 95 miles of the 325-mile northern, or ''Shakwak'' section, so-called because a good part of it runs through a geological formation called the Shakwak Trench.

At this point, Mr. President, I want to provide a little of this highway's fascinating history. Since the British burned the Capitol here in Washington during the War of 1812, the United States' territory in the mainland of North America has suffered only one invasion. That invasion was during World War II, in Alaska.

In 1940, construction began on Fort Richardson, outside Anchorage. However, immediately after the bombing of

Pearl Harbor, it became clear that Alaska had great strategic importance as a staging area for forces in the North Pacific. Construction on the Alcan began in the spring of 1942.

In June 1942, Japanese aircraft bombed Dutch Harbor, Alaska. Four days later, they invaded and fortified sites on Attu and Kiska, two of the Aleutian Islands, which they held for nearly a full year before our forces liberated them.

During the Japanese occupation of these U.S. islands, the Alcan was built. It provided a secure route to move essential supplies and equipment safe from German or Japanese submarines.

In a feat of engineering that is still unprecedented, the U.S. Army Corps of Engineers managed to build this 1,520-mile road across trackless wilderness in just eight months.

At first, naturally, the Alcan was just a dirt road punched through trees and across the tundra by bulldozers. After the war, however, civilian contractors began the long task of upgrading to a graveled road that civilian vehicles could manage.

But traffic continued to increase, with 79% of the traffic Americans on the way to Alaska and back. A gravel road just isn't up to the task.

In 1977, the United States and Canada joined in an agreement in which the United States government committed to pay the costs of reconstructing the Alcan to a modern, paved standard, and Canada undertook to pay for all maintenance and upkeep, such as snow removal.

In passing, Mr. President, let me note that where the U.S. commitment in that agreement has been approximately $20 million per year and is now dropping to $16 million per year, Canada spends $40 million to $50 million per year on its portion of the highway agreement.

Mr. President, if I may, I have a copy of that 1977 diplomatic agreement that I ask unanimous consent to have printed in the RECORD.

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

DEPARTMENT OF
EXTERNAL AFFAIRS, CANADA,
Ottawa, February 11, 1977.

Note No. GWU–156

His Excellency THOMAS O. ENDERS,
Ambassador of the United States of America, Ottawa.

EXCELLENCY, I have the honor to refer to your Note No. 11 of January 11, 1977, concerning bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

I am pleased to inform you that the Government of Canada accepts the proposals set out in your Note and agrees that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

DONALD JAMIESON,
Secretary of State for External Affairs.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Ottawa, January 11, 1977.

No. 11

Hon. DONALD JAMIESON,
Secretary of State for External Affairs, Ottawa.

SIR: I have the honor to refer to the discussions between representatives of our two governments regarding bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

As a result of these discussions, I now have the honor to propose that the conditions set forth in the attached annex, which accord with the understandings reached between the representatives of our two governments, should govern such reconstruction. These conditions shall not affect continuing obligations of the two governments regarding the status and use of the Alaska Highway, Including the agreements effected by exchanges of notes dated March 17 and 18, 1942; November 28 and December 7, 1942; and April 10, 1943

If these conditions are acceptable to your government, I propose that this note, together with its annex, and your reply indicating such concurrence, shall constitute an agreement between our two governments, which shall enter into force on the date of your reply. Accept, Sir, the renewed assurances of my highest consideration.

ANNEX

Agreed conditions regarding a program of cooperation between the Government of the United States represented by the Federal Highway Administrator, Department of Transportation, and the Government of Canada, represented by the Minister of Public Works, to improve certain highways in Canada to facilitate transportation between and within their respective countries, and to implement the purposes of section 218 of Title 23, United States Code. These shall apply only to the program authorized by that section.

The Government of the United States and the Government of Canada agree as follows:

ARTICLE I

For purposes of this Agreement:

1. ''Highways'' means that portion of the Alaska Highway from the Yukon-Alaska border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the British Columbia-Alaska border.

2. ''Reconstruction'' means the supervising, inspecting, actual rebuilding, paving, and all other work incidental to the reconstruction of the highways (except for providing right-of-way), including but not limited to planning studies, environmental studies, locating, surveying, plan and specification preparation, contracting, financial control, traffic control devices, and those utility relocations which are the responsibility of the Canadian Government.

3. ''Maintain such highways'' means to perform such work on a year round basis as shall be necessary to keep the completed highway and related facilities in a state of repair and use equivalent to the standards to which they are reconstructed under this Agreement.

ARTICLE II

1. The United States and Canada agree to the reconstruction of such Highways in accordance with standards agreed to by them jointly in writing prior to commencement of reconstruction.

2. The United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States and will

(a) Inform Canada of the amount of funds appropriated from time to time therefore in order that Canada may schedule and perform the reconstruction or such part thereof or may from time to time be paid for out of such appropriated funds,

(b) Provide liaison with Canadian officials responsible for the program to meet and discuss planning, programming and scheduling of reconstruction, and

(c) Process an Environmental Impact Statement in accordance with the laws of the United States and of Canada,

3. Canada will

(a) Provide, without participation of the United States funds appropriated for the reconstruction, all necessary right-of-way for the reconstruction of such highways for a period of 25 years from the date of entry into force of this agreement and thereafter until five years (or such shorter period as the parties may agree upon) after either party shall have notified the other that the right-of-way is no longer required for its purposes for the said highways, whereupon this Agreement shall cease to have force or effect,

(b) Not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons.

(c) Not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada.

(d) Continue to grant reciprocal recognition of vehicle registrations and drivers' license in accordance with agreements between responsible authorities in each country,

(c) Maintain such highways after reconstruction while this Agreement remains in force and effect,

(f) Permit those performing the reconstruction to obtain natural construction materials, such as gravel, rock and earth fill, without cost to be used in the reconstruction, provided that the materials required shall be obtained in accordance with the directions and regulations of the appropriate Department of the Government of Canada,

(g) Perform all reconstruction engineering, including preparation of Environmental Assessments and Statements, all necessary surveys, and preparation of reconstruction plans, specifications and estimates,

(h) Commence the reconstruction only after receiving advice from the United States that the Environmental Impact Statement has been satisfactorily processed in accordance with the laws of the United States,

(i) Arrange for the reconstruction to be performed under contracts awarded by competitive bidding insofar as possible and without regard as to whether the contractors are American or Canadian,

(j) Supervise the reconstruction,

(k) Obtain interim and final concurrence of the United States in the following:

(1) Programing and scheduling of work.

(2) Scope, terms of reference and provisions of the Environmental Assessment and Statement.

(3) Alignment of the highways.

(4) Contract plans, specifications and estimates.

(5) Award of contracts.

(6) Acceptance of projects for final payment.

(l) Permit the reasonable access of authorized representatives of the United States to the site of reconstruction and will make available the accounts and records relating to the reconstruction contracts, at all reasonable times, for purposes of inspection, verification and general monitoring of the reconstruction.

4. (l) The United States and Canada will jointly consider the settlement of claims by contractors or other persons arising out of

reconstruction contracts and the reconstruction or either of them, and if any such claim cannot be resolved by agreement, the same shall be determined by the Federal Court of Canada in an action by or against Her Majesty the Queen in right of Canada,

(2) All legal costs, and other monies, paid out by Canada to settle any such claim whether pursuant to a final judgment of the Federal Court of Canada, or otherwise, shall be one of the costs of reconstruction for the purposes of this Agreement.

(3) The United States shall not be liable for the payment of such claims or judgments to the extent that they are held by the Federal Court of Canada to be the result of negligence on the part of Canada or its employees during the administration of the reconstruction.

5. The United States and Canada jointly will develop operating procedures consistent with this Agreement, including procedures for resolving disputes between the parties.

ARTICLE III

This Agreement shall not be construed so as to vest in the United States any proprietary interest in the highways, and upon completion of the project, or any part thereof, the highways shall remain, in all respects, an integral part of the Canadian Highway System.

Mr. MURKOWSKI. The U.S. commitment to reconstruct the Alcan is only logical. The Alcan is an international highway from one part of the United States to another. It is considered as a national defense highway, and it is of direct benefit not only to Alaska, but to the United States as a whole.

This is not an Alaska issue, Madam President. This is a project undertaken by the United States Government—a project that benefits the country as a whole and which protects our strategic interests. More importantly, it is one which we should now complete.

Mr. CHAFEE. Madam President, this amendment gives the Secretary of Transportation the authority to fulfill our international treaty obligations. It deals with the so-called highway between Canada and Alaska. It has been cleared by both sides.

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

The amendment (No. 1979) was agreed to.

Mr. FORD. Madam 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. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1716 TO AMENDMENT NO. 1676

(Purpose: To provide for the preservation of historic covered bridges in the United States)

Mr. JEFFORDS. Madam President, I have an amendment at the desk, No. 1716.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. D'AMATO, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS, proposes an amendment numbered 1716 to amendment No. 1676.

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

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

(The text of the amendment is located in the March 6, 1998, edition of the RECORD.)

AMENDMENT NO. 1716, AS MODIFIED

Mr. JEFFORDS. Madam President, I have a modification to the amendment at the desk, and I ask that it be accepted.

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

The amendment, as modified, is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term ''covered bridge''—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term ''historic covered bridge'' means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner, and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

Mr. JEFFORDS. Madam President, this amendment gives the States the tools necessary to preserve our Nation's historic covered bridges. These picturesque relics of past industrial genius continue to serve many important functions. However, covered bridges are quickly disappearing due to arson, floods, decay and simple neglect. Without proper and consistent maintenance, these engineering masterpieces will slowly fade into history.

Today I am proposing that the Federal Government assist towns and counties across the Nation in restoring and protecting historic covered bridges. Together with States, local communities and committed preservationists, we can curb the decay of these treasures and protect them for generations to come.

This country once boasted 12,000 covered bridges. Today, less than 800 remain. Not too long ago transportation officials started tearing down these old landmarks by the bunches in favor of more modern and accessible bridges. Arsonists have been a highly visible threat. Weather has taken its toll. Many old bridges have been carried off by floods or collapsed under the weight of heavy snows.

Of course, weather would not be so destructive if it were not for the most dangerous and imminent risk—neglect. Without proper and consistent maintenance, covered bridges slowly decay and eventually fall to harsh weather or flooding.

Behind me are two pictures of covered bridges in Vermont. Many of our Nation's historic wooden bridges are in this shape. Others are suffering, but some are being preserved as this picture shows. With proper care and maintenance, covered bridges can be preserved, as this one is, so they might be enjoyed throughout the years.

A majority of these wooden structures still perform their original duties but still carry more traffic and weight than their designers anticipated, often leading to weight-related collapse.

The cost to properly rehabilitate a working covered bridge comes close to $500,000. Some bridges are far more expensive. Many of these bridges are on town roads, off the National Highway System, and tend not to be a priority. But these bridges must not be lost.

This amendment will direct the Secretary of Transportation to fund the efforts to inventory, repair and maintain

our Nation's covered bridges. Moneys provided by the measure give the States the ability to fully restore their covered bridges ensuring the safety of travelers without compromising the bridges' historical integrity.

This amendment calls for proper research, construction and maintenance techniques. The proposal will provide funds for fire, arson and vandalism prevention. These grants to States will prove vital to ensuring the covered bridges survive into the next century, into the next millennium.

These covered bridges stand as a reminder of our heritage and contribute immensely to making our Nation the beautiful place it is today. I urge my colleagues to adopt this amendment.

I commend the authors of this legislation, Senators CHAFEE, WARNER, and BAUCUS, for completing action on this measure.

Mr. GRASSLEY. Madam President, I am pleased to join with my friend and colleague Senator JEFFORDS, to help spotlight and preserve an important part of America's and Iowa's heritage—covered bridges. This amendment will help our states to do the rehabilitation and preservation work necessary to maintain these icons of the open road. I urge the adoption of this amendment.

There is a romance concerning our Nation's covered bridges. They bring forth pictures of a different time in American history. It was a time when life moved more slowly, both on and off the road. It was time when travelers could take the time to enjoy the scenery as they unhurriedly passed by. Now it seems that most of us are in a hurry to get to our next destination, with little or no time to observe and enjoy the passing scene.

Today, I am happy to say, these bridges are drawing tourists. In Iowa this is in no small part due to a very popular book which was made into a movie. ''The Bridges of Madison County'' has greatly helped to focus attention on covered bridges. For Iowa, the book and movie have helped to increase our tourism industry. For our Nation, the book and movie have helped to bring into full view of the public a unique part of our transportation and cultural heritage. This attention for the covered bridges is well deserved.

Maintenace and protection of these bridges is expensive. It is well that we take steps at the federal level to help the states preserve and protect these structures of beauty and grace. They are truly a national enhancement, a vital part of our history, and deserving of our special attention.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the Jeffords-Specter amendment, which establishes a federal grant program to preserve our Nation's historic wood-covered bridges for future generations.

There are 526 covered bridges nationwide, and almost 90 percent are in a critical state of disrepair. Pennsylvania enjoys the most covered bridges of any state, with 167. Unfortunately, the vast majority are either closed, or have weight limitations placed upon them to forestall further deterioration. Aside from the aesthetic reasons for repairing these bridges, there are safety implications as well for those who travel across them each day.

The wood-covered bridges which dot the landscape across rural America serve as more than simply a tourist attraction. They are in essence a bridge to our past which allows us to better understand how previous generations worked to expand this Nation's transportation infrastructure and link communities together. It would indeed be a tragedy to allow them to simply waste away.

It is estimated that approximately $344 million will be needed to bring all of our Nation's covered bridges up to standard. Our amendment would authorize $25 million each year over a period of seven years to restore and maintain these bridges, which are over 50 years of age. This would provide states with a much-needed dedicated source of funding to be used strictly for covered bridge preservation.

As a member of the Senate Transportation Appropriations Subcommittee, I will work with my colleagues to ensure a steady funding stream once this program is authorized by passage of this amendment.

If we do not act now, these national treasures will be lost forever. I urge my colleagues to adopt this amendment and thank Senator JEFFORDS for his leadership on this issue.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from Vermont for his amendment. I think he is dealing with a very, very important subject. Having traveled a good deal in Vermont, I am familiar with these lovely covered bridges, but his amendment does not restrict the protection for the covered bridges to only his State. I think some 16 different States are involved with this amendment, and others beyond that, perhaps.

As the pictures show, these are magnificent structures and really very unique engineering feats. We want to do everything we can to preserve them, and this is a modest step in that direction. I think it is a very worthwhile amendment to take.

Mr. FORD. Madam President, Senator BAUCUS, who is the floor manager from our side, was called away from the floor, and I am attempting to assist his staff and to help our distinguished chairman. I am advised this side has no objection to the amendment.

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

The amendment (No. 1716), as modified, was agreed to.

Mr. FORD. Madam 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.

UNANIMOUS CONSENT AGREEMENT—COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Madam President, I ask unanimous consent that the statements of Senators BINGAMAN, HUTCHINSON, MURRAY, COLLINS, REED and WARNER be considered as a part of the proceedings in this morning's executive session of the Committee on Labor and Human Resources.

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

Mr. JEFFORDS. I yield the floor.

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

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

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

A BRIGHT FUTURE FOR SOCIAL SECURITY

Mr. ROTH. Madam President, we live in an era of great events—a moment when opportunity seized in a thoughtful and timely manner will allow us to make history. Today I want to show how conditions that have been created by our efforts to strengthen the economy and bring down the deficit can not only save Social Security in the short term, but begin today to strengthen it for our children and for generations yet to come.

Saving Social Security is a promise we have made to Americans—both young and old. It's a promise that President Clinton reiterated in his most recent State of the Union Address. And it's a promise that we can keep, despite the challenging demographics and declining trend lines that currently point to a bleak future for a program that many would say is the most important contract our government has ever entered into with the American people.

Social Security has saved countless men, women and children from poverty. It protects our elderly, our disabled, their families, and dependents of workers who have died. In its 63-year history—and despite pressing challenges—Social Security has been a success. More than 40 percent of our seniors are kept out of poverty because of

Social Security. In fact, our seniors today have the lowest rate of poverty among all age groups. Forty years ago, more than one of every three elderly Americans lived in poverty. Today it's one in ten.

But Social Security is much more than protection in retirement. Because of congressional efforts to expand the program, one out of every six Americans—or some 44 million people—receive a monthly Social Security check.

But today, Social Security faces insolvency. It is a pay-as-you-go, intergenerational transfer of money. Money received by Social Security beneficiaries is paid by taxes coming from today's workers. And the benefits today's workers will receive will be paid by their children. And this, Madam President, is the root of the problem, because those who are supporting the system are declining in relation to those who depend on Social Security. In the early days of the program, there were as many as 42 workers per beneficiary. Today, there are 3.2. And in 2030, just 2 workers will support each individual receiving Social Security.

Given current trends, tax revenues to the Social Security trust funds will no longer cover benefit payments beginning in 2012. Social Security will need to call upon assets that are just now accumulating in the trust funds and invested in U.S. Treasury bonds. Cashing in those bonds will put major pressure on the Federal budget—crowding out other important spending. Even so, by 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefit payments directly from revenues.

This, Madam President, does not need to happen. We can save Social Security, and we can strengthen it well into the future. A part of the solution is as simple as it is powerful.

Dr. Martin Feldstein, a professor of economics at Harvard University and the President of the prestigious National Economic Research Bureau, has proposed using budget surpluses to fund personal retirement accounts for working Americans. In November of 1997, and then again last month, Dr. Feldstein published two op-eds outlining his proposal in the Wall Street Journal. I ask unanimous consent that the February op-ed be entered into the RECORD.

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

LET'S REALLY SAVE SOCIAL SECURITY

(By Martin Feldstein)

''Despite Mr. Clinton's rhetoric, all his budget 'reserves' for Social Security is what's left after other spending and tax cuts chew up the projected budget surpluses.''

President Clinton highlighted Social Security in the resounding rhetoric of his State of the Union address—and again in a speech yesterday—but completely ignored it in the budget proposals he then presented to Congress. Despite the president's calls to use the projected budget surpluses to ''save Social Security first'', there is nothing in his budget to improve Social Security's finances or to enhance future retirement incomes.

Mr. Clinton's inaction notwithstanding, the projected budget surpluses do provide an unprecedented opportunity to improve the financial outlook for Social Security and, at the same time, to supplement future Social Security benefits with investment-based pension income. Before I describe that possibility in more detail, let's look more closely at what Mr. Clinton said and what his words might have meant.

CAREFUL WORDS

In the State of the Union address; the president said: ''If we balance the budget for next year, it is projected that we will have a sizable surplus in the years immediately afterward. I propose that we reserve 100% of the surplus—that's every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st century.'' What does that mean? Mr. Clinton often chooses his words very carefully, so we must read those words with equal care.

Lets begin with the ''surplus'' itself. The Congressional Budget Office now projects that the overall federal budget will be essentially in balance for the next two years (annual budget deficits of $2 billion and $3 billion) and will then shift to a decade of surpluses that by 2006 will exceed $100 billion a year, equal to more than 1% of projected gross domestic product.

Contrary to the impression of his language, Mr. Clinton does not propose to devote these projected surpluses to Social Security. He only suggests that ''any surplus'' that remains after whatever new spending and tax cutting occurs should be ''reserved''. In short, he makes no commitment to do anything for Social Security. Despite his rhetoric, all that Social Security gets is what's left after other spending and tax cuts chew up the projected budget surpluses. In reality, saving Social Security comes last.

The president's budget calls for a wide range of new spending programs in health, education, child care, the environment and transportation that would cause total spending to exceed, by $40 billion over the next four years, the budget caps that were the essence of the 1990 budget agreement and that are the basis of the CBO's forecast of the future budget surpluses. That $40 billion would be half of the CBO's total projected surplus for the next four years. In addition to these explicit new spending plans, the president has several spending initiatives dressed up as targeted tax reductions (e.g., ''a school construction tax cut to help communities'').

By an amazing feat of inside-the-Beltway logic, Mr. Clinton claims that this jump in spending would be consistent with his proposal to ''reserve 100% of the surplus'' for Social Security. The trick is his plan to introduce new taxes on cigarette smokers, high-income individuals and corporations. Since those taxes have not yet been enacted, they are not reflected in the projected budget surpluses. Mr. Clinton can therefore propose to spend those future tax dollars while technically claiming that he is not spending any of ''the surplus''! Of course, those who are as concerned about the future of Social Security as Mr. Clinton claims to be might wonder why he wouldn't ''reserve'' the additional tax revenues as well as the existing projected surpluses.

It also takes a highly nuanced construction of language to reconcile Mr. Clinton's big new spending plans with his call in the State of the Union to ''approve only those priorities that can actually be accomplished without adding a dime to the deficit''. In truth, every one of his new spending proposals would add to the deficit. But combined with enough new taxes, there need be no increase in the deficit. That is the nature of tax-and-spending budgeting. But if the Republican-controlled Congress rejects Mr. Clinton's tax increases, the popular spending plans that he proposes would cut into the projected surpluses.

Yet if there are some surpluses left, what might Mr. Clinton mean by his proposal to ''reserve 100% of the surplus''? The word ''reserve'' has no particular meaning in the budget process. Money can be appropriated, spent or added to trust funds, but it cannot be ''reserved''. And Mr. Clinton doesn't even say that it should be reserved ''for Social Security'' or for anything else in particular. Just ''reserved''. Senior administration officials have subsequently testified that it doesn't mean putting the money in the Social Security Trust Fund. It turns out that ''reserving'' this money has nothing at all to do with Social Security.

In short, Mr. Clinton talked eloquently about the Social Security problem but offered no proposal to do anything about it. The projected budget surpluses are clearly vulnerable to a combination of special-interest spending programs and populist tax cuts. And the Social Security program continues to head toward a deficit that will require a massive tax increase or drastic cuts in benefits.

There is a simple and direct solution: a legislated commitment now to use the projected surpluses to finance Personal Retirement Accounts for every working person. The projected surpluses are large enough to permit the government to put 2% of each individual's wages (on earnings up to the $68,400 Social Security maximum) each year in such an account to be invested in stocks and bonds. There are a variety of ways in which such accounts could be established and financed; I offered one way, based on personal income-tax credits, on this page in November.

If the budget surpluses projected for the next decade are used in this way, funding such accounts would not reduce the money going into the Social Security Trust Fund and would not cause a budget deficit. Committing future budget surpluses now to individual investments in stocks and bonds would guarantee that they add to national saving instead of being dissipated in new government spending.

A system of accounts based on 2% of earnings would accumulate some very significant totals, providing the only way in which many low- and middle-income households might ever accumulate some personal wealth. Based on the historical average return on a portfolio of stocks and bonds (5.5% a year before personal taxes), a couple that earns $60,000 a year (in 1998 dollars) and contributes 2% of that each year from age 30 to 65 would accumulate $125,000 at age 65, enough to finance a $10,000-a-year annuity for 20 years. In the aggregate, such annuity payments would equal 17% of the Social Security benefits implied for the year 2030 in current law and 40% of the benefits implied for 2050.

That has important implications for the long-term solvency of the Social Security system. Following a suggestion of Sen. Phil Gramm (R., Texas), the Personal Retirement Account-funded annuities could be ''integrated'' explicitly with Social Security benefits so that traditional Social Security benefits are reduced by a dollar for every two dollars that individuals receive from their Personal Retirement Accounts. That would leave individuals with more retirement income while reducing the payroll-tax increases that would otherwise be needed to finance future benefits.

CLEAR OPPORTUNITY

There are many changes that can be made to help Social Security weather the surge in

benefit outlays when the baby boomers begin to retire, about a decade from now. The four regional forums on overhauling Social Security that Mr. Clinton announced yesterday, as well as the bipartisan summit he says he plans to call a year from now, can grapple with those tough choices.

But the projected budget surpluses now provide the clear opportunity for a simple legislative action that would help all working people, raise national saving and contain the rise in future payroll taxes. With the president's support, this can be done quickly, before the opportunity to do so is destroyed by the pressures that will otherwise dissipate the projected surpluses. A bipartisan effort could actually turn Mr. Clinton's rhetoric into a serious plan to save Social Security and protect future retirement incomes.

Mr. ROTH. In his State of the Union Address, President Clinton promised to ''Save Social Security First'' with the budget surpluses. At the time, he said that the surpluses were at least 2 years off. The good news—what makes now such a timely moment in history—is that the surpluses are not two years off, but will begin this year, according to the Congressional Budget Office.

In other words, we have the opportunity to begin almost immediately to use budget surplus to fund personal retirement accounts for Americans. How far will this go? CBO estimates that the cumulative budget surplus over the next eleven years—from 1998 though 2008—will be $679 billion. That equals about 1.4 percent of the taxable payroll that would be collected over this same period.

Now, 1.4 percent of a person's wages might not sound like much. But look at what happens if we follow Dr. Feldstein's recommendation and use the budget surpluses to create retirement accounts for Americans. According to a report published by the Congressional Research Service on March 4, for an average wage worker—someone who is 40 today and making about $27,000 in 1998—just 1 percent put annually into a stock account based on the historical return of the S&P 500 could equal 10 percent of that individual's projected Social Security benefit over the next 25 years.

Let me repeat that. Investing just 1 percent of a 40-year-old worker's income in a retirement account will grow to equal a full 109 percent of his or her Social Security benefit! For someone younger—say 25 and who has even more time to earn interest—1 percent could equal almost 27 percent of their future Social Security benefit.

Indeed, all Americans can figure out what 1.4 percent of their wages will be over the next 10 years, and then ask themselves how that might grow in 10 or 20 years.

Using budget surpluses to create retirement accounts represents an excellent first step toward shoring up Social Security for the long run. This would be a new program in addition to the current Social Security program. By establishing these accounts this year, it will allow us to demonstrate their value—their potential—in providing retirement benefits for working Americans in the years to come.

Creating these accounts will give the majority of Americans who do not own any investment assets a new stake in America's economic growth—because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will demonstrate to all Americans the power of saving—even small amounts—and how savings may grow over time. Americans today save less than people in almost every other country. And even this low private savings rate has declined from 4.3 in 1996 (as a share of after-tax income) to 3.8 percent in 1997.

And creating these accounts will help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security. A recent survey by the Employee Benefits Research Institute found that only 27 percent of working Americans have any idea of what they will need to save in order to retire when and how they want. Personal retirement accounts will help Americans better understand retirement planning.

Lastly, these accounts may point the way to a permanent solution to Social Security's problems. We do not need fixes for a few years or a few decades—but solutions that have more permanent promise. It was just 15 years ago—in 1983—that we fixed Social Security for 75 years—to about 2058. But again Social Security is in trouble.

Madam President, let me also note that other choices will be far less attractive to keep the promise of Social Security, for example, we cannot count on tax hikes. To fix Social Security would require a huge, 50-percent increase in the payroll tax over the next 75 years. And today's tax is already a burden for many families. Forty-one percent of families pay more in Social Security taxes than income taxes, and if you factor in employer Social Security taxes—which economists tell us are really forgone wages—80 percent of Americans pay more in Social Security than income taxes. And let us remember Social Security taxes are on the first dollar of income—no deductions, no exemptions.

Indeed, in a speech last month at Georgetown University on Social Security, the President promised not to unfairly burden the next generation—who will be supporting tomorrow's Social Security beneficiaries. Tax hikes would do that.

One way to establish and manage these new personal retirement accounts is to follow a proven model—the Federal Thrift Savings Plan. Back in 1983, when I was then chairman of the Committee on Governmental Affairs, the retirement program for Federal employees needed to be revamped.

One of the new elements we added was the Federal Thrift Savings Plan (TSP), managed by a Board of Trustees. TSP is a unique institution. Each Federal employee has an account, and can allocate their investments among three options—a stock index fund that mirrors the S&P 500; a bond fund, largely invested in corporate bonds; and a Government bond fund that invests in T-bills. The Thrift Board is now planning to add two other funds.

Last year, we looked closely at the Federal Employees Health Benefit Plan (FEHBP) as a model to reform Medicare by providing more private choices in health insurance. The lessons of FEHBP were invaluable. So, too, I believe we can adapt the Federal Thrift Savings Plan as a model for Social Security personal investment accounts.

Mr. President, I want to respond to two specific concerns I have heard raised about personal investment accounts. First, that some people will have great investment performance, others miserable. We can surely avoid that. The funds of the Federal Thrift Savings plan have had excellent performance, while remaining conservative investments. Indeed, I am very sensitive to the issue that investments should be handled in a responsible fashion—and I think we do that with even more choices than offered by the Federal plan.

The second concern is that the progressive nature of Social Security benefits will be lost with personal investment accounts. I believe we can construct a system that benefits low-wage workers, and I am committed to that. The bottom line is that by using the budget surplus to create personal investment accounts, we will go a long way toward providing a workable and very attractive solution to the challenges facing Social Security. We will do it without compromising the current system. And we will do it in a way that places us square on the course to long-term opportunity for all Americans.

Promises made are promises that should be kept. As chairman of the Senate Finance Committee, I feel the responsibility of making sure Social Security remains strong and viable in the lives of those who depend on it. Today, we have an irreplaceable opportunity to do this.

Personal retirement accounts—funded by budget surpluses—can both return real benefits to working Americans and demonstrate how to fix the problems of Social Security. There are still a number of technical questions we need to answer in developing personal retirement accounts legislation that can pass Congress this year. Toward this end, I will continue to work with my staff, and I welcome the views and advice of colleagues on both sides of the aisle.

NATO

Mr. ROTH. Madam President, I rise today to respond to the charge that has been made in a number of newspapers over the last week—and particularly by

the New York Times—that the public, Congress, and the Senate, in particular, has paid inadequate attention to the policy of NATO enlargement.

Few issues of national security have been as extensively examined as NATO enlargement. It has been the topic of countless editorials and opinion pieces in national and local papers. Over the last two years some fifteen states, including the First State, Delaware, have passed resolutions endorsing NATO enlargement. This policy has been formally endorsed by countless civic, public policy, political, business, labor, and veterans organizations.

I ask unanimous consent that a list of these organizations be printed in the RECORD.

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

POPULAR SUPPORT FOR NATO ENLARGEMENT

MILITARY/VETERANS ORGANIZATIONS

AMVETS
The American G.I. Forum
The American Legion
Association of the U.S. Army (AUSA)
Jewish War Veterans of the United States of America
Marine Corps League
National Guard Association of the United States
Polish Legion of American Veterans, USA
Reserve Officers Association of the United States (ROA)
Veterans of Foreign Wars of the United States (VFW)

CIVIC, POLICY AND POLITICAL ORGANIZATIONS

Council of State Governments
National Governors' Association
New Atlantic Initiative
U.S. Committee to Expand NATO
U.S. Conference of Mayors

RELIGIOUS/HUMAN RIGHTS ORGANIZATIONS

American Jewish Committee
Anti-Defamation League of B'nai B'rith
Hungarian Human Rights Foundation
Jewish Institute for National Security Affairs

ETHNIC-AMERICAN ORGANIZATIONS

Central and East European Coalition
American Latvian Association
Armenian Assembly of America
Belarussian Congress Committee of America
Bulgarian Institute for Research and Analysis
Congress of Romanian Americans, Inc.
Czechoslovak National Council of America
Federation of Polish Americans
Estonian National Council of America
Estonian World Council, Inc.
Georgian Association in the U.S.A., Inc.
Hungarian American Coalition
Joint Baltic American National Committee
Lithuanian American Community, Inc.
National Federation of American Hungarians
Polish American Congress
Slovak League of America
Ukrainian Congress Committee of America, Inc.
Ukrainian National Association, Inc.
U.S.-Baltic Foundation

BUSINESS-LABOR ORGANIZATIONS

AFL–CIO
United States-European Union-Poland Action Commission
International Union of Bricklayers and Allied Craftworkers

STATE SENATES

California
Connecticut
Delaware
Georgia
Illinois
Massachusetts
Michigan
New Jersey
Pennsylvania
Rhode Island
South Carolina

STATE HOUSE OF REPRESENTATIVES

Colorado
Illinois
Michigan
New Jersey

GOVERNOR'S OFFICES

Florida
Illinois
Michigan
New Mexico
Ohio
Puerto Rico

Mr. ROTH. Congress, in particular, has led the charge for NATO enlargement. Its committees have examined in detail the military, intelligence, foreign policy, and budgetary implications of this long overdue initiative. Since last July alone, twelve hearings have been conducted on NATO enlargement by the Senate committees on Foreign Relations, Armed Services Appropriations, and Budget. The Senate NATO Observer Group, which I chair with Senator JOSEPH R. BIDEN, has convened 17 times with, among others, the President, the Secretaries of State and Defense, NATO's Secretary General, and the leaders of the three invitee countries.

Madam President, allow me to single out Senator HELMS, the chairman of the Committee on Foreign Relations, for his outstanding set of eight hearings on this initiative. He and his colleagues on the Committee have produced a hearing report of some 600 pages addressing all the pro and con argument over NATO enlargement. And, I urge my colleagues to take time to examine the committee report released last week.

This examination, in my view, has yielded unambiguous conclusions: The extension of NATO membership to Poland, the Czech Republic, and Hungary will make the Alliance stronger. It will eliminate immoral and destabilizing dividing lines in Europe—divisions imposed by Stalin and perpetuated by the cold war. And, it will expand an inclusive zone of peace, democracy and stability in Europe to the benefit of the United States and to all countries of Europe, including Russia.

It is no surprise—indeed a matter of pride—that the Senate has legislatively recommended NATO enlargement some fourteen times over the last 4 years. Perhaps, we should be asking ourselves how can we ensure that all dimensions of U.S. national security policy receive this much public attention and endorsement?

Before I yield the floor, I want to echo these conclusions on NATO enlargement by sharing with my colleagues a letter I recently received from Dr. Zbigniew Brzezinski, a former National Security Advisor. In part, Dr. Brzezinski wrote:

> Without the security that the Euro-Atlantic Alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish Reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely.
>
> The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.
>
> Denmark, Norway and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. Leadership while strengthening those who want to cut down U.S. Influence in Europe. . . .

And Dr. Brzezinski added,

> I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

Dr. Brzezinski's letter—which I will submit for the RECORD—not only encapsulates the need for an enlarged NATO, it also reminds us how that this chamber's impending debate and vote on NATO enlargement will reverberate throughout the transatlantic region.

I ask unanimous consent that the letter be printed in the RECORD.

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

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES,
Washington, DC, March 4, 1998.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: Let me share two thoughts regarding the forthcoming vote on NATO enlargement:

1. Without the security that the Euro-Atlantic alliance has provided, the Franco-German reconciliation—so central to Europe's peace—would never have taken place. Without NATO, the ongoing German-Polish reconciliation would not be happening. With NATO enlarged, a genuine reconciliation between the former Soviet satellites and Russia will be both truly possible and likely. The fact is that a larger NATO—by resolving the fateful European dilemma posed by the disproportionate power of Germany and of Russia, a dilemma the Europeans have not been able to resolve on their own—will create a secure framework for a more comprehensive reconciliation in Europe.

2. Denmark, Norway, and Canada have already ratified NATO enlargement. Germany is poised to do so very soon. Hesitation or delay by America, not to speak of rejection, would gravely undermine confidence in U.S. leadership while strengthening those who want to cut down U.S. influence in Europe. I can just hear the crowing that would follow in Moscow, and maybe even also in Paris! And I hate to think what message it would send to the 100 million Central Europeans who only recently recovered their freedom.

With best regards,

Sincerely,

ZBIGNIEW BRZEZINSKI.

UNIVERSITY OF DELAWARE ''FIGHTING BLUE HENS''

Mr. ROTH. Madam President, the NCAA tournament is called by some the 'Big Dance' because only 64 teams are invited each year. This year, I am proud to say one of those teams is the Fighting Blue Hens from the University of Delaware—the 1998 champions of the America East Conference. The Blue Hens put together a remarkable 20 win season culminating last Saturday in a win over Boston University to clinch a spot in the tournament.

Coach Mike Brey and his team should be proud of their excellent season.

Now some will say that the odds are long because the Blue Hens are seeded 15th and their opponent is seeded 2nd. But I remind you, more than 200 years ago, another group of men from Delaware faced some steep odds themselves. Back then, the number one seed was the Red Coats.

Facing off against the Red Coats was a company of men from Delaware recruited by Captain Jonathan Caldwell. They quickly became known as the Blue Hens because their fighting ability was said to rival that of a famous fighting blue hen. They fought well and hard in battles from Long Island and White Plains to Trenton and Princeton.

Two hundred years ago somebody picked a fight with the Blue Hens and they were sent home packing. Don't be surprised if it happens again.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 6TH

Mr. HELMS. Madam President, the American Petroleum Institute reports that for the week ending March 6, the U.S. imported 7,700,000 barrels of oil each day, 190,000 barrels more than the 7,510,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,700,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, March 10, 1998, the federal debt stood at $5,525,631,040,092.91 (Five trillion, five hundred twenty-five billion, six hundred thirty-one million, forty thousand, ninety-two dollars and ninety-one cents).

One year ago, March 10, 1997, the federal debt stood at $5,354,330,000,000 (Five trillion, three hundred fifty-four billion, three hundred thirty million).

Five years ago, March 10, 1993, the federal debt stood at $4,208,636,000,000 (Four trillion, two hundred eight billion, six hundred thirty-six million).

Ten years ago, March 10, 1988, the federal debt stood at $2,481,157,000,000 (Two trillion, four hundred eighty-one billion, one hundred fifty-seven million).

Fifteen years ago, March 10, 1983, the federal debt stood at $1,224,513,000,000 (One trillion, two hundred twenty-four billion, five hundred thirteen million) which reflects a debt increase of more than $4 trillion—$4,301,118,040,092.91 (Four trillion, three hundred one billion, one hundred eighteen million, forty thousand, ninety-two dollars and ninety-one cents) during the past 15 years.

TRIBUTE TO LOUISE CHASE, COMMANDER OF THE AMERICAN LEGION, DEPARTMENT OF PENNSYLVANIA

Mr. SPECTER. Madam President, on April 18, 1998, the Pennsylvania American Legion will honor its State Commander, Louise Chase, a World War II Navy veteran, who was elected Commander at the conclusion of the 79th convention on July 20, 1997. She is the first woman commander of the Department of Pennsylvania in its 80 year history.

In 1979, Commander Louise Chase was elected as the Department of Pennsylvania's first woman vice commander. She has served twice as District Commander. Her Legion service also includes terms as Adjutant of Philadelphia County and the Eastern Judicial Section, two terms as Post Commander and 12 years as Adjutant of Tioga Post 319. She has also served as the organization's state legislative chairman and twice as chairman of the Select Committee on Economics and Benefits, as well as chairman of several other committees.

She is one of only two Pennsylvania Legionnaires to have served on committees of the two National Conventions held in Pennsylvania. She served for 16 years as the Eastern Regional Vice Chairman of the United States Service Academies Selection Committee for Senators John Heinz and Harris Wofford.

Commander Chase served in the U.S. Navy, with duty posting in Washington, D.C. during World War II.

Her family has a long tradition of service to America dating from the Civil War, including her brother Tom who saw sea duty with the U.S. Navy off Cuban waters during the Cuban Missile Crisis. Her late father personally worked with the original astronauts while they were in training at the Johnsville Naval Air Development Center in Warminster, Bucks County, Pennsylvania.

Her business career includes serving as controller and office manager of Philadelphia's prestigious Germantown Cricket Club for 13 years; controller of a construction company, plus manager of two of its high rise apartment buildings for 10 years; and manufacturers' representative for paper container companies for five years. She recently retired as an international marketing representative of a major computer manufacturer.

Her husband, Joseph, was Pennsylvania American Legion Commander in 1991–1992. The two live in Horsham, Montgomery County, Pennsylvania.

Madam President, I congratulate Commander Louise Chase for her service to the veterans of Pennsylvania. I am certain that the Testimonial Dinner being held in her honor on April 18, 1998 will be a fitting tribute to her years of service to The American Legion, veterans, and to her country.

ADVOCACY OF THE DIGITAL COPYRIGHT CLARIFICATION AND TECHNOLOGY EDUCATION ACT OF 1997

Mr. ASHCROFT. Madam President, I rise today to talk about the role of government in the technology sector. Two things can be predicted with confidence about congressional meddling in this sector of the economy. First, legislation will be obsolete on the day it is passed. Second, it will hurt consumers, students, teachers, workers, shareholders, and the economy. if Congress had helped set up the automobile industry, there still might be a livery stable in every town, and buggy whip factories in large cities. America's dynamic, world-leading computer industry must be kept free of regulation by slow-moving federal bureaucrats who cannot possibly understand or keep pace with the most dynamic sector of the economy.

Taken together, these developments highlight the need for Congress to step back and draft with care the necessary legislation to extend copyright protections to those who develop content for the digital age, instead of blindly racing ahead to enact a Clinton Administration proposal supported by major Hollywood interests.

Consider the consequences. Last year, Americans purchased 11 million PCs and 16.8 million VCRs. This year, another 12.6 million PCs and 16.6 million VCRs are expected to be purchased in the United States. These devices enjoy great popularity. At least one VCR is found in 90 million homes and at least one PC is found in 42 million homes, specifically because of the convenience, entertainment and efficiency they bring. They are popular precisely because they are useful and technologically advanced. Nonetheless, a House subcommittee specifically rejected an amendment that would have

assured consumers access to the next generation of these products.

This isn't the first time someone has tried to stop the advance of new technology. In the mid 1970s, for example, a lawsuit was filed in an effort to block the introduction of the Betamax video recorder. At that time, representatives of Hollywood declared that the VCR would destroy their business. They could not have been more wrong. Last year video tape rentals accounted for a $16 billion portion of the entertainment market. Indeed, people in the movie industry have stated that video sales often make a movie profitable, and some movies are produced exclusively for the home rental market. The movie industry has not learned from history. The same doomsayers are at it again, decrying the lawful use of products by consumers. Their rhetoric has been updated for the digital age, but their message remains the same.

This is an important debate that is currently taking place in the Congress and that is the discussion regarding how best to update the copyright laws for the digital age. In particular, I want to bring to the attention of my colleagues two significant developments that occurred in the last weeks, and to urge you to join as cosponsors of S. 1146, the Digital Copyright Clarification and Technology Education Act of 1997.

In order to help focus the debate on the best way to update the copyright laws for the digital era, I introduced S. 1146 in September. This legislation is a comprehensive effort to address three broad areas of critical importance to the future of the Internet: (1) the scope of copyright liability for on-line and Internet service providers; (2) the use of computers by teachers, librarians, and students to foster distance learning opportunities and to promote the preservation of important historical works and resources; and (3) the proper implementation of two international copyright treaties. Subsequently, Representatives RICK BOUCHER and TOM CAMPBELL introduced a similar comprehensive bill in the House (H.R. 3048) to foster the growth of the Internet for the benefit of everyone in society.

Two important developments took place in the past two weeks that underscore the importance of a comprehensive approach to updating the copyright laws. First, on February 25th, 40 distinguished professors of intellectual property law and technology law said in a letter to the Chairmen of the Senate and House Judiciary Committees that they believe these two bills, S. 1146 and H.R. 3048, ''taken together, would bring U.S. law into compliance with the WIPO treaties while preserving the principle of balance which is at the heart of the American copyright tradition.'' They went on to say: ''At this crucial moment in the history of American intellectual property law, it is important that Congress do neither too much nor too little to bring copyright law into the digital era. In our view, the Ashcroft-Boucher-Campbell bills get the balance right.''

Second, just one day later, in a major blow to consumers and the high-tech community, a House subcommittee voted out legislation that would make it illegal to produce or even possess future generations of VCRs and personal computers. Faced squarely with the question of whether the next generation of products found in virtually every home in America should be deemed unlawful ''circumvention'' devices, a majority of the subcommittee voted for the interests of copyright owners over the interests of consumers and the computer companies that have done so much to make our country the technology leader of the world.

The Subcommittee vote endangers both the liberties that consumers now enjoy and the vitality of the technology industry, which has been the premiere engine for growth in the United States. This approach also suggests the tendency of Congress to ''fix first, ask questions later.'' The bill demonstrates the dangers of fixing what we do not understand. Now is the time to draw a bright line against federal regulation of the computer industry. Washington must not start down the road of dreaming up regulations to fix problems that may or may not exist.

I think it useful to recall what the Supreme Court had to say in ruling for consumers and against two movie studios in that case:

''One may search the Copyright Act in vain for any sign that the elected representatives of the millions of people who watch television every day have made it unlawful to copy a program for later viewing at home, or have enacted a flat prohibition against the sale of machines that make such copying possible.''

As someone who filed an independent brief in the Supreme Court as the Missouri Attorney General in support of the right of consumers to buy that first generation of VCRs, I want to reassure consumers across the country that I will fight against legislation that would ban the next, exciting generation of technology.

What kind of a bill should we consider? One that looks to the future. Above all, one that maintains the balance the professors of intellectual property and technology law have reminded us is at the core of our great copyright tradition and protection of property. The House subcommittee bill would make it all but impossible for someone to make a fair use of a copyrighted work, even though a fair use exception has been a fixture of copyright law from the beginning. What is more, the bill would actually make it illegal to make a copy of a portion of a protected work for fair use in certain circumstances. This is not balance. This is a blank check payable to Hollywood.

Unlike the bill starting to move through the House, S. 1146 will spur technological innovation in small entrepreneur workshops and clean-room factories; it will create new educational opportunities in brick schoolhouses and family living rooms; and it will help preserve deteriorating manuscripts in your local library and the nation's largest universities.

The Digital Copyright Clarification and Technology Education Act will encourage the use of computers and other new high-tech products to foster educational opportunities for everyone from children to senior citizens. Twenty-two years ago, Congress recognized that television could connect teachers in one part of town to students in another part of town. Today, technology has moved forward and has provided this country with fantastic new opportunities. We need to update the law so that schools may use computers to bring the world into the classroom and the classroom into the home.

This legislation will ensure librarians and archivists may use the latest high-tech equipment to preserve deteriorating books, manuscripts, and works of art for future genrations to enjoy. New digital technology can enhance the educational experience and preserve our shared culture and history far into the future. Library patrons and students shouldn't be consigned to outmoded equipment when exciting new digital products are on the horizon.

S. 1146 will guarantee that the centuries-old ''fair use'' rights of students, library patrons, scholars, and consumers will continue to be recognized in the new digital era of the Internet.

In addition the legislation will encourage personal computer manufacturers and software developers to create new products which promote the productivity of Americans across the country. Innovators shouldn't be threatened with criminal penalties for bringing exciting new products to market. Instead, they should be encouraged to develop new products that will add enjoyment and convenience to our lives, while creating good new jobs for American workers.

Finally, we will encourage the growth of the Internet by eliminating the threat of certain copyright infringement lawsuits that telephone companies, service providers, and others face in helping consumers connect to the World Wide Web.

Technology won't stand still. We need to move forward with the consideration of copyright legislation that promotes new technology, while protecting intellectual property rights. In doing so we must be diligent in looking to the future, not to the past, or to interests that would halt innovation to serve their own parochial concerns.

At this critical juncture in history, we need to be sure we get it right. We can only do so by maintaining the balance that has served our country so well and for so long.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A PRESIDENTIAL DETERMINATION (98–17) RELATIVE TO VIETNAM—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the ''Act''), I have determined that a waiver of the application of subsections 402 (a) and (b) with respect to Vietnam will substantially promote the objectives of section 402. A copy of that determination is attached. I also have received assurances with respect to the emigration practices of Vietnam required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to subsection 402(c)(2) of the Act, I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Vietnam.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1998.*

MESSAGES FROM THE HOUSE

At 11:16 a.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 bill, without amendment:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The message also announced that pursuant to clause 6(f) of rule X, the Chair removes the gentleman from Iowa, Mr. LEACH, as a conferee on H.R. 1757 and appoints the gentleman from Indiana, Mr. BURTON, to fill the vacancy.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrent resolution:

H. Con. Res. 206. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 187. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted.

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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.DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans Affairs.

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans Affairs.

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veterans affairs.

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans Affairs.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE:

S. 1741. A bill to provide for teacher training facilities; to the Committee on Labor and Human Resources.

THE TEACHER QUALITY ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to express some serious concerns about what I believe amounts to a crisis in teacher education in the United States. This year, we will consider the reauthorization of the Higher Education Act of 1965. Therefore, it is appropriate that we not focus on the issue of improving teacher training in the United States.

We have to look to new ideas and programs—programs that will help restore America as an academic power. I believe that we must act immediately to find solutions for this crisis, because our children are suffering very serious consequences. Today, I will be offering two pieces of legislation that will serve as the first steps in addressing the future of teacher training and teacher certification.

Before I offer a description of the new legislation, Mr. President, I call my colleagues attention to these alarming statistics: 36% of those now teaching core subjects (English, math, science, social studies, foreign languages) neither majored nor minored in those subjects. A study conducted by the National Commission on Teaching and America's Future revealed, and I'm quoting from a summary of the report:

More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that, quote:

56% percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English. The least qualified teachers were most likely to be found in high-poverty and predominantly minority schools and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

Mr. President, this is a travesty—on a truly national scale. No wonder students are doing so poorly on standardized tests. If the teacher does not understand the subject he or she is teaching, then certainly the students will not learn what they need to know. It is inexcusable that in a country as powerful and wealthy as the United States, that we do not give our children the best academic resources available. The United States will not remain a world leader unless we turn this around, and start preparing our children for the future.

The process by which we train our teachers needs to be reformed—and I believe that there is a strong bipartisan consensus to support an effort for reform. Recently, I received a memorandum that was signed by members of

the Center for Education Reform, Empower America, the Education Leaders Council, Hudson Institute, Progressive Policy Institute, Brookings Institution, and Heritage Foundation that expressed bipartisan interest in strengthening the Federal role in teacher recruitment and preparation. I was impressed that members of each of these diverse groups can all agree that there must be some serious change in the current teacher education system.

The Progressive Policy Institute has urged:

* * * that the President and his advisors remain faithful to the most important achievement in education policy: redefining the goal of school reform as results, not regulation. The Progressive Policy Institute also wrote that instead of spending federal dollars to hire more teachers and support schools of education under the existing system, the Administration should encourage states to open up the teaching profession to talented individuals who can demonstrate mastery of the subject that they intend to teach; implement innovative means of recruiting and training teachers; provide incentives to teach in high-poverty schools; and ensure that institutions, administrators, and teachers are rewarded for high performance and held responsible for failure.

Mr. President, I could not agree more. Clearly, we must have more accountability and autonomy in the education system. We can no longer tolerate a system that allows unqualified teachers in the classroom. As schools are held more accountable for their results, the schools must have the autonomy to hire and fire whomever they want, and decide how best to compensate their faculty. Unquestionably, we must support all of the hard-working, dedicated teachers we now have in our classrooms. they deserve our utmost support and respect.

Mr. President, I am encouraged that President Clinton has taken an interest in reforming the education system. I do not, however, believe that merely reducing class size and hiring 100,000 new teachers would be a solution for our academic problems.

The answer is to only certify quality teachers—and to get quality teachers to teach our neediest kids. All children deserve well-educated teachers, and we need to make that proposition a reality.

Now you might ask what the Federal role should be in teacher training. Unquestionably, states are, and should remain, the primary actors in public education. Any new Federal programs should be voluntary for states, which should not be burdened by new Federal mandates. However, the Federal government can have a role—by helping the states focus on hiring quality teachers.

The Federal government needs to break the education school monopoly on teacher preparation. Too often, these education schools have weak academic standards—and focus on teaching methods over knowledge of subject matter. The students who enroll in teacher education programs in U.S. colleges tend to have lower scores on SAT and ACT exams than those in virtually all other programs of study.

Federal funds that are set aside for teacher training should be made available to any program that trains teachers—as long as the program is held accountable for producing students that can demonstrate subject matter competence in the classes that they plan to teach. All teacher-training programs should be held accountable for results: producing teachers who know their subject well and know how to teach it. Their results are what matter, not their intentions or their resources or their requirements, or their accreditation.

The Federal government can assist the states by forgiving student loans or offering other financial incentives for well-educated people who teach in hard-to staff schools.

For example, I introduced legislation last year that would provide loan forgiveness to individuals who obtain a college degree in early childhood education who then go on to teach in accredited child-care centers. The Quality Child Care Loan Forgiveness Act is a great example of how the Federal government can provide incentives to students to become teachers. All children, from pre-K to 12th grade, deserve the chance to have a qualified teacher that will help them reach their academic potential.

Today, Mr. President, I am proposing legislation that addresses the need for better teacher training programs. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be. Today, therefore, I am introducing the Teacher Quality Act of 1998.

This legislation calls for the creation of teacher training programs across the United States that will help train teachers that are already in the classroom or about to enter the teaching profession.

This bill is common-sense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. My idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. The mission of the Mayerson Academy is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati. Its motto is ''All Children Can Learn.''

The doors of the academy are open for business from 8:00 am to 9:00 pm, Monday through Saturday, fifty weeks per year. The non-profit Mayerson Academy has a 10-year contract with Cincinnati Public Schools and also has training agreements with Princeton City Schools, Lakota Local School District, and the Oak Hills School District. The Mayerson Academy has advanced labs on how to learn math. Classes on how to use computers. Socratic discussions on how to organize and manage. Teachers can take advantage of core courses, through which they can earn graduate-level equivalency credits, or take one-time special-topic ''action labs.'' The Mayerson Academy also utilizes all the latest breakthroughs in technology to get their message out across the country through the use of distance learning instruction. Teachers in Cincinnati Public Schools are eligible for a $750 raise after 100 hours of training—and it counts toward Ohio's mandatory continuing education requirement for a teaching license.

The Mayerson Academy raised its start-up funds from generous private contributions from local banks, private foundations, and businesses such as Federated Department Stores, General Electric, and Procter and Gamble. Cincinnati's school district pays $1.6 million a year to purchase 66,000 hours of training from Mayerson—and the teachers attend for free. However, the program is such a great success that this school year, the Academy will provide 160,000 hours of staff training, far exceeding the 66,000 hours of annual staff training time called for by the academy's agreement with the district. The Mayerson Academy is separate from the school system, in order to ensure independent evaluation of its results and a consistent base of support. This status also allows it to benefit from the perspectives and experience of the business leadership.

My legislation will establish a competitive grant program that will ask school districts to form public-private partnerships to establish teacher training programs. I believe that this legislation will assist in establishing teacher training centers like Mayerson—facilities that will help teachers gain subject matter mastery and give our children the best training teachers in the world.

The second piece of legislation that I am introducing today will expand and improve the supply of well-qualified elementary and secondary school teachers. This goal can be accomplished by encouraging and assisting States to develop and implement programs for alternative routes toward alternative certification or licensure. The Alternative Certification and Licensure of Teachers Act will give individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education can make a huge positive difference in their future.

Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom—and make a difference in children's lives.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

Mr. President, individuals on both sides of the aisle realize that alternative certification is an effective method to attract more qualified teachers into the classroom. The Progressive Policy Institute has written that ''states should be eligible to use federal funds to establish meaningful alternative certification programs that have more than a marginal effect on teacher supply.'' There is also a study that shows that individuals who become certified through alternative certification programs are more likely to be minorities, specialize in science and mathematics, and teach in hard-to-staff inner-city districts than traditionally certified teachers.

Mr. President, both pieces of legislation that I am introducing today are targeted on improving American teaching. The Teacher Quality Act is solid legislation that answers the question, ''How do we train teachers that are already in the field?'' The Alternative Certification and Licensure of Teachers Act answers the question, ''How are we going to attract qualified individuals into the teaching field?'' I strongly believe that both of these initiatives can serve as the bedrock on which to enact real reforms in the teacher education system in America.

To conclude, Mr. President, I believe that improving educational opportunities for children has to be a top priority for this Congress. I ask my colleagues in the House and Senate to work together to forge a bipartisan approach that will ensure that our children are being taught by the most qualified teachers in the world. There is no question that we must develop a system that will draw students into the teaching profession. The Federal government and the States need to work together to provide incentives for people to become teachers, and build a sense of pride to this profession. We can no longer tolerate failure if we wish to keep America strong. Now is the time to address this issue—and I ask that members of the House Education and the Workforce Committee, and the Senate Labor Committee, work diligently to come up with the best answer for our children.

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. 1741

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 ''Teacher Quality Act of 1998''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there is a teacher quality crisis, not a teacher quantity crisis, in the United States;

(2) individuals entering a classroom should have a sound grasp of the subject the individuals intend to teach, and the individuals should know how to teach;

(3) the quality of teachers impacts student achievement;

(4) people who enter the teaching profession through alternative certification programs can benefit from having the opportunity to attend a teacher training facility;

(5) teachers need to increase their subject matter knowledge;

(6) less than 40 percent of the individuals teaching the core subjects (English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects; and

(7) according to the Third International Mathematics and Science Study, American high school seniors finished near the bottom of the study in both science and mathematics.

(b) PURPOSE.—The purpose of this Act is to strengthen teacher training programs by establishing a private and public partnership to create the best teacher training facilities in the world to ensure that teachers receive unlimited access to the most updated technology and skills training in education, so that students can benefit from the teachers' knowledge and experience.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 4. GRANTS.

(a) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year the Secretary shall award grants to local educational agencies to enable the local educational agencies to establish teacher training facilities for elementary and secondary school teachers.

(b) COMPETITIVE BASIS.—The Secretary shall award grants under this Act on a competitive basis.

(c) PARTNERSHIP CONTRACT REQUIRED.—In order to receive a grant under this Act, a local educational agency shall enter into a contract with a nongovernmental organization to establish a teacher training facility.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain an assurance that the local educational agency—

(1) has raised $4,000,000 in matching funds, from public or private sources, for the support of the teacher training facility;

(2) will train the teachers employed by the local educational agency at the teacher training facility for a period of 10 years after the date the agency enters into the contract described in subsection (c); and

(3) will spend 0.5 percent of the local educational agency's total school budget for each fiscal year to support the teacher training facility.

(e) AMOUNT.—The Secretary shall award each grant under this section in the amount of $4,000,000.

(f) NUMBER.—The Secretary shall award 2 grants under this title for fiscal year 1999, 3 such grants for fiscal year 2000, 3 such grants for fiscal year 2001, and 4 such grants for fiscal year 2002.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $8,000,000 for fiscal year 1999, $12,000,000 for fiscal year 2000, $12,000,000 for fiscal year 2001, and $16,000,000 for fiscal year 2002.

By Mr. DEWINE (for himself, Mr. COATS, Mrs. HUTCHISON, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1742. A bill to improve the quality of individuals becoming teachers in elementary and secondary schools, to make the teaching profession more accessible to individuals who wish to start a second career, to encourage adults to share their knowledge and experience with children in the classroom, to give officials the flexibility the officials need to hire whom the officials think can do the best job, and for other purposes; to the Committee on Labor and Human Resources.

THE ALTERNATIVE CERTIFICATION AND LICENSURE OF TEACHERS ACT OF 1998

Mr. DEWINE. Mr. President, today I am introducing the Alternative Certification and Licensure of Teachers Act of 1998. I am very pleased to be joined by Senators COATS, COLLINS, HUTCHISON, and GORDON SMITH.

The purpose of this legislation is to expand and improve the supply of well-qualified elementary and secondary school teachers. We would accomplish this goal by encouraging and assisting States to develop and implement programs for alternative routes toward teacher certification or licensure.

There are many talented professionals with a high level of subject area competence outside the education profession who may wish to pursue careers in education, but could not meet the current requirements to be certified or licensed as teachers. For example, all of us here in Congress attain an unique knowledge of how our government works. Alternative certification and licensure could provide an opportunity for some of us to become teachers so we could share our knowledge and experiences of how government works with young people. The measure of a good teacher after all is how much and how well their students could learn.

Knowledgeable and eager individuals should be helped—not discouraged—to enter the K–12 classroom as teachers.

We can achieve this goal by giving States the maximum flexibility and incentives to create alternative certification programs. That's what my bill would do—it would enable the Federal Government to assist States by offering incentives to recruit well-educated people into the teaching profession.

This program would be voluntary for the States. States do not need to be burdened by new Federal mandates.

This bill would allow qualified individuals to fullfil State certification or licensure requirements, giving school systems the chance to take advantage of the expertise of such professionals and improve the pool of qualified individuals available to local educational agencies. These measures would do a great deal to expand and improve the supply of well-qualified teachers.

The bill would provide $15 million each year to be divided among the States based on a student population formula. States would have to apply to the Secretary in order to be considered for funds. The money could be used to either create new alternative certification programs or to fund pre-existing programs. If a State does not apply for funds, then that money is reallocated to those States that most demonstrate the need for the money based on the Secretary of Education's discretion.

Alternative certification is nothing new. A study by C. Emily Feistritzer entitled ''Alternative Teacher Certification: a State-by-State Analysis 1997'' reports the following facts:

41 States and the District of Columbia are now implementing alternative routes for certifying teachers. However, virtually all of the States now offer some type of program other than the traditional approved college teacher education program route for initially licensing teachers.

23 States and the District of Columbia have designed alternative licensure programs for the explicit purpose of bringing talented individuals who already have at least a bachelor's degree in a field other than education into teaching—up from just 11 such programs in 1991.

117 programs in the 50 States and the District of Columbia are now available for people who already have a bachelor's degree and want to become licensed to teach. This compares with 91 programs in 1991.

Interest in alternative teacher certification continues to escalate. 35 states reported that interest from ''people wanting to get licensed to teach'' has increased in the last five years.

Mr. President, it's clear that interest in the alternative certification route is on the increase. Among the talented people we can attract into the teaching profession by this means are military personnel who are nearing retirement, people who have been down-sized and are looking for a second career, business leaders who want to share their knowledge with a new generation of children, housewives who are looking for a new career after their children have moved out of the family home, and people who want to leave the private sector so they can use their college major to make a difference in children's lives.

Teacher training has become a very important issue to this Congress and to the Administration. As of today, there have been no fewer than seven teacher training bills introduced in the House and Senate. In fact, President Clinton has requested $1.1 billion in his latest budget to pay for 37,000 new teachers. It is clear that members on both sides of the aisle understand the importance of having quality teachers in the classroom.

Therefore, there's clear bipartisan support for programs that encourage and recruit the most knowledgeable individuals to teach our children. It is my hope that we can see bipartisan support for programs that give talented individuals an alternative route into the teaching profession.

In order to find the best possible teachers for our children, we need to support programs that are flexible and creative. We need to encourage the brightest minds in our communities to consider teaching as a career. Teachers who have had a previous career can explain to children the importance of a good education. For example, a former engineer could explain to his students the importance of geometry, algebra, and calculus. A doctor can show his students how hard courses in biology can put young people on the path to saving lives. If students can see that what they are learning in school really does prepare them for the future, they will be more willing to learn and grasp new concepts.

In this bill, States would be given the flexibility to reach out for new teaching talent and fill specifically hard-to-staff teacher positions.

Alternative certification and licensure programs give the best and brightest individuals who would like to teach the chance to do so. We're talking about teachers who can serve not just as mentors to these children, but also as role models to show them how a good education is crucial to their futures. Through these programs, individuals who have a sense of what goals they wish to accomplish can bring their knowledge and experience into the classroom.

Mr. President, Federal support for alternative certification and licensure would help ensure that schools continue to attract quality teachers to the classroom. We owe it to all school children to give them the best resources available. That is why we must encourage all States to hire the most capable, knowledgeable, and experienced teachers that are available.

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. 1742

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 ''Alternative Certification and Licensure of Teachers Act of 1998''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the measure of a good teacher is how much and how well the teacher's students learn;

(2) the main teacher quality problem in 1998 is the lack of subject matter knowledge;

(3) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter the kindergarten through grade 12 classrooms as teachers;

(4) many talented professionals who have demonstrated a high level of subject area competence outside the education profession may wish to pursue careers in education, but have not fulfilled the traditional requirements to be certified or licensed as teachers;

(5) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession; and

(6) alternative routes can enable qualified individuals to fulfill State teacher certification or licensure requirements and will allow school systems to utilize the expertise of professionals and improve the pool of qualified individuals available to local educational agencies as teachers.

(b) PURPOSE.—It is the purpose of this Act to improve the supply of well-qualified elementary school and secondary school teachers by encouraging and assisting States to develop and implement programs for alternative routes to teacher certification or licensure requirements.

SEC. 3. ALLOTMENTS.

(a) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From the amount appropriated to carry out this Act for each fiscal year, the Secretary shall allot to each State the lesser of—

(A) the amount the State applies for under section 4; or

(B) an amount that bears the same relation to the amount so appropriated as the total population of children ages 5 through 17 in the State bears to the total population of such children in all the States (based on the most recent data available that is satisfactory to the Secretary).

(2) REALLOCATION.—If a State does not apply for the State's allotment, or the full amount of the State's allotment, under paragraph (1), the Secretary may reallocate the excess funds to 1 or more other States that demonstrate, to the satisfaction of the Secretary, a current need for the funds.

(b) SPECIAL RULE.—Notwithstanding section 421(b) of the General Education Provisions Act (20 U.S.C. 1225(b)), funds awarded under this Act shall remain available for obligation by a recipient for a period of 2 calendar years from the date of the grant.

SEC. 4. STATE APPLICATIONS.

(a) IN GENERAL.—Any State desiring to receive an allotment under this Act shall, through the State educational agency, submit an application at such time, in such manner, and containing such information, as the Secretary may reasonably require.

(b) REQUIREMENTS.—Each application shall—

(1) describe the programs, projects, and activities to be undertaken with assistance provided under this Act; and

(2) contain such assurances as the Secretary considers necessary, including assurances that—

(A) assistance provided to the State educational agency under this Act will be used to supplement, and not to supplant, any State or local funds available for the development and implementation of programs to provide alternative routes to fulfilling teacher certification or licensure requirements;

(B) the State educational agency has, in developing and designing the application, consulted with—

(i) representatives of local educational agencies, including superintendents and school board members (including representatives of their professional organizations if appropriate);

(ii) elementary school and secondary school teachers, including representatives of their professional organizations;

(iii) schools or departments of education within institutions of higher education;

(iv) parents; and

(v) other interested individuals and organizations; and

(C) the State educational agency will submit to the Secretary, at such time as the Secretary may specify, a final report describing the activities carried out with assistance provided under this Act and the results achieved with respect to such activities.

(c) GEPA PROVISIONS INAPPLICABLE.—Sections 441 and 442 of the General Education Provisions Act (20 U.S.C. 1232d and 1232e), except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to this Act.

SEC. 5. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use funds provided under this Act to support programs, projects, or activities that develop and implement new, or expand and improve existing, programs that enable individuals to move to a teaching career in elementary or secondary education from another occupation through an alternative route to teacher certification or licensure.

(2) TYPES OF ASSISTANCE.—A State educational agency may carry out such programs, projects, or activities directly, through contracts, or through grants to local educational agencies, intermediate educational agencies, institutions of higher education, or consortia of such agencies or institutions.

(b) USES.—Funds received under this Act may be used for—

(1) the design, development, implementation, and evaluation of programs that enable qualified professionals who have demonstrated a high level of subject area competence outside the education profession and are interested in entering the education profession to fulfill State teacher certification or licensure requirements;

(2) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to fulfilling State teacher certification or licensure requirements;

(3) training of staff, including the development of appropriate support programs, such as mentor programs, for teachers entering the school system through alternative routes to teacher certification or licensure;

(4) the development of recruitment strategies;

(5) the development of reciprocity agreements between or among States for the certification or licensure of teachers; or

(6) other programs, projects, and activities that—

(A) are designed to meet the purpose of this Act; and

(B) the Secretary determines appropriate.

SEC. 6. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; AND STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $15,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

By Mr. SPECTER (by request):

S. 1743. A bill to amend title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment; to the Committee on Veterans' Affairs.

ARMED FORCES LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1743, a proposed bill to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 24, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1743

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

SECTION 1. AUTHORIZATION TO FURNISH MEMORIAL HEADSTONES AND MARKERS FOR SPOUSES AND SURVIVING SPOUSES OF VETERANS AND DECEASED SERVICE MEMBERS.

Section 2306(b) of title 38, United States Code, is amended—

(a) by adding ''(which for purposes of this subsection includes a person who died in the active military, naval, or air service) or any spouse or surviving spouse (which for purposes of this section includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce) of a veteran'' following ''any veteran'';

(b) by striking out ''veteran's'' in paragraph (2) and inserting in lieu thereof ''individual's''; and

(c) by adding at the end thereof ''Where the Secretary has furnished a memorial headstone or market under this subsection for the purpose of commemorating a veteran, or has furnished a headstone or marker for the unmarked grave of a veteran under subsection (a) of this section, the Secretary shall, where feasible, add a memorial inscription to the existing headstone or marker under this subsection for the veteran's surviving spouse.''.

SEC. 2. AMENDMENTS TO PROVISIONS GOVERNING MEMORIAL AREAS.

Section 2403(b) of title 38, United States Code, is amended by striking all after ''appropriate'' and inserting in lieu thereof ''group memorials shall be erected to honor the memory of groups of individuals referred to in subsection (a) of this section, and appropriate memorial headstones and markers shall be erected to honor the memory of individuals referred to in subsection (a) of this section or subsection (b) of section 2306 of this title.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to deaths occurring after the date of its enactment.

THE SECRETARY OF VETERANS AFFAIRS

Washington, DC, June 24, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend sections 2306 and 2403 of title 38, United States Code, to authorize memorialization of deceased spouses and surviving spouses of veterans and deceased members of the Armed Forces whose remains are not available for interment.

The law currently authorizes the Secretary of Veterans Affairs to furnish and to erect in national cemeteries appropriate memorial headstones or markers for veterans and members of the Armed Forces whose remains are not available for interment because they have not been recovered or identified, were buried at sea, were donated to science, or were cremated and the ashes scattered. However, there is no authorization for memorialization of the deceased spouses of such persons where remains are not available for interment. Since spouses are currently eligible for other burial benefits such as Government-furnished headstones or markers for unmarked graves and interment in a national cemetery, if their remains are available, we believe it is inequitable to deny the comparable benefit of memorialization when remains are unavailable. This benefit would be particularly meaningful when a spouse predeceases a veteran by providing the veteran with a suitable remembrance of the deceased loved one which can be appreciated by the veteran during his or her lifetime.

Where a veteran predeceases his or her spouse and the veteran's grave is marked with an upright headstone, a memorial inscription for the spouse may be placed on the back of the same headstone, and a separate marker for the spouse would not generally be required. If the veteran's grave is marked with a flat stone marker, an inscription can usually be added for the spouse, space permitting. Accordingly, the draft bill provides that, where feasible, a memorial inscription shall be placed on an existing headstone or marker in lieu of furnishing a new memorial headstone or marker.

The addition of an inscription to an existing marker will not be feasible in some situations. When an existing marker or headstone cannot be modified, we contemplate replacing the existing marker with a new marker or headstone bearing inscriptions for both the veteran and the spouse. For example, where a veteran has predeceased his or her spouse, it would not be feasible to add a

memorial inscription for the spouse to an existing bronze marker or to a niche marker for cremated remains. A new headstone or marker will also be necessary where a spouse predeceases a veteran. Upon the veteran's subsequent death, the veteran may be buried under circumstances requiring use of a different style of marker than was supplied for memorialization of the spouse, e.g., a niche marker for cremated remains, as opposed to a full-sized flat marker or headstone. Further, since the Department of Veterans Affairs places the veteran's name in a preeminent position on a marker or headstone, the spouse's marker would be replaced with a new marker or headstone bearing inscriptions for both the veteran and the spouse, with the veteran's inscription being preeminent.

Because it is likely that relatively few spouses will require memorialization, we anticipate that the costs associated with this proposal would be insignificant. This proposal would affect direct spending; therefore, it is subject to pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal would be less than $500,000.

The OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1744. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

THE NATIONAL CEMETERY ADMINISTRATION REDESIGNATION ACT OF 1998

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1744, a proposed bill to redesignate the National Cemetery System of the Department of Veterans Affairs as the ''National Cemetery Administration'' and the Director of the National Cemetery System as the ''Assistant Secretary for Memorial Affairs.'' The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated September 17, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this 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:

S. 1744

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

SECTION 1. REDESIGNATION OF TITLE OF NATIONAL CEMETERY SYSTEM.

The title of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as the National Cemetery Administration.

SEC. 2. REDESIGNATION OF POSITION OF DIRECTOR OF THE NATIONAL CEMETERY SYSTEM.

The position of Director of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as Assistant Secretary for Memorial Affairs.

SEC. 3. ASSISTANT SECRETARIES.

Section 308(a) of title 38, United States Code, is amended by—

(a) in subsection (a) thereof, changing the period at the end of the first sentence of that subsection to a comma and adding the following at the end of that sentence: ''in addition to the Assistant Secretary for Memorial Affairs'';

(b) in subsection (b) thereof, by inserting ''other than the Assistant Secretary for Memorial Affairs'' after ''Assistant Secretaries''; and

(c) in subsection (c) thereof, by inserting ''pursuant to subsection (b)'' after ''Assistant Secretary''.

SEC. 4. TITLE 38 CONFORMING AMENDMENTS.

(a) Title 38, United States Code, is amended by striking out ''Director of the National Cemetery System'' each place it appears (including in headings and tables) and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''.

(b) Section 301(c) of title 38, United States Code, is amended by striking out ''System'' in subsection (c)(4) and inserting in lieu thereof ''Administration''.

(c) Section 307 of title 38, United States Code, is amended—

(1) by striking out ''a'' in the first sentence and inserting in lieu thereof ''an'';

(2) by striking out ''Director'' in the second sentence and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''; and

(3) by striking out ''System'' in the second sentence and inserting in lieu thereof ''Administration''.

(d)(1) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in the first sentence of subsection (d)(1) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(2) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in subsection (d)(2) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(e)(1) The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director.'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary.''.

(2) The heading of section 2400 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary''.

(3) Section 2400(a) of title 38, United States Code, is amended by striking out ''shall be within the Department a National Cemetery System'' in the first sentence and inserting in lieu thereof ''is within the Department a National Cemetery Administration responsible'' in the first sentence and by striking out ''Such system'' in the second sentence and inserting in lieu thereof ''The National Cemetery Administration''.

(4) Section 2400(b) of title 38, United States Code, is amended by striking out ''The National Cemetery System'' and inserting ''National cemeteries and other facilities under the control of the National Cemetery Administration'' in lieu thereof.

(5) Section 2402 of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(6) Section 2403(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System created by this chapter'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(7) Section 2405(c) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration'' and by striking out ''within such System'' and inserting in lieu thereof ''under the control such Administration''.

(8) Section 2408(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' in subsection (c)(1) and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

SEC. 5. EXECUTIVE SCHEDULE CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking out ''(6)'' following ''Assistant Secretaries, Department of Veterans Affairs'' and inserting in lieu thereof ''(7)'' and by striking out ''Director of the National Cemetery System.''

SEC. 6. REFERENCES IN OTHER LAWS.

(a) Any reference to the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs, which reference pertains to the organization within that Department which controls the Department's national cemeteries shall be deemed to refer to the National Cemetery Administration.

(b) Any reference to the Director of the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Assistant Secretary for Memorial Affairs.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, September 17, 1997.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to redesignate the National Cemetery System (NCS) as the ''National Cemetery Administration'' and the Director of the National Cemetery System as the ''Assistant Secretary for Memorial Affairs.'' The legislation would elevate the NCS to the same organizational status within the Department of Veterans Affairs (VA) as the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA). I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

On March 15, 1989, the Veterans' Administration was redesignated as the Department of Veterans Affairs and elevated to cabinet-level status as an executive department. At that time, two of the three VA components that administer veterans' programs were also redesignated. The Department of Medicine and Surgery was redesignated as the

Veterans Health Services and Research Administration (now the Veterans Health Administration) and the Department of Veterans' Benefits was redesignated as the Veterans Benefits Administration. The designation of the third program component, the National Cemetery System, was not changed.

On October 9, 1992, the title of the Chief Medical Director, the head of the Veterans Health Administration, was redesignated as the Under Secretary for Health and the title of the Chief Benefits Director was redesignated as the Under Secretary for Benefits. The title of the Director of the National Cemetery System was not changed.

The NCS was established on June 18, 1973, in accordance with the National Cemeteries Act of 1973, Pub. L. No. 93–43, §2(a), 87 Stat. 75. The fourfold mission of the NCS is: (1) to provide for the interment in national cemeteries of the remains of deceased veterans, their spouses, and certain other dependents and to permanently maintain their graves; (2) to mark the graves of eligible persons buried in national, state, and private cemeteries; (3) to administer the State Cemetery Grants Program to aid states in establishing, expanding, or improving state veterans' cemeteries; and, (4) to administer the Presidential Memorial Certificate Program.

NCS is the only one of the three VA components responsible for delivering benefits to veterans and their dependents that is referred to as a ''System'' rather than an ''Administration.'' The proposed redesignation ''National Cemetery Administration'' would more accurately recognize NCS' status as a benefit-delivery administration.

Section 307 of title 38, United States Code, establishes the position of Director of the National Cemetery System. The present position title implies that the Director's responsibility is limited to management of the system of national cemeteries and does not adequately reflect tie responsibilities associated with the fourfold mission of the NCS. The proposed redesignation ''Assistant Secretary for Memorial Affairs'' would assure that the position receives the status commensurate with its responsibilities. The redesignation would not affect the duties and responsibilities of the position, which would remain the same.

Section 308(a) of title 38, United States Code, provides that VA shall have no more than six Assistant Secretaries. Under the draft bill, the position of Assistant Secretary for Memorial Affairs, so designated in section 307, would not be counted as one of the six Assistant Secretary positions referred to in section 308(a).

Currently, the salary level for the NCS Director is set by statute at Executive Level IV. The salary level for the other VA Assistant Secretary positions is also set at Executive Level IV. The proposed redesignation of the NCS Director as the Assistant Secretary for Memorial Affairs would not affect the salary level of the position, which would remain at Executive Level IV.

Although the proposed redesignation would require changes in some forms and publications, we contemplate making these changes as the documents are reordered or revised. For this reason, and because the Director's salary level would not change, no costs or savings are associated with this proposal.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

HERSHEL W. GOBER,
Secretary-Designate.

By Mr. SPECTER (by request):

S. 1745. A bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals hears and considers appeals; to the Committee on Veteran's Affairs.

VETERANS' APPEALS BOARD LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1745, a proposed bill to provide flexibility in the order in which the Board of Veterans' Appeals of the Department of Veterans Affairs hears and considers appeals. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this 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:

S. 1745

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

SECTION 1. EXCEPTION TO DOCKET ORDER CONSIDERATION

Section 7107(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''Except as provided in subsection (f)'' and inserting ''Except as provided in paragraph (2) and subsection (f)'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following:

''(2) The Board may consider and decide an appeal later than its place on the docket would normally require if such delay is necessary to provide the appellant a hearing.''.

SEC. 2. SCHEDULING OF FIELD HEARINGS.

(a) Section 7107(d) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) A hearing to be held within an area served by a regional office of the Department shall (except as provided in paragraph (3)) be scheduled to be held in accordance with that case's place on the docket referred to in subsection (a) relative to the other cases for which a hearing is scheduled to be held in that area.''.

(b) The amendment made by subsection (a) applies to requests for a hearing received by the Department on or after the date of enactment.

SEC. 3. ADVANCEMENT ON THE HEARING DOCKET.

Section 7107(d) of title 38, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinly the grounds upon which it is based and may not be granted unless the case involves interpretation of law of general application affecting other claims or for other sufficient cause shown.''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend title 38, United States Code, to provide flexibility in the order in which the Board of Veterans' Appeals (Board) hears and considers appeals. This proposed legislation would reduce delays in the issuance of Board decisions caused by late requests for field hearings. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Current 38 U.S.C. §7107(a) requires the Board to consider and decide each appeal in regular order according to its place upon the docket. Furthermore, 38 U.S.C. §7107(b) requires the Board to afford an appellant an opportunity for a hearing before deciding his or her appeal. An appellant may request that a hearing before the Board be held at the Board's principal location in Washington, D.C., or at a Department of Veterans Affairs (VA) facility within the area served by a VA regional office. 38 U.S.C. §7107(d)(1). A hearing to be held within an area served by a regional office must be scheduled to be held in the order in which requests for hearings within that area are received by VA. 38 U.S.C. §7107(d)(2).

The order in which appeals must be scheduled for hearing in a given area and the order in which they must be considered and decided sometimes conflict. Such conflict arises when VA receives appellants' requests for hearings in an area in an order different from the order in which those appeals were docketed for consideration. (An appeal is docketed when the Board receives from the agency of original jurisdiction a copy of the substantive appeal.) For example, appellant A, whose appeal is high on the consideration docket, may request a field hearing in a given area long after many other appellants, whose appeals rank lower on the consideration docket, have already requested a hearing in that area. Not only must hearings for the lower ranking appeals be scheduled to be held before appellant A's hearing, but consideration and decision on every appeal ranking lower than appellant A's appeal must await consideration and decision on appellant A's appeal. The result is delay for all.

Aggravating this situation are two facts: First, limits on Board resources often constrain the Board to hold hearings at a given field facility infrequently, sometimes as seldom as once a year. Thus, a long time may pass before a requested hearing is actually held. Second, the long time elapsing between the initiation of and decision on an appeal, caused by a large appeal backlog, gives ample opportunity for appellants ranking high on the consideration docket to request a field hearing after lower ranking appellants have already requested one.

Our draft bill would alleviate the delays caused by this situation. Section 1 would create an exception to the docket-order consideration requirement for certain cases in which a hearing is requested. Section 1 would permit the Board to consider cases lower on the consideration docket before a case in which the appellant has requested a hearing that, due to resource shortfalls or the lateness of the request, cannot be held promptly. Section 2 would provide that a field hearing be scheduled to be held in accordance with that case's place on the consideration docket relative to other cases for

which a hearing is requested within that area. Under that provision, field hearings would be scheduled to be held in the same order in which the cases will be considered and decided. This change would apply to hearing requests received by VA on or after the date of enactment.

Section 3 would permit the Board to advance a case on the hearing docket upon motion for cause shown, the same standard for which a case may be advanced on the consideration docket under 38 U.S.C. §7107(a)(2). Although current section 7107(d)(3) permits the Secretary to advance a case on the hearing docket if the Secretary knows that the appellant is seriously ill or under severe financial hardship, advancement on the hearing docket on that basis does not necessarily result in advancement of the case on the consideration docket. By making the standard for advancement on either docket the same, advancement on either docket would result in advancement on the other docket.

Enactment of this proposed legislation would result in no significant costs or savings.

The Office of Management and Budget advises that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely yours,

HERSHEL W. GOBER
Acting Secretary.

Enclosure.

By Mr. SPECTER (by request):

S. 1746. A bill to amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS LEGISLATION

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1746, a proposed bill to remove a statutory provision requiring a specified number of full-time equivalent positions in the Office of the Inspector General, Department of Veterans Affairs. The Acting Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 7, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that additional material be pritned in the RECORD.

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

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 312 of title 38, United States Code, is amended—

(1) by striking out ''(a)'' in subsection (a); and

(2) by striking out subsection (b).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, August 7, 1997.

Hon. AL GORE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith, a draft bill, ''To amend title 38, United States Code, to remove a statutory provision requiring a specified number of full-time equivalent positions in the VA's Office of Inspector General.'' We request that it be referred to the appropriate committees for prompt consideration and enactment.

This draft bill would eliminate the requirement that the Secretary provide a set level of staffing of 417 full-time equivalent positions for the Office of Inspector General. VA has been unable to meet the statutory employment floor since 1993. The Department's full-time equivalent employment level is determined by appropriations, and moreover, the statutory floor limits VA's ability to operate in the most efficient manner. Accordingly, it is appropriate to delete the statutory requirement.

The draft bill would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General. Elimination of the floor renders the report unnecessary.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that enactment of this proposal would be in accord with the program of the President.

Sincerely yours,

HERSHEL W. GOBER,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS

The draft bill would amend 38 U.S.C. §312 by deleting subsection (b), thus eliminating the requirement that the Secretary shall provide a set level of staffing of 417 full time equivalent positions (''FTE'') for the Inspector General. It would also eliminate the requirement that the President include in the budget transmitted to Congress an estimate of an amount sufficient for the level of staffing established for the Inspector General.

There are two reasons why the statutory Inspector General FTE level should be eliminated. First, funding restraints since 1993 have prevented VA from meeting the statutory FTE requirement. Second, the statutory FTE level limits VA's ability to operate in the most efficient manner. The proposal also does away with the related reporting requirements because elimination of the statutory FTE level renders the reporting requirement unnecessary.

There are no costs associated with this proposal.

By Mr. GRASSLEY (for himself, Mr. REID, and Mr. KERREY):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for additional taxpayer rights and taxpayer education, notice, and resources, and for other purposes.

TAXPAYER BILL OF RIGHTS 3

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to further protect taxpayer rights.

Mr. President, I have long championed taxpayer rights. In 1989, I co-authored the first ever taxpayer bill of rights with Senator David Pryor of Arkansas. We joined forces again in 1996 to pass the sequel known as T2, the Taxpayer Bill of Rights 2. Yet, my work as a member of the National Commission on the Restructuring of the IRS and as a senior member of the Senate Finance Committee led me to believe that we need even more taxpayer protections. In addition, we need to make a concerted effort to educate taxpayers of their rights and the IRS tax procedures.

The findings of the National Commission on Restructuring the Internal Revenue Service, of which I was a member, recommended increasing taxpayer rights. The Senate Finance Committee recently concluded months of hearings that demonstrated to us, and to the public, that American taxpayers are being treated unfairly by the IRS. I cannot sit idly by and let this happen to the American people.

For a start, last year Senator KERREY and I introduced legislation that would implement the Restructuring Commission's proposals, including the taxpayer rights recommendations. The House of Representatives, when considering identical legislation, weakened some of the provisions. To its credit, the House also added some strong, imaginative protections in return. I applaud everyone who works to increase taxpayer rights, and to give the unrepresented taxpayer a louder voice against the IRS.

With introduction of this legislation, the Taxpayer Bill of Rights 3, or T3, I am saying that I want to see the strongest taxpayer protections possible in any Senate-passed IRS restructuring legislation. The bill I am introducing today, the Taxpayer Bill of Rights 3, contains the strongest provisions from both the Kerrey-Grassley bill and from the House-passed bill, and also some additional protections.

This bill takes a two-pronged approach to assure taxpayer rights. First, it increases basic taxpayer rights. It helps place a check on IRS collection actions. It gets the IRS off the back of delinquent taxpayers who are making good faith efforts to resolve disputes, and it prohibits the IRS from harassing and abusing taxpayers. Specifically, it requires the IRS to obtain court approval before seizing taxpayer property or belongings. Further, it requires that the levy is reasonable. If the IRS is levying a principal residence or business, then the IRS must have exhausted all other payment options, including the use of installment agreements. It also increases taxpayer rights by allowing honest citizens to sue the IRS when its employees negligently disregard provisions of the code or regulations.

It also requires the IRS to enter into installment agreements for tax liability that is less than $10,000, if the taxpayer has not failed to file or pay taxes in the last 5 years, and has no prior installment agreements. It also requires the Commissioner to catalog and review taxpayer complaints of misconduct by IRS employees, and develop procedures for review and discipline. It expands the grounds on which taxpayers can sue the IRS for civil damages to include negligent actions.

These are only a few of this bill's provisions.

Another inequity that is solved is the difference between interest on tax overpayments and underpayments. Currently, the IRS charges you more in interest on money you owe to it, than it gives you on money that it owes you. This is simply not fair.

Another unfairness that occurs is that the IRS does not have to live by the same collection rules that creditors live by. My bill prohibits the IRS from communicating with a delinquent taxpayer at any unusual time or place, generally prohibiting telephone calls other than between 8:00 a.m. and 9:00 p.m. It also prohibits the IRS from harassing or abusing delinquent taxpayers.

The second prong of my bill increases taxpayer education, notice and resources. Taxpayers must be aware of their rights in order to take advantage of them. Recent hearings have exposed IRS strategies that target the little guy by using his lack of knowledge about the process and about his rights against him. I intend to bring this unjust practice to an end. My bill establishes a 24-hour a day, toll-free taxpayer help line. This help line must be staffed at all times by a person trained in helping individual taxpayers, and during regular business hours by a person trained to help small businesses. All paper communications received from the IRS must prominently display this phone number, as well as the number of the local taxpayer advocate, low-income taxpayer clinics and the toll-free number for taxpayers to register complaints of misconduct by IRS employees.

In addition, the IRS must inform taxpayers of their rights and IRS processes. This includes notice at the time of an interview, in a first notice of appeal, and in other contacts with the IRS. Taxpayers also must be notified of their right to refuse to extend the statute of limitations when the IRS asks the taxpayer to extend this time.

Mr. President, this bill sends a clear signal to the IRS: put the customer first. Blame only those who are guilty. To this end, my bill is missing one provision that is vital to taxpayer rights reform. Today, in addition to introducing my own freestanding legislation, I am adding myself as a cosponsor to Senator D'AMATO's innocent spouse reform bill. Innocent spouses are caught in the trap of joint and several liability and are unfairly saddled with another's tax debt. If we are truly trying to bring fairness and equity to the American tax system, then strong, and retroactive innocent spouse reform must be a part of any IRS reform bill.

Finally, I'll be working during Finance Committee and Senate consideration of IRS reform legislation to give taxpayers the rights they deserve. This bill, the Taxpayer Bill of Rights 3, is the first step in this direction. Let the word ring clear: The era of IRS bullying is over.

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:

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Bill of Rights 3''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Findings.

TITLE I—TAXPAYER RIGHTS

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TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

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SEC. 2. FINDINGS.

The Senate finds that—

(1) the National Commission on Restructuring the Internal Revenue Service has found the urgent need for significant Internal Revenue Service reform;

(2) the ongoing hearings of the Committee on Finance of the Senate have uncovered consistent abuse of taxpayers by the Internal Revenue Service;

(3) the Internal Revenue Service should be responsible and held accountable for its treatment of taxpayers;

(4) the American public expects and deserves timely and accurate service from the Internal Revenue Service; and

(5) additional taxpayer protections are necessary to ensure that taxpayers receive fair, impartial, and courteous assistance from the Internal Revenue Service.

TITLE I—TAXPAYER RIGHTS

SEC. 101. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including the extent to which taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 102. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting '', or by reason of negligence,'' after ''recklessly or intentionally'', and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''($100,000, in the case of negligence)'' after ''$1,000,000'', and

(B) in paragraph (1), by inserting ''or negligent'' after ''reckless or intentional''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 104. FREEDOM OF INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures under which expedited access will be granted to requests under section 551 of title 5, United States Code, when—

(1) there exists widespread and exceptional media interest in the requested information, and

(2) expedited processing is warranted because the information sought involves possible questions about the government's integrity which affect public confidence.

In addition, such procedures shall require the Internal Revenue Service to provide an explanation to the person making the request if the request is not satisfied within 30 days, including a summary of actions taken to date and the expected completion date. Finally, to the extent that any such request is not satisfied in full within 60 days, such person may seek a determination of whether such request should be granted by the appropriate Federal district court.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 105. ELIMINATION OF APPLICATION OF FAILURE TO PAY PENALTY DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Subsection (c) of section 6651 (relating to the penalty for failure to file tax return or to pay tax) is amended by adding at the end the following:

''(3) TOLLING DURING PERIOD OF INSTALLMENT AGREEMENT.—If the amount required to be paid is the subject of an agreement for payment of tax liability in installments made pursuant to section 6159, the additions imposed under subsection (a) shall not apply so long as such agreement remains in effect.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 106. SAFE HARBOR FOR QUALIFICATION FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Subsection (a) of section 6159 (relating to agreements for payment of tax liability in installments) is amended—

(1) by striking ''The Secretary is'' and inserting the following:

''(1) IN GENERAL.—The Secretary is'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(2) SAFE HARBOR.—The Secretary shall enter into an agreement to accept the payment of a tax liability in installments if—

''(A) the amount of such liability does not exceed $10,000,

''(B) the taxpayer has not failed to file any tax return or pay any tax required to be shown thereon during the immediately preceding 5 years, and

''(C) the taxpayer has not entered into any prior installment agreement under this paragraph.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into after the date of the enactment of this Act.

SEC. 107. CATALOGING COMPLAINTS.

(a) IN GENERAL.—The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, develop procedures to catalog and review taxpayer complaints of misconduct by Internal Revenue Service employees. Such procedures should include guidelines for internal review and discipline of employees, as warranted by the scope of such complaints.

(b) HOTLINE.— The Commissioner of Internal Revenue shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees, and shall publish such number in Publication 1.

SEC. 108. SUSPENSION OF STATUTE OF LIMITATIONS ON FILING REFUND CLAIMS DURING PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following:

''(h) RUNNING OF PERIODS OF LIMITATION SUSPENDED WHILE TAXPAYER IS UNABLE TO MANAGE FINANCIAL AFFAIRS DUE TO DISABILITY.—

''(1) IN GENERAL.—In the case of an individual, the running of the periods specified in subsections (a), (b), and (c) shall be suspended during any period of such individual's life that such individual is financially disabled.

''(2) FINANCIALLY DISABLED.—

''(A) IN GENERAL.—For purposes of paragraph (1), an individual is financially disabled if such individual is unable to manage his financial affairs by reason of his medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to have such an impairment unless proof of the existence thereof is furnished in such form and manner as the Secretary may require.

''(B) EXCEPTION WHERE INDIVIDUAL HAS GUARDIAN, ETC.—An individual shall not be treated as financially disabled during any period that such individual's spouse or any other person is authorized to act on behalf of such individual in financial matters.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods of disability before, on, or after the date of the enactment of this Act but shall not apply to any claim for credit or refund which (without regard to such amendment) is barred by the operation of any law or rule of law (including res judicata) as of January 1, 1998.

SEC. 109. LIMITATION ON FINANCIAL STATUS AUDIT TECHNIQUES.

Section 7602 is amended by adding at the end the following:

''(e) LIMITATION ON EXAMINATION ON UNREPORTED INCOME.—The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.''

SEC. 110. NOTICE OF DEFICIENCY TO SPECIFY DEADLINES FOR FILING TAX COURT PETITION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall include on each notice of deficiency under section 6212 of the Internal Revenue Code of 1986 the date determined by such Secretary (or delegate) as the last day on which the taxpayer may file a petition with the Tax Court.

(b) LATER FILING DEADLINES SPECIFIED ON NOTICE OF DEFICIENCY TO BE BINDING.—Subsection (a) of section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by adding at the end the following: ''Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed.''

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to notices mailed after December 31, 1998.

SEC. 111. REFUND OR CREDIT OF OVERPAYMENTS BEFORE FINAL DETERMINATION.

(a) TAX COURT PROCEEDINGS.—Subsection (a) of section 6213 is amended—

(1) by striking '', including the Tax Court.'' and inserting '', including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection.'', and

(2) by striking ''to enjoin any action or proceeding'' and inserting ''to enjoin any action or proceeding or order any refund''.

(b) OTHER PROCEEDINGS.—Subsection (a) of section 6512 is amended by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following:

''(5) As to any amount collected within the period during which the Secretary is prohibited from making the assessment or from collecting by levy or through a proceeding in court under the provisions of section 6213(a), and

''(6) As to overpayments the Secretary is authorized to refund or credit pending appeal as provided in subsection (b).''

(c) REFUND OR CREDIT PENDING APPEAL.—Paragraph (1) of section 6512(b) is amended by adding at the end the following: ''If a notice of appeal in respect of the decision of the Tax Court is filed under section 7483, the Secretary is authorized to refund or credit the overpayment determined by the Tax Court to the extent the overpayment is not contested on appeal.''

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

SEC. 112. THREAT OF AUDIT PROHIBITED TO COERCE TIP REPORTING ALTERNATIVE COMMITMENT AGREEMENTS.

The Secretary of the Treasury or the Secretary's delegate shall instruct employees of the Internal Revenue Service that they may not threaten to audit any taxpayer in an attempt to coerce the taxpayer into entering into a Tip Reporting Alternative Commitment Agreement.

SEC. 113. COURT APPROVAL FOR SEIZURE OF TAXPAYER'S PROPERTY.

(a) IN GENERAL.—Section 6331(a) (relating to levy and distraint) is amended by adding at the end the following:

''(2) LIMITATION ON AUTHORITY OF SECRETARY.—Notwithstanding paragraph (1), the Secretary shall not levy upon any property or rights to property until a court of competent jurisdiction—

''(A) has determined that—

''(i) such levy is reasonable under the circumstances, and

''(ii) in the case of a levy upon the principal residence or business establishment of the taxpayer, the Secretary has exhausted all other payment options, and

''(B) issues a writ of execution.''

(b) CONFORMING AMENDMENT.—Section 6331(a) is amended by striking ''If any person'' and inserting:

''(1) IN GENERAL.—If any person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for seizures occurring on or after the date of the enactment of this Act.

SEC. 114. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) IN GENERAL.—Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking ''Upon application'' and inserting the following:

''(1) IN GENERAL.—Upon application'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(2) DETERMINATION OF HARDSHIP.—For purposes of determining whether a taxpayer is suffering or about to suffer a significant hardship, the Taxpayer Advocate should consider—

''(A) whether the Internal Revenue Service employee to which such order would issue is following applicable published administrative guidance, including the Internal Revenue Manual,

''(B) whether there is an immediate threat of adverse action,

''(C) whether there has been a delay of more than 30 days in resolving taxpayer account problems,

''(D) the prospect that the taxpayer will have to pay significant professional fees for representation,

''(E) whether the taxpayer will suffer irreparable injury, or a long-term adverse impact, if relief is not granted, and

''(F) any other factor the Taxpayer Advocate deems appropriate.''

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

SEC. 115. MODIFICATIONS TO CERTAIN LEVY EXEMPTION AMOUNTS.

(a) FUEL, ETC.—Section 6334(a)(2) (relating to fuel, provisions, furniture, and personal effects) is amended by striking ''$2,500'' and inserting ''$5,000''.

(b) BOOKS, ETC.—Section 6334(a)(3) (relating to books and tools of a trade, business, or profession) is amended by striking ''$1,250'' and inserting ''$10,000''.

(c) CONFORMING AMENDMENT .—Section 6334(f)(1) (relating to inflation adjustment) is amended—

(1) by striking ''1997'' and inserting ''1999'', and

(2) by striking ''1996'' in subparagraph (B) and inserting ''1998''.

(d) EFFECTIVE DATE.—The amendments made by this section shall tale effect with respect to levies issued after December 31, 1998.

SEC. 116. OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following:

''(c) ALLOWANCES.—The Secretary shall develop and publish guidelines for national and local allowances to ensure that taxpayers entering into a compromise have an adequate means to provide for basic living expenses.''

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

SEC. 117. INCREASE IN OVERPAYMENT RATE PAYABLE TO TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 6621(a)(1) (defining overpayment rate) is amended to read as follows:

''(B) 3 percentage points (2 percentage points in the case of a corporation).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

SEC. 118. LEVY PROHIBITED DURING CERTAIN NEGOTIATIONS.

(a) IN GENERAL.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following:

''(j) NO LEVY DURING CERTAIN NEGOTIATIONS.—

''(1) IN GENERAL.—No levy may be made under subsection (a) on the salary or wages or other property of any person with respect to any unpaid tax in a case, and during the period, to which paragraph (2) or (3) applies.

''(2) OFFERS IN COMPROMISE; INSTALLMENT AGREEMENTS.—This paragraph applies to any unpaid tax of such person—

''(A) during the period that an offer by such person in compromise under section 7122, or for an installment agreement under section 6159, of such unpaid tax is pending with the Secretary, and

''(B) if such offer is rejected by the Secretary, during the 30 days thereafter (and, if an appeal of such rejection is filed within such 30 days, during the period that such appeal is pending).

''(3) CERTAIN ASSESSMENTS OF INDIVIDUAL INCOME TAX.—This paragraph applies to any unpaid tax of an individual which is imposed by subtitle A during the 60-day period beginning on the date such individual requests that this paragraph apply to such tax if—

''(A) such tax was included in a notice of deficiency under section 6212 mailed to the last known address of such individual, and

''(B) the assessment of such tax was not prevented at any prior time by reason of any action taken by such individual.

''(4) EXCEPTION.—Paragraph (1) shall not apply if the Secretary finds that—

''(A) the collection of the tax is in jeopardy, or

''(B) the offer or request is made solely to delay collection.

''(5) SUSPENSION OF STATUTE OF LIMITATIONS ON COLLECTION.—Subsection (i)(4) shall apply for purposes of this subsection.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes assessed on or after the 60th day after the date of the enactment of this Act.

SEC. 119. APPLICATION OF CERTAIN FAIR DEBT COLLECTION PROCEDURES.

(a) IN GENERAL.—Subchapter A of chapter 64 (relating to collection) is amended by inserting after section 6303 the following:

''SEC. 6304. FAIR TAX COLLECTION PRACTICES.

''(a) COMMUNICATION WITH THE TAXPAYER.—Without the prior consent of the taxpayer given directly to the Secretary or the express permission of a court of competent jurisdiction, the Secretary may not communicate with a taxpayer in connection with the collection of any unpaid tax—

''(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the taxpayer;

''(2) if the Secretary knows the taxpayer is represented by an attorney with respect to such unpaid tax and has knowledge of, or can readily ascertain, such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the Secretary or unless the attorney consents to direct communication with the taxpayer; or

''(3) at the taxpayer's place of employment if the Secretary knows or has reason to know that the taxpayer's employer prohibits the taxpayer from receiving such communication.

In the absence of knowledge of circumstances to the contrary, the Secretary shall assume that the convenient time for communicating with a taxpayer is after 8 a.m. and before 9 p.m., local time at the taxpayer's location.

''(b) PROHIBITION OF HARASSMENT AND ABUSE.—The Secretary may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with any unpaid tax. Without limiting the general application of the foregoing, the following conduct is a violation of this subsection:

''(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

''(2) The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.

''(3) The publication of a list of taxpayers who allegedly refuse to pay taxes, except to a consumer reporting agency or to persons meeting the requirements of section 603(f) or 604(a)(3) of the Fair Credit Reporting Act.

''(4) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

''(5) Except as provided under rules similar to the rules in section 804 of the Fair Debt Collection Practices Act (15 U.S.C. 1692b), the placement of telephone calls without meaningful disclosure of the caller's identity.

''(c) CIVIL ACTION FOR VIOLATIONS OF SECTION.—

''For civil action for violations of this section, see section 7433.''

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 is amended by inserting after the item relating to section 6303 the following:

''Sec. 6304. Fair tax collection practices.''

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

SEC. 120. ALLOWANCE OF CIVIL DAMAGE SUITS BY PERSONS OTHER THAN TAXPAYERS FOR IRS UNAUTHORIZED COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433(a) (relating to civil damages for certain unauthorized collection damages) is amended—

(1) by striking ''a taxpayer'' and inserting ''any person'', and

(2) by striking ''such taxpayer'' and inserting ''such person''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 121. COOPERATIVE AGREEMENTS WITH STATE TAX AUTHORITIES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding after section 7524 the following:

''SEC. 7525. TAX ADMINISTRATION AGREEMENTS.

''(a) IN GENERAL.—To the extent provided in regulations, the Secretary is authorized to enter into tax administration agreements with any State agency, body, or commission described in section 6103(d)(1). Under such agreements, the Secretary may delegate powers relating to the administration of this title to officers and employees of such State agency, body, or commission, only if such officers and employees in exercising such powers are under the supervision of the Secretary.

''(b) TAX ADMINISTRATION AGREEMENT DEFINED.—A tax administration agreement is a written agreement entered into by the Secretary and a State agency, body, or commission described in section 6103(d)(1) that provides for a delegation of tax administration powers or a payment of reasonable compensation for activities conducted by either party to the agreement. Each Federal or State tax administration power to be exercised pursuant to a tax administration agreement shall be performed in accordance with the terms of the agreement to the extent such terms do not conflict with the Federal or State laws that otherwise authorize the respective tax administration function.

''(c) JUDICIAL PROCEEDINGS.—

''(1) REVIEW BY THE UNITED STATES COURTS.—Nothing in this subchapter shall give any court of the United States any additional jurisdiction nor diminish its jurisdiction.

''(2) PROHIBITION OF REVIEW BY THE STATE COURTS.—No court or other tribunal of any State shall have jurisdiction to adjudicate in any action, legal or equitable, the validity or

scope of an assessment of an internal revenue tax that is the subject of a tax administration agreement.

''(3) LIMITATION ON PERSONAL JURISDICTION.—No court or other tribunal of any State shall have jurisdiction over an individual who exercises Federal tax administration powers pursuant to a tax administration agreement for actions relating to the exercise of those powers.

''(d) PAYMENT FOR SERVICES.—The Secretary is authorized to pay reasonable compensation for activities conducted by a State pursuant to a tax administration agreement. The Secretary is authorized to collect reasonable compensation for activities conducted by the United States pursuant to a tax administration agreement.

''(e) AVAILABILITY OF FUNDS.—Any funds appropriated for purposes of the administration of this title shall be available for purposes of carrying out the Secretary's responsibilities under a tax administration agreement. Any reasonable compensation received pursuant to a tax administration agreement shall be credited to the amounts so appropriated and shall remain available to the Internal Revenue Service until expended to supplement appropriations made available to the appropriations accounts in the fiscal year during which this provision is enacted and all fiscal years thereafter.

''(f) TAX TREATIES AND OTHER INTERNATIONAL AGREEMENTS.—To the extent the provisions of this subchapter or a tax administration agreement may conflict with the terms of any tax treaty, or other international agreement of the United States containing provisions relating to taxation or the administration of tax laws, the terms of the treaty or international agreement shall control.

''(g) EMPLOYEE STATUS.—Any officer or employee of the United States acting pursuant to a tax administration agreement shall be deemed to remain a Federal employee. Except as otherwise expressly provided by the laws of the United States, any officer or employee of a State acting pursuant to a tax administration agreement shall be deemed to remain a State employee.''

(b) CONFORMING AMENDMENTS.—

(1) Section 6103(d) is amended—

(A) by amending paragraph (1) to read as follows:

''(1)(A) IN GENERAL.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with the responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in—

''(i) the administration of such laws, including any procedures with respect to locating, any person who may be entitled to a refund; or

''(ii) the administration of Federal tax laws pursuant to a tax administration agreement entered into between such agency, body or commission and the Secretary under section 7525.

''(B) WRITTEN REQUEST BY AGENCY HEAD REQUIRED FOR DISCLOSURE.—The inspection of returns and return information under this paragraph shall be permitted, or disclosure of such returns and return information made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or receive the returns or return information on behalf of such agency, body, or commission.

''(C) PERMISSIBLE RECIPIENTS.—The representatives of such agency, body, or commission to whom disclosure is permitted under this paragraph shall include only employees or legal representatives of such agency, body, or commission, or a person described in subsection (n) of this section. However, notwithstanding the foregoing, disclosure shall not be permitted to any individual who is the chief executive officer of such State.

''(D) CONFIDENTIAL INFORMANTS; IMPAIRMENT OF INVESTIGATIONS.—Return information shall not be disclosed under this paragraph to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation.''; and

(B) by adding at the end the following:

''(5) JOINT RETURN FILING PROGRAMS.—

''(A) IN GENERAL.—Upon written request by the head of any agency, body, or commission described in paragraph (1), the Secretary may disclose common data to such agency, body or commission for the purpose of carrying out a joint return filing program entered into under section 7525.

''(B) COMMON DATA DEFINED.—For purposes of this paragraph, 'common data' means any item of information that is required by both Federal and State law to be attached to or included on the respective Federal and State returns.

''(C) PROCEDURES FOR STATE AGENCIES.—Subsections (a)(2) and (p)(4) of this section shall not apply with respect to any disclosures made pursuant to this paragraph. However, common data disclosed pursuant to this paragraph is subject to subsection (p)(8) of this section.''

(2) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by inserting ''(d),'' after ''subsections (c),''; and

(B) in subparagraph (C)(i) by striking ''(d),''.

(3) Section 7212(a) is amended by inserting ''or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''any officer or employee of the United States'' in both places it appears.

(4) Section 7213(a)(2) is amended by deleting ''(d),'' and inserting instead ''(d)(1), (2), (3), or (4),''.

(5) Section 7214 is amended—

(A) in subsection (a), by inserting ''or any State officer or employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''Any officer or employee of the United States''; and

(B) in subsection (b), by inserting ''or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''Any internal revenue officer or employee''.

(6) Section 7431(a)(1) is amended by inserting ''or any State employee who is authorized to administer Federal tax laws pursuant to an agreement authorized by section 7525'' after ''If any officer or employee of the United States''.

(7) Section 7432(a) is amended by inserting ''or any State employee who is authorized to release liens under section 6325 pursuant to an agreement authorized by section 7525'' after ''If any officer or employee of the Internal Revenue Service''.

(8) Section 7433(a), as amended by this Act, is amended by inserting ''or any State employee who is authorized to collect Federal taxes pursuant to an agreement authorized by section 7525'' after ''If, in connection with any collection of Federal tax with respect to any person, any officer or employee of the Internal Revenue Service''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following:

''Sec. 7525. Tax administration agreements.''

TITLE II—TAXPAYER EDUCATION, NOTICE, AND RESOURCES

SEC. 201. EXPLANATION OF TAXPAYERS' RIGHTS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) to more clearly inform taxpayers of their rights.

SEC. 202. TOLL-FREE CUSTOMER HELP LINE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish a 24-hour-a-day toll-free telephone customer help line, staffed at all times by a person trained in helping individual taxpayers and staffed during regular business hours (for all time zones in the United States) by a person trained in helping small business taxpayers.

SEC. 203. NOTICE OF VARIOUS TELEPHONE NUMBERS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, provide that all paper communications received by a taxpayer from the Internal Revenue Service shall include in a prominent manner the telephone number and purpose of the nearest local office of the taxpayer advocate and the low income taxpayer clinic and the toll-free telephone number for taxpayers to register complaints of misconduct by Internal Revenue Service employees established under section 107(b).

SEC. 204. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) IN GENERAL.—Paragraph (1) of section 7521(b) (relating to procedures involving taxpayer interviews) is amended to read as follows:

''(1) EXPLANATIONS OF PROCESSES.—An officer or employee of the Internal Revenue Service shall—

''(A) before or at an initial interview, provide to the taxpayer—

''(i) in the case of an in-person interview with the taxpayer relating to the determination of any tax, an explanation of the audit process and the taxpayer's rights under such process, or

''(ii) in the case of an in-person interview with the taxpayer relating to the collection of any tax, an explanation of the collection process and the taxpayer's rights under such process, and

''(B) before an in-person initial interview with the taxpayer relating to the determination of any tax—

''(i) inquire whether the taxpayer is represented by an individual described in subsection (c),

''(ii) explain that the taxpayer has the right to have the interview take place in a reasonable place and that such place does not have to be the taxpayer's home,

''(iii) explain the reasons for the selection of the taxpayer's return for examination, and

''(iv) provide the taxpayer with a written explanation of the applicable burdens of proof on taxpayers and the Internal Revenue Service.

If the taxpayer is represented by an individual described in subsection (c), the interview may not proceed without the presence of such individual unless the taxpayer consents.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interviews and examinations taking place after the date of the enactment of this Act.

SEC. 205. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert taxpayers of their joint and several liabilities on all tax forms, publications, and instructions issued during the period joint and several liability remains a standard of liability. Such procedures shall include explanations of the possible consequences of joint and several liability.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—Such Secretary shall transmit drafts of the procedures required under subsection (a) (or proposed revisions to any such procedures) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 206. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) IN GENERAL.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking ''Where'' and inserting the following:

''(A) IN GENERAL.—Where'',

(2) by moving the text 2 ems to the right, and

(3) by adding at the end the following:

''(B) NOTICE TO TAXPAYER OF RIGHT TO REFUSE OR LIMIT EXTENSION.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 207. EXPLANATIONS OF APPEALS AND COLLECTION PROCESS.

(a) TAXPAYER SPECIFIC EXPLANATION.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, include with any 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals an explanation of the appeals process and the collection process with respect to such proposed deficiency.

(b) GENERAL EXPLANATION.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, make available to the general public, a booklet which in simple language provides an explanation of the appeals process and the collection process and the rights of taxpayers at each step of such process.

SEC. 208. INDEPENDENT OPERATION OF LOCAL TAXPAYER ADVOCATES.

(a) INDEPENDENT OPERATION OF LOCAL OFFICES.—Section 7802(d) (relating to Office of Taxpayer Advocate) is amended by adding at the end the following:

''(4) OPERATION OF LOCAL OFFICES.—

''(A) INDEPENDENT OPERATION.—Each local taxpayer advocate shall, at the taxpayer advocate's discretion, not disclose to the Internal Revenue Service contact with, or information provided by, a taxpayer.

''(B) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each local office of the taxpayer advocate shall maintain separate phone, facsimile, and other electronic communication access, and a separate post office address from the Internal Revenue Service district office or service center which it serves.''

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

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Utah [Mr. HATCH] was added 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. 1286

At the request of Mr. JEFFORDS, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1334

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1490

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1490, a bill to improve the quality of child care provided through Federal facilities and programs, and for other purposes.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1594

At the request of Mr. BENNETT, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1594, a bill to amend the Bank Protection Act of 1968 for purposes of facilitating the use of electronic authentication techniques by financial institutions, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1648

At the request of Mr. JEFFORDS, the name of the Senator from Utah [Mr.

HATCH] was added as a cosponsor of S. 1648, a bill to amend the Public Health Service Act and the Food, Drug and Cosmetic Act to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and for other purposes.

S. 1649

At the request of Mr. FORD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1649, a bill to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] 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.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

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

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] 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. SPECTER, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. KYL] were added as cosponsors of Senate Concurrent Resolution 78, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Alaska [Mr. STEVENS], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as ''National Character Counts Week.''

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

AMENDMENT NO. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of amendment No. 1711 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1716

At the request of Mr. JEFFORDS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. SMITH], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 1716 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. MCCAIN, the name of the Senator from Arizona [Mr. KYL] 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. 1734

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1734 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1735

At the request of Mr. CLELAND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 1735 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI, the names of the Senator from Rhode Island [Mr. REED] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1768

At the request of Mr. MURKOWSKI, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the Senator from Maine [Ms. COLLINS], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. HELMS], the Senator from Louisiana [Mr. BREAUX], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of amendment No. 1768 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1838

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of amendment No. 1838 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. NICKLES, his name was added as a cosponsor 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.

AMENDMENT NO. 1911

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of amendment No. 1911 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

BREAUX AMENDMENT NO. 1950

(Ordered to lie on the table.)

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

At the appropriate place insert:

SECTION 1010. GRADE CROSSING ELIMINATION PROGRAM

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

''(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $50,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 1999, $100,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year 2000, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2001, $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2003, to be used for elimination of hazards of railway-highway crossings, and $150,000,000 of the funds authorized to be appropriated for the surface transportation program for fiscal year 2002, to be used for elimination of hazards of railway-highway crossings.

''(B) ELIGIBLE CORRIDORS.—Funds made available under subparagraph (A) shall be expended for projects in—

''(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

''(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

''(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

''(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

''(i) projected rail ridership volume in each corridor;

''(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line:

''(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

''(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

''(v) the cooperation of the owners of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.''.

SWIFT RAIL DEVELOPMENT ACT REAUTHORIZATION

SEC. . HIGH SPEED RAIL PLANNING AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

''(d) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(e) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(f) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(g) FISCAL YEAR 2002.—(1) There are authorized to be appropriated to the Secretary $40,000,000 for fiscal year 2002, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $30,000,000 for fiscal year 2002, for carrying out section 26102 (including payment of administrative expenses related thereto).''.

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

''(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

''(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

''(B) made available to members of the general public as passengers, but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;''.

CHAFEE AMENDMENT NO. 1951

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) ADDITIONAL ALLOCATIONS.—

(1) IN GENERAL.—For each of fiscal years 1999 through 2003, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall allocate to each of the following States the following amount specified for the State:

(A) Arizona: $7,016,000.

(B) Indiana: $9,290,000.

(C) Michigan: $11,158,000.

(D) Oklahoma: $6,924,000.

(E) South Carolina: $7,109,000.

(F) Texas: $20,804,000.

(G) Wisconsin: $7,699,000.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is less than the obligation limitation established for fiscal year 1998.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $31,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, $40,000,000 for fiscal year 2002, and $44,000,000 for fiscal year 2003.

BOND (AND OTHERS) AMENDMENT NO. 1952

Mr. BOND (for himself, Mr. REID, and Mr. CHAFEE) 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 H of title I, insert the following:

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(B) the difficulty in making lane changes; and

(C) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term ''longer combination vehicle'' has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

MCCAIN (AND HOLLINGS) AMENDMENT NO. 1953

Mr. MCCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1680 submitted by Mr. MCCAIN to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, exemptions, and exclusions'';

(2) by striking ''2 years'' in subsection (a)(2) and inserting ''4 years'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

''(A) a source of supply to a farm;

''(B) a farm to another farm;

''(C) a field to another field on a farm; or

''(D) a farm back to the source of supply.

''(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

''(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

''(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

''(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.''.

(b) Section 5119(c) is amended by adding at the end the following:

''(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).''.

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits, pilot programs, exemptions, and exclusions.''.

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

''(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

''(A) in the area covered by an emergency declaration under this paragraph; and

''(B) for a period of not more than 30 days designated in that declaration.

issued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

''(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

''(A) a utility service vehicle driver to which the declaration applied; or

''(B) a utility service vehicle to the driver of which the declaration applied.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

BOXER AMENDMENT NO. 1954

(Ordered to lie on the table.)

Mrs. BOXER 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:

At the end of subtitle A of title I, add the following:

SEC. 11___. HOLD HARMLESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall allocate among the States amounts sufficient to ensure that no State (except the State of Massachusetts and a State that receives an allocation of funds under section 105 of title 23, United States Code, or under section 1102(c)) receives a share of the total apportionments for any fiscal year for all Federal-aid highway programs that is less than the average of the total apportionments to the State during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs.

(b) ELIGIBLE PURPOSES.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REDUCTION OF AMOUNTS.—

(1) IN GENERAL.—For each fiscal year, the amounts described in paragraph (2) shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (a).

(2) AMOUNTS TO BE REDUCED.—The amounts referred to in paragraph (1) are—

(A) amounts available for obligation at the discretion of the Secretary under—

(i) the Interstate maintenance and other National Highway System components of the Interstate and National Highway System program under title 23, United States Code; and

(ii) the surface transportation program under section 133 of that title; and

(B) amounts that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1955

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 139, strike lines 22 through 24 and insert the following:

''(A) is obtained by the State or a unit of local government in the State, without violation of Federal law;

''(B) is incorporated into the project;

''(C) is not land described in section 138; and

''(D) does not influence the environmental assessment of the project, including—

''(i) the decision as to the need to construct the project;

''(ii) the consideration of alternatives; and

''(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

BROWNBACK (AND OTHERS) AMENDMENT NO. 1956

Mr. BROWNBACK (for himself, Mr. MOYNIHAN, and Mr. COVERDELL) 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:

Section 8(d) of the National Trails System Act (43 U.S.C. 1247(d)) is amended by—

(1) Striking ''The'' and inserting in lieu thereof, ''(1) The'';

(2) By adding at the end thereof the following new paragraphs;

''(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a proposal for interim trail use of a railroad right-of-way unless—

''(A) at least half of the units of local government located within the rail corridor for which the interim trail use is proposed pass a resolution opposing the proposed trail use; and

''(B) the resolution is transmitted to the Surface Transportation Board within the applicable time requirements for rail line abandonment proceedings.

''(3) The limitation in paragraph (2) shall not apply if a State has assumed responsibility for the management of such right-of-way.''

HUTCHISON AMENDMENT NO. 1957

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 73, between line 18 and insert the following:

nance of the system.

''(8) In addition to funds allocated under this section, a state may, at its discretion, expend up to one-fourth of one percent of its annual federal-aid apportionments under 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.''

WARNER AMENDMENT NO. 1958

Mr. WARNER (for Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and

(2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

CAMPBELL (AND OTHERS) AMENDMENT NO. 1959

Mr. CAMPBELL (for himself, Mr. GRAMM, and Ms. MOSELEY-BRAUN) 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. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

WARNER (AND OTHERS) AMENDMENT NO. 1960

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18—

(1) line 14, strike ''(1)'' and insert ''(1)(A)'';

(2) line 17, strike ''(2)'' and insert ''(B)'';

(3) line 19, strike the period and insert ''; or''; and

(4) between lines 19 and 20, insert the following:

(2) that are bordered by 2 navigable rivers listed under 33 USC 1804 that each comprise at least 10 percent of the boundary of the State.

Beginning on page 107, strike line 15 and all that follows through page 108, line 6, and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects—

''(i) at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

''(I) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

''(II) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000; and

''(ii) at least $15,000,000 of the amounts set aside under paragraph (1) to any State with respect to which the average service life of the bridges in the State exceeds 46 years as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1998.

On page 110, strike lines 22 and 23 and insert the following:

''(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

''(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

''(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

''(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

''(ii) for the State, the ratio that—

''(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

''(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; is less than 1.00, as of the date of enactment of this subsection; and

''(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

''(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program: allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

''(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

''(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under''.

On page 236, between lines 16 and 17, insert the following:

SEC. 14___. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term ''heavier weight vehicle'' means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

On page 337, after the item relating to section 512, insert the following:

''513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Recycled materials resource center

''(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the 'Recycled Materials Resource Center' (referred to in this section as the 'Center').

''(b) ACTIVITIES.—

''(1) IN GENERAL.—The Center shall—

''(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

''(B) make information available to State transportation departments, the Federal

Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

''(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

''(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

''(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

''(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

''(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

''(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

''(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

''(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike ''and 511'' and insert ''511, and 513''.

On page 220, line 14, strike ''and''.

On page 220, line 17, strike the period and insert ''; and''.

On page 220, between lines 17 and 18, insert the following:

''(iii) a high speed railway corridor through at least 3 Gulf Coast States (as designated by the Secretary).

At the end of subtitle A of title I, add the following:

SEC. 11___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

On page 8, line 4, insert ''and section 207(f)'' after ''(f)''.

On page 87, line 11, insert ''under subsection (e)'' after ''program''.

On page 89, line 16, insert ''under subsection (e)'' before ''for''.

On page 90, line 7, strike ''Notwithstanding'' and insert ''Subject to subsection (f), notwithstanding''.

On page 90, line 21, insert ''under subsection (e)'' after ''program''.

On page 91, line 10, add ''(other than subsection (f))'' at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

''(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

''(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

''(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

''(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

''(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

''(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

''(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

''(iii) is maintained by the county in which the public road is located.

''(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

''(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

''(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

''(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

''(B) any funding provided by a State to a county for road maintenance programs in the county.

''(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

''(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, the Secretary shall set aside $1,500,000 from amounts made available under section 541(a) of title 23 United States Code.''

LEVIN (AND ABRAHAM) AMENDMENT NO. 1961

Mr. WARNER (for Mr. LEVIN, for himself and Mr. ABRAHAM) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than 161 individuals per square mile.

(B) VEHICLE MILES TRAVELED.—The amount determined for the State under paragraph (2)(A) with respect to the factor described in

paragraph (2)(A)(ii) is greater than the national average with respect to the factor determined under paragraph (2)(B).

(C) URBAN FEDERAL-AID LANE MILES.—The ratio that—

(i) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(ii) the total lane miles on all Federal-aid highways in the State;

is greater than or equal to 0.26.

(D) APPORTIONMENTS PER CAPITA.—The amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)''; and

(3) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

DASCHLE (AND OTHERS) AMENDMENT NO. 1962

Mr. BAUCUS (for Mr. DASCHLE, for himself, Mr. THOMAS, and Mr. ENZI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking ''and'' at the end of clause (iii) and all that follows through ''clauses (i) and (iv).'', and

(2) by adding after clause (iii) the following:

''(iv) capital expenditures related to State-owned rail operations in the State,

''(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

''(vi) any project that is eligible to receive funding under section 130 or 152 of title 23, United States Code,

''(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

''(viii) the provision of passenger ferryboat service within the State, and

''(ix) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

ROTH AMENDMENT NO. 1963

Mr. ROTH proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

TITLE ____—REVENUE

SEC. __001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Intermodal Surface Transportation Revenue Act of 1998''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. __002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—

(1) The following provisions are each amended by striking ''1999'' each place it appears and inserting ''2005'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking ''2000'' each place it appears and inserting ''2007'':

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking ''2000'' each place it appears and inserting ''2006''.

(4) Section 6427(f)(4) (relating to termination) is amended by striking ''1999'' and inserting ''2007''.

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2007'', and

(B) by striking subparagraph (B) and inserting the following:

''(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.''.

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking ''10/1/2000'' each place it appears and inserting ''10/1/2007''.

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—

(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking ''1999'' and inserting ''2005'',

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking ''and tread rubber'', and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking ''1999'' each place it appears and inserting ''2005'' and by striking ''2000'' and inserting ''2006'',

(iii) in the heading of paragraph (2), by striking ''OCTOBER 1, 1999'' and inserting ''OCTOBER 1, 2005'', and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking ''1999'' and inserting ''2005'', and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking ''1998'' and inserting ''2003'',

(II) in subparagraph (C), by striking ''or'' at the end,

(III) in subparagraph (D), by striking ''1991.'' and inserting ''1991, or'',

(IV) by inserting after subparagraph (D) the following:

''(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.'', and

(V) by striking the last sentence and inserting the following:

''In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.'',

(ii) in paragraph (2)(A)(i)—

(I) by striking ''2000'' and inserting ''2006'',

(II) in subclause (II), by adding ''and'' at the end,

(III) in subclause (IV), by striking ''1999'' and inserting ''2005'', and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

''(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.'',

(iv) in paragraph (3)—

(I) by striking ''July 1, 2000'' and inserting ''July 1, 2006'', and

(II) by striking the heading and inserting ''FLOOR STOCKS REFUNDS'',

(v) in paragraph (4)(A)—

(I) in clause (i), by striking ''1998'' and inserting ''2003'', and

(II) in clause (ii), by adding at the end the following new flush sentence:

''In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.'', and

(vi) in paragraph (5)(A), by striking ''1998'' and inserting ''2003''.

(2) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

''(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(i) any provision of law which is not contained or referenced in this title and which is

not contained or referenced in a revenue Act, and

''(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.''.

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking ''or'' at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting '', or'', and

(iii) by adding at the end the following:

''(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).''.

(c) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

''(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

''(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

''(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

''(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

''(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

''(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking ''5.4 cents'' and inserting ''the applicable blender rate'', and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

''(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

''(i) except as provided in clause (ii), 5.4 cents, and

''(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.''.

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

''(A) GENERAL RULES.—

''(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

''(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

''(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

''(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, 6 cents per gallon,

''(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

''(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.''.

(C) Section 4081(c)(5) is amended by striking ''5.4 cents'' and inserting ''the applicable blender rate (as defined in section 4041(b)(2)(C))''.

(D) Section 4091(c)(1) is amended by striking ''13.4 cents'' each place it appears and inserting ''the applicable blender amount'' and by adding at the end the following: ''For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking ''1998'' and inserting ''2004'', and

(B) by striking ''1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

''(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

''(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).''.

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking ''October 1, 1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998'', and

(B) in subparagraph (B), by striking ''November 29, 1990'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

SEC. __003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking ''1998'' and inserting ''2003'',

(2) in subparagraph (A), by striking ''or'' at the end,

(3) in subparagraph (B), by adding ''or'' at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

''(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

''(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.''.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: ''For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

''(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

''(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

''(C) 1.86 cents per gallon in the case of liquefied natural gas,

''(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

''(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. __004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting ''any portion of'' for ''25 percent or more''.

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term ''qualified highway infrastructure project'' means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. __005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(2) in subclause (III), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

SEC. __006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''$60'' and inserting ''$100''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking ''$155'' and inserting ''$175''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—

''(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

''(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

''(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. __007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. __008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

''(2) The amendment made by subsection (d) shall take effect on July 1, 2000.''.

SEC. __009. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

MCCAIN AMENDMENT NO. 1964

(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 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

KERREY (AND JEFFORDS) AMENDMENT NO. 19654

(Ordered to lie on the table.)

Mr. KERREY for himself and Mr. JEFFORDS) 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:

On page 236, between lines 16 and 17, and insert the following:

SEC. 14___. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1501(a)), is amended by adding at the end the following:

''§ 166. Rural 2-lane highway safety program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic improvement of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

''(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with State standards and policies and shall incorporate, in any combination, the principles of—

''(A) safe alignment and cross-section design;

''(B) safe roadside conditions;

''(C) safety appurtenances;

''(D) durable and safe pavement design (especially long-term skid resistance);

''(E) grade crossing safety;

''(F) traffic engineering;

''(G) traffic calming;

''(H) access management;

''(I) bicycle and pedestrian features;

''(J) landscape design; or

''(K) historic preservation.

''(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State transportation departments and private sector experts in highway safety design and landscape design, including experts in transportation policy.

''(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

''(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

''(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

''(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the percentage of the population of the State that resides in rural areas; bears to

''(B) the percentage of the population of all States that resides in rural areas.

''(c) SELECTION OF PROJECTS.—

''(1) IN GENERAL.—Each State shall select projects to receive funding under the program in a manner based on the statewide transportation planning process of the State under section 135.

''(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

''(2) CONTENTS.—The report shall include—

''(A) detailed travel and accident data by class of vehicle and roadway; and

''(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1501(b)), is amended by adding at the end the following:

''166. Rural 2-lane highway safety program.''.

ABRAHAM AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. ABRAHAM 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 in subtitle G of title III, insert the following:

SEC. 37___. AUTOMOBILE TRANSPORTERS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''No funds shall'' and inserting ''Subject to subsection (i), no funds shall''; and

(2) by adding at the end the following:

''(i) CERTAIN AUTOMOBILE TRANSPORTERS.—

''(1) AUTOMOBILE TRANSPORTER DEFINED.—For purposes of this subsection, the term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, each axle of an automobile transporter described in subparagraph (B) shall be subject to an enforcement tolerance of an amount not to exceed 10 percent of the gross weight of the automobile transporter.

''(B) AUTOMOBILE TRANSPORTERS DESCRIBED.—An automobile transporter is described in this paragraph if the automobile transporter—

''(i) is manufactured after March 1, 1988;

''(ii) has a gross weight of not more than 88,000 pounds; and

''(iii) is certified in accordance with the applicable requirements for certification under part 567 of title 49, Code of Federal Regulations, or any subsequent similar regulations.''.

(b) REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.—

(1) IN GENERAL.—Section 4481(a) of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended—

(A) by striking ''A tax'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a tax'';

(B) by moving the text 2 ems to the right; and

(C) by adding at the end the following new paragraph:

''(2) SPECIAL RULE FOR AUTOMOBILE TRANSPORTERS.—In the case of an automobile transporter (as defined in section 127(i) of title 23, United States Code) which has a taxable gross weight over 80,000 pounds, the tax imposed under paragraph (1) shall be, in lieu of the rate specified in the table contained in paragraph (1), at the rate of $550 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 80,000 pounds.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on July 1, 1998.

BROWNBACK AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. BROWNBACK 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 369, line 14, (of the reported bill), following ''lithium salts'' insert: ''and other economically viable methods''.

McCAIN AMENDMENT NO. 1968

Mr. MCCAIN proposed an amendment to amendment No. 1963 proposed by Mr. ROTH to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following new section:

''SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.''

McCONNELL AMENDMENT NO. 1969

Mr. MCCONNELL proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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 and II 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 and II 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 and II 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 and II 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 and II 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 and II 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.

BYRD AMENDMENT NO. 1970

Mr. CHAFEE (for Mr. BYRD) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

"§ 509. Infrastructure investment needs report

''(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) estimates of the future highway and bridge needs of the United States; and

''(2) the backlog of current highway and bridge needs.

''(b) FORMAT.—

''(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).''

MOSELEY-BRAUN AMENDMENT NO. 1971

Mr. CHAFEE (for Ms. MOSELEY-BRAUN) 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:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash designs and determining whether directive and nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

SARBANES AMENDMENT NO. 1972

Mr. CHAFEE (for Mr. SARBANES) 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 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

MOYNIHAN (AND HOLLINGS) AMENDMENT NO. 1973

Mr. CHAFEE (for Mr. MOYNIHAN for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

SEC. PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: ''(3) In furtherance of the redevelopment of this James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.''.

SEC. UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

''Section 820. Union Station Redevelopment Corporation

''To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.''.

MCCAIN AMENDMENT NO. 1974

Mr. CHAFEE (for Mr. MCCAIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 91, line 23, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 24, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 91, line 25, strike ''$12,000,000'' and insert ''$9,620,000''.

On page 92, line 1, strike ''$10,000,000'' and insert ''$9,320,000''.

On page 92, line 2, strike ''$10,000,000'' and insert ''$9,320,000''.

CHAFEE AMENDMENT NO. 1975

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 108, line 14, strike ''(A)'' and insert ''(A)(i)''.

STEVENS (AND MURKOWSKI) AMENDMENT NO. 1976

Mr. CHAFEE (for Mr. STEVENS for himself and Mr. MURKOWSKI) 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:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23

U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''this section'' and inserting in lieu thereof ''$30,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $30,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $35,000,000 for fiscal year 2003 in carrying out this section, at least $12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System''.

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated $20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

CLELAND AMENDMENT NO. 1977

Mr. WARNER (for Mr. CLELAND) 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___. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting ''Hale,'' after ''Franklin,'';

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting ''Elbert,'' after ''Douglas,''; and

(B) by inserting ''Hart,'' after ''Haralson,'';

(3) in the undesignated paragraph relating to Mississippi, by striking ''and Winston'' and inserting ''Winston, and Yalobusha''; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting ''Montgomery,'' after ''Lee,''; and

(B) by inserting ''Rockbridge,'' after ''Pulaski,''.

LIEBERMAN AMENDMENT NO. 1978

(Ordered to lie on the table)

Mr. LIEBERMAN 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 152, strike lines 9 through 12 and insert the following:

(2) by redesignating subsection (f) as subsection (h);

(3) by striking subsections (a) through (e) and inserting the following:

On page 155, strike line 5 and insert the following:

estimated total cost of $1,000,000,000 or more.

''(g) ANALYSIS OF LIFE-CYCLE COSTS.—

''(1) PROGRAM.—The Secretary shall establish a program with recommendations to guide States in conducting, to the extent appropriate, an analysis of the life-cycle costs of each usable project segment on the National Highway System.

''(2) BASIS.—The recommendations shall be based on the principles contained in Executive Order No. 12893 (59 Fed. Reg. 4233).

''(3) ANALYSIS.—An analysis of life-cycle costs under paragraph (1) shall consist of a process for evaluating the total economic worth of a usable project segment by analyzing the initial costs and discounted future costs of the project segment, such as maintenance, reconstruction, rehabilitation, restoration, and resurfacing costs, over the life of the project segment.

''(4) USER COSTS.—As part of the recommendations under paragraph (1), the Secretary shall make recommendations on the appropriate use of user costs as a factor in the analysis of life-cycle costs.''.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1979

Mr. CHAFEE (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, as follows:

On page 43, between lines 15 and 16, insert the following:

''(xiii) amounts set aside under section 11____.

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed $16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

RESOLUTION RELATIVE TO THAILAND AND THE INTERNATIONAL MONETARY FUND

ROTH AMENDMENT NOS. 1980–1981

Mr. CHAFEE (for Mr. ROTH) proposed two amendments to the resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations; as follows:

AMENDMENT NO. 1980

On page 2, strike lines 2 through 7 and insert the following:

''(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''.

AMENDMENT NO. 1981

In the preamble, strike ''and'' at the end of the sixth ''Whereas'' clause.

In the preamble, strike the colon at the end of the seventh ''Whereas'' clause and insert ''; and''.

In the preamble, insert after the seventh ''Whereas'' clause the following:

''Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:''.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

TORRICELLI AMENDMENT NO. 1982

(Ordered to lie on the table.)

Mr. TORRICELLI 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:

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. TORRICELLI. Mr. President, I thank Senators MCCAIN, CHAFEE, BAUCUS, and HOLLINGS for their support for my efforts to have the Department of Transportation investigate how to improve the safety of transporting high-risk hazardous waste material on our Nation's highways. This issue is of great concern to me and to the people of New Jersey.

On October 20, 1997, a truck carrying hazardous materials caught fire while traveling on Interstate-80 in Paterson, New Jersey causing nearby residents and businesses to be evacuated. Two Paterson police officers had to be hospitalized and treated for chemical inhalation as a result of the accident. According to the police, the fire started when two chemicals inside the truck spilled over and mixed together.

Though the accident was not severe, it certainly would have been much worse had a passing motorists not noticed the fire and forced the driver to pull over. We were also fortunate that the public safety officials were well-trained and acted as quickly as they did.

What truly concerns me about this accident is the revelation that the company that was transporting the waste had been involved in 46 spill incidents at a cost of more than $100,000 since their inception. Despite this record, their last safety inspection by the Department of Transportation was conducted in 1994, almost four years ago. When I, along with Representative BILL PASCRELL investigated how this could possibly be the case, we were stunned to learn that there is nothing in current law which requires an annual safety examination of hazardous waste haulers. Under existing law, in order for a company to be a hauler-for-hire of hazardous material they must possess a permit from the Department of Transportation's Federal Highway Safety Administration. Once a hauler obtains a permit, they basically have it in perpetuity—regardless of their safety record. All they must do is reapply every year for a new safety permit and pay an application fee. While the Federal Highway Safety Administration maintains safety records and conducts safety reviews they do not do annual reviews or require safety inspections as a part of the certification process.

This is wrong. In my view, this process is too lax and although I would prefer to require this safety inspection outright, I will withdraw my amendment to S1173, the Intermodal Surface Transportation Efficiency Act Reauthorization to require this and instead submit this amendment to require the Department of Transportation to study how we may best implement a system of linking the renewal of a company's Federal permit to its ability to meet certain safety standards. This approach is fair and is in line with the spirit of the Hazardous Materials Transportation law.

Once again, I want to thank my colleagues and the Surface Transportation Subcommittee staff for their assistance with this amendment. I look forward to its inclusion in the final highway bill.

KERRY (AND HAGEL) AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HAGEL) 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:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34___. NEBRASKA SUGAR BEET TRANSPORTATION.

Section 31112(d) of title 49, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) Notwithstanding the limitation under paragraph (1), the State of Nebraska may allow to be operated commercial motor vehicle combinations that are within the limitations under subsection (b) to transport, for a distance not to exceed 120 miles, sugar beets from—

''(A) the field where those sugar beets are harvested to storage, market, factory, or stockpile; or

''(B) stockpile to storage, market, or factory.''.

HUTCHINSON AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. HUTCHINSON 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 110, strike lines 22 and 23 and insert the following:

''(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

''(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $10,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

''(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

''(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

''(ii) for the State, the ratio that—

''(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

''(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

''(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

''(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

''(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

''(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under''.

GREGG AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. GREGG 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 ___, after line ___, insert the following:

SEC. ___. REQUIREMENT OF OFFSETS FOR ADDITIONAL ISTEA II SPENDING BEYOND LEVELS IN 1997 BUDGET AGREEMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution (or amendment, motion, or conference report on such bill or resolution) that provides spending for the programs funded under the Intermodal Surface Transportation Efficiency Act II in excess of the levels provided in the concurrent resolution on the budget for fiscal year 1998 if that spending would—

(1) exceed the discretionary budget caps;

(2) cause a reduction in the surpluses projected by CBO; or

(3) adversely effect the actuarial balances of the social security trust funds.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

DOMENICI AMENDMENT NO. 1986

(Ordered to lie on the table.)

Mr. DOMENICI 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:

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.

AUTHORITY FOR COMMITTEES TO MEET

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 Wednesday, March 11, 1998, at 9:30 a.m. on the tobacco settlement legislation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 11, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar 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 Wednesday, March 11, 1998, at 11:00 a.m. to hold a business meeting.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 11th, at 9:30 a.m. in room 216 of the Hart Senate Building to conduct a markup on the Committee's Budget Views & Estimates letter regarding the President's FY '99 Request for Indian programs. To be followed immediately by a hearing on Tribal Sovereign Immunity.

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 Wednesday, March 11, 1998 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''nomination of Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 11, 1997 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''S. 1301, the Consumer Bankruptcy Reform Act: seeking fair and practical solutions to the consumer bankruptcy crisis''.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 10:00 a.m. in open session, to receive testimony on land force modernization.

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

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 11, 1998, to conduct a hearing on S. 1594 ''Digital Signature and Electronic Authentication Law (SEAL) of 1998''.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1998 at 2:00 p.m. to hold a hearing.

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

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 11, 1998, at 2:00 p.m. in open session, to receive testimony on the Defense Health Program 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 READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, March 11, at 9:00 a.m. In open session, to receive testimony on environmental and military construction issues in review of the National Defense Authorization Act for fiscal year 1999.

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

SUBCOMMITTEE 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 Wednesday, March 11, 1998, at 2:30 p.m. in open session, to receive testimony on U.S. national security space programs and policies and the Department of Defense budget request for fiscal year 1999 and the future years Defense program.

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

ADDITIONAL STATEMENTS

IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, yesterday, I introduced, on behalf of our Nation's charitable organizations, the IRA Rollover to Charity Act. It will allow donors to roll assets in an IRA to a charity or a deferred charitable gift plan. The effect would be to unlock certain taxable income and allow individuals to choose to direct

personal resources to charitable causes penalty-free.

Under my proposal, a person who has reached age 59½ will be allowed to move assets penalty-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trust, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets that would be taxed according to normal rules for those giving methods. Upon the death of the individual or the individual's spouse, the remainder would be transferred to charity.

Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many professionals. The IRA Rollover to Charity Act lifts current law disincentives to this important source of charitable giving. IRA assets represent untaxed income and cannot be withdrawn without being subject to taxation in full at the time of withdrawal. As a result, if an IRA is transferred into a charitable remainder trust, donors are required to recognize all such income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded.

Mr. President, this bill will unleash an enormous resource for charities servicing cultural, educational, environmental, health-related, religious and humanitarian purposes. If passed, the bill could be a huge asset for charitable organizations and I urge my colleagues to cosponsor this bill.●

ROBERT B. SLOANE

● Mr. MOYNIHAN. Mr. President, January 4 of this year marked the eightieth birthday of a constituent, Robert B. Sloane. This Friday, March 13, Bob Sloane's friends and family will gather to celebrate his entry into his ninth decade. Having recently earned the title of septuagenarian, I wish him hearty congratulations on this senescent achievement.

Bob Sloane was born in Brooklyn, NY and has always been a resident of our fair state. He was graduated from New York University's School of Dentistry at the age of 21 and spent the next two years living on Roosevelt Island as a resident.

And then began World War II. Bob Sloane entered what was then the United States Army Air Force serving for four years both at home and in the South Pacific. While stationed on the island of Guam, he received orders to construct a fence around the periphery of the camp. In charge of a number of young men he instructed them to build the fence in the hard, coral ground of the island. The fence was a disaster, toppled by a tap from his commanding officer. And down came the single line order signed by the commanding general: Captain Robert B. Sloane is hereby immediately relieved of his duty as utility officer for this command. Bob Sloane's skills were clearly that of an oral surgeon and not a constructor of embattlements.

He left the U.S. Army Air Force in 1945 having attained the rank of captain and returned to civilian life. He spent the next four decades ministering to the oral health of the residents of the state of New York and raising his four children.

Bob Sloane is now well into his second career as a painter. He has been the subject of a number of shows and wields his brush at classes at the National Academy of Design, School of Fine Art as well at his studios in New York City and Warwick, NY.

I would like to take this opportunity, Mr. President, to join with Bob Sloane's family and friends in wishing him a very happy eightieth birthday.●

THE 8TH ANNIVERSARY OF THE CHALDEAN-DETROIT TIMES

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event which is taking place in the State of Michigan. The Chaldean-Detroit Times is celebrating eight years of service and dedication to the Detroit Arab community. At this time, this publication should be recognized for its commitment to strengthening the Chaldean community and cultural understanding.

Friends and readers of the Chaldean-Detroit Times will gather for a banquet in celebration of its eight years of commitment to the community. This event will take place on the evening of Friday, March 20, 1998 at the Southfield Manor in Southfield, Michigan. Each of the individuals in attendance deserve special recognition for their support of the Chaldean-Detroit Times and the Chaldean community.

I commend the Chaldean-Detroit Times on its 8th Anniversary and send my best wishes to Amir Denha and to the entire Chaldean community of Detroit.●

THE 39TH ANNIVERSARY OF THE TIBETAN PEOPLE'S UPRISING

● Mr. DURBIN. Mr. President, I rise today to honor the concerned citizens in Chicago and around the world who have taken part in activities to commemorate the 39th Anniversary of the Tibetan People's Uprising of 1959.

Since China's brutal invasion of Tibet in 1949, Chinese rule has brought oppression and misery to a proud people whose national history extends back 2,000 years. Tibet functioned fully as an independent nation-state from 1911 until 1951, when China imposed its notorious so-called ''17-Point Agreement on the Peaceful Liberation of Tibet,'' forcing the Tibetan government to acknowledge Chinese sovereignty.

As China consolidated its power during the 1950s, refusing to permit even the regional autonomy permitted under the treaty, Tibetan resistance grew. It came to a head in the People's Uprising, which was suppressed by the Red Army at the cost of thousands of civilian lives. The Dalai Lama, Tibet's head of state and the spiritual leader of Tibetan Buddhists, was forced into exile in India, where he has been campaigning for the freedom of Tibet ever since.

The International Campaign for Tibet estimates that, during the 20 years following the uprising, some 1.2 million Tibetans, about one fifth of the country's population, perished due to China's policies. Many more were imprisoned, went into exile, or disappeared. More than 6,000 monasteries, temples and other cultural and historic buildings were destroyed. The Chinese occupation of Tibet stands as a monument to the worst excesses of Communist tyranny.

The U.S. Department of State and international human rights organizations continue to document acts of repression by Chinese authorities in Tibet even today. According to reports cited in the State Department's Human Rights Report for 1997, ''Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and long detention of Tibetan nationalists for peacefully expressing their political views. Tight controls on religion and on other fundamental freedoms continued and in some cases intensified.''

Amnesty International cited ''grossly unfair trials, widespread torture and ill-treatment in police cells, prisons and labor camps,'' and concluded that ''despite some legal changes, Chinese legislation still allowed more than 200,000 to be detained in 1997 without charge or trial for 're-education through labor.'''

The Chinese government's claims of success in its recent economic development policies in Tibet are also misleading: the favorable economic and tax policies have disproportionately benefitted ethnic Chinese residents rather than native Tibetans. Consequently, these policies ''have attracted growing numbers of ethnic Han and Hui immigrants from other parts of China, that are competing with—and in some cases displacing—Tibetan enterprises and labor,'' according to the U.S. State Department.

The United States must not allow China to use Tibet's geographic and political isolation to obscure our view of the situation. The fate of Tibet and its people also must not be sacrificed to diplomatic expediency in a short-sighted effort to improve U.S. relations with China. If the Chinese government wishes to join the community of responsible nations, it must act responsibly. It must improve its human rights performance and resume negotiations on Tibet's future. We in Congress should call upon the Administration to introduce a resolution dealing with the serious human rights abuses in China and

Tibet at the March 16 meeting of the United Nations Commission on Human Rights in Geneva.

As the Dalai Lama has said, ''Brute force, no matter how strongly applied, can never subdue the basic human desire for freedom and dignity. It is not enough, as communist systems have assumed, merely to provide people with food, shelter and clothing. The deeper human nature needs to breathe the precious air of liberty.'' It is time the government of China paid heed to his wise words.●

CLAWSON CHAMBER OF COMMERCE ''BUSINESS PERSON OF THE YEAR''

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Tamara Van Wormer Tazzia, winner of the Clawson, Michigan Chamber of Commerce ''Business Person of the Year'' Award. Ms. Tazzia is the owner and manager of the Tri-Centre Business Complex in Clawson and has been very active in the Clawson Chamber of Commerce, serving as a board member, for the past five years. This month she will take over as president of the Chamber.

In addition to her involvement in the Chamber of Commerce, Ms. Tazzia has an impressive list of accomplishments. Ms. Tazzia has over ten years experience in property management and eighteen years of entrepreneurial business experience. She is a past vice-president of the National Association of Women Business Owners and past president of both the Troy Toastmasters and Bloomfield Hills Optimist Club.

Ms. Tazzia will be honored at the Clawson Chamber of Commerce Annual Awards Dinner Saturday, March 21, 1998. I congratulate Ms. Tazzia on her award and commend her for her involvement in her community.●

TRIBUTE TO WAYNE NEWTON

● Mr. REID. Mr. President, I rise today to pay tribute to a dear friend and perhaps the most recognizable Nevadan the world-over, Wayne Newton, for reaching his incredible fiftieth year in show business.

Wayne Newton has reached amazing goals in an industry in which success can be short lived. Before most Americans had heard of Elvis Presley or the Beatles, Wayne Newton released a best-selling record, sung for the President of the United States, and toured with the Grand Old Opry road show.

In a half-century, Wayne Newton has performed live for an astonishing fifteen million people and that number continues to grow each year. Tens of millions around the world have also enjoyed his talents through the radio, television, and movies.

Wayne's musical genius was recognized early in life. At the age of six, the precocious youngster was already dazzling audiences as the star of a radio show, which aired before he went to school each morning. During his adolescent years, he entertained us through the new medium of television, performing regularly on our favorite variety shows. Americans quickly discovered Wayne's irresistible stage presence, enchanting voice, and charming smile.

While still a teenager, he headlined a Las Vegas show and became one of the area's most popular attractions. Indeed, over the years, millions of tourists flocked to the Silver State to enjoy the sunny climate, scrumptious buffets, spectacular lights, magnificent resorts, and, to be sure, the singular magic of Wayne Newton. Wayne's nickname, Mr. Las Vegas, is richly deserved, and, as his career has grown and met with amazing success, so has that great city.

At the age of 21, his single ''Danke Schoen'' made music history. Many of his songs have topped the charts, and there are too many to mention here, but some of my favorites include ''Heart,'' ''Summer Wind,'' and ''Red Roses for a Blue Lady.''

Wayne Newton's gifts extend well beyond his extraordinary showmanship and musical talent. For example, he has distinguished himself as a skilled actor, having been featured in ten films, and countless television and cable programs.

Many Americans are aware that Wayne Newton has earned a star on the Hollywood Walk of Fame, but how many know that he has been awarded the Medal for Distinguished Public Service, Founder's Award of St Jude's hospital, the VFW's Hall of Fame Award, the American Legion's Exceptional Citizen Award and the Humanitarian Award of the American Cancer Society's Research Center—just to name a few? After fifty years before the public eye, Wayne Newton has become one of the world's most prolific entertainers, but he has always found time and energy to devote to scores of worthy causes.

Wayne Newton's career is the stuff of legend. I am confident there will be many more years in which visitors to Las Vegas will be mesmerized by this amazing performer. It is hard to imagine anyone reaching greater heights of success, but certainly, if anyone could, it's Mr. Las Vegas. However, to me the greatest attribute of Wayne Newton is the quality of his friendship. He is above all my good friend.●

MICHIGAN COUNCIL OF DELIBERATION SCHOLARSHIP FOUNDATION HONOREE

● Mr. ABRAHAM. Mr. President, I rise before you today to recognize Wesley A. Jones, of Grand Rapids, Michigan. Mr. Jones, has been honored by the Michigan Council of Deliberation Scholarship Foundation, an organization of which he is a member.

Mr. Jones is being honored as an outstanding individual for his many business and civic contributions. Currently, Mr. Jones serves as Deputy for the Orient for Michigan. In addition, he serves as Deputy for Michigan for the United Supreme Council and is active in the Ancient and Accepted Scottish Rite of Freemasonry, Prince Hall Affiliation, Northern Jurisdiction and USA Inc. Mr. Jones should be commended for his community activism as well. He serves as an active member of his church, treasurer of the Grand Rapids Urban League Board of Directors and Chair of the Minority Business Committee of the Grand Rapids Chamber of Commerce. His activity extends even beyond these organizations. Mr. Jones, an engineer and businessman is a father of six and grandfather of eight. It is quite apparent that Mr. Jones selflessly and freely gives of his time.

I am pleased to recognize the good work of Wesley A. Jones. He has been rightfully honored by the Michigan Council of Deliberation Scholarship Foundation.●

RESTORING DIPLOMATIC READINESS

● Mr. BIDEN. Mr. President, in the coming weeks, the Committee on the Budget will begin consideration of the concurrent budget resolution for Fiscal Year 1999. I would like to take a few minutes today to discuss the continuing need for our government to provide sufficient resources for international affairs. Since becoming the ranking Democrat on the Committee on Foreign Relations, I have focused special attention on this question, because I believe that adequate funding for these programs is essential to our national interest.

With the collapse of communism and the dissolution of the Soviet empire, the United States has emerged as the world's sole remaining superpower. With that position comes a responsibility to take a leading role in international affairs. Around the globe, American leadership is essential to preserving stability and security, and advancing prosperity and economic opportunity.

The United States cannot remain an effective world leader without devoting sufficient resources to diplomatic readiness. Just as we need to maintain and train robust military forces in order to protect our security, we need a well-trained and well-equipped diplomatic corps to advance our nation's numerous international interests. Indeed, with the reductions in our military presence overseas in the last decade, it is all the more important that we maintain a robust diplomatic presence around the globe, and that our diplomats, who work on the front line of our national defense, have the resources necessary to do their jobs.

It is sometimes said that, in the modern information age, embassies and the diplomats who staff them are no longer relevant. The assertion is, in my view, absurd. While modern technology has eased communications and travel

across the miles, there is no substitute for being physically present in a foreign country. No one can fully comprehend all the intricacies of a nation's politics and government without living in that country. Equally important, diplomacy is about building trust; trust between governments cannot be secured over the phone and fax, but comes, ultimately, from personal relationships that are built over a period of time. In short, the telephone and the facsimile machine cannot replace the on-site presence of well-trained diplomats.

Unfortunately, in recent years we have short-changed our diplomats, and ultimately our nation's interests, by reducing funding for international affairs. Indeed, by almost every measure, the budget for international affairs has declined precipitously over the past decade. Importantly, Congress is waking up to this problem. In Fiscal 1998, Congress increased funding for the Function 150 account—which encompasses foreign affairs funding—for the first time in eight years. But measured against historical averages, funding for international affairs remains low.

According to a recent study by the Congressional Research Service (CRS) prepared at my request, the discretionary budget authority for Function 150 in Fiscal 1998—$19.05 billion in Fiscal 1998 dollars—is 22.9 percent below the average of the past two decades ($24.69 billion). Using constant FY 1998 dollars, in only two years in the last two decades (Fiscal Years 1996 and 1997) was foreign affairs funding at lower levels than the current fiscal year. Similarly, as a percentage of total budget authority, Function 150 funding in FY 1998 is 1.129 percent, nearly one-third below the annual average (1.653 percent) for the past two decades.

An examination of the subfunctions of the foreign affairs budget tells a similar story. Funding for international development activities is 14.7 percent below the average of the last twenty years. Security assistance in Fiscal 1998 is 46.4 percent less, in real terms, than the average of the past two decades. Foreign information and exchanges—this is, the broadcasting, public diplomacy and exchange programs carried out by the Broadcasting Board of Governors and the U.S. Information Agency—are at a level 13.3 percent below the average of the period covered by the CRS study.

Only the ''Conduct of Foreign Affairs'' subfunction, which includes State Department operational costs, as well as contributions to international organizations and peacekeeping, is above the twenty-year average. But it should be emphasized that the budget for this category in Fiscal 1998 is the smallest, in real terms, since Fiscal 1990. Moreover, the relative size of this category, as compared to the 1970s and 1980s, can be explained by significant increases in the international peacekeeping account, an account which was small during the Cold War, but has increased substantially since the late-1980s.

Ethnic conflicts and regional rivalries—long submerged during the Cold War—have led to the creation of more U.N. peacekeeping missions in the last decade than there were in the previous three decades of the United Nations. In Fiscal 1990, for example, U.S. contributions to peacekeeping was $81 million. By Fiscal 1994, largely because of the U.N. operations in Bosnia and Somalia, this account totaled $1.07 billion. The United States bears 25 percent of the cost of these missions, and paid 31 percent prior to 1994.

I am pleased that the President has recognized the importance of assuring enhanced funding for foreign affairs by requesting $20.15 billion in Fiscal 1999, roughly one billion dollars over Fiscal 1998. I would like to briefly discuss the highlights of this request, and the notable increases within it.

First, the budget for State Department operations contains two important initiatives. First, the Department seeks authority to construct a new embassy in Beijing, China, and to begin construction on a new embassy in Berlin, Germany. Both projects are essential. Our embassy in Beijing is in deplorable condition, and is barely sufficient given our important interests there. The decision of the German government to move its capital from Bonn to Berlin necessitates the construction of the new embassy there. Several years ago, Congress urged the State Department to fund capital projects of this sort from proceeds derived from sales of existing assets. Because of uncertainties in several foreign real estate markets, however, several anticipated sales have not been realized, thus requiring the Department to seek funding for these construction projects, which I support.

Second, the State Department seeks an increase in its Capital Investment Fund, which provides resources for modernizing its aging information technology infrastructure. The Department is significantly behind the times technologically. In many important posts and offices, it remains reliant on obsolete and obsolescent computer and telecommunications technology. To give just one example, the Department still has an ample supply of Wang computers; several generations of computer technology have emerged since the Wangs were installed, and it is long past time for the Department to replace these antiquated systems. Information is central to the task of diplomacy; modernizing these systems is essential to enable our diplomats to perform their jobs.

The foreign assistance budget contains three increases which are critical to American interests. First, the Administration seeks an increase in the assistance for the Newly Independent States (NIS) of the Former Soviet Union, from $770 million to $925 million. These programs are designed to assist the nations of the region, including Russia, to make the transition from communism to democratic capitalism. A similar U.S. effort in Eastern Europe has already resulted in the ''graduation'' of several nations from U.S. aid programs, demonstrating that American assistance to this region need not be permanent.

Second, the Administration requests $216 million for the Non-Proliferation, Antiterrorism, Demining and Related Programs account, an increase over the $133 million appropriated in Fiscal 1998. This funds a number of key programs, including the effort to keep former Soviet scientists employed on useful projects—a program designed to prevent them from selling their knowledge and skills to rogue regimes. Like the Nunn-Lugar program, which is funded in the 050 account, the Science Center program is a critical element in a strategy of containment—a strategy directed not at a nation or ideology, but at controlling the threat posed by the proliferation of dangerous technologies.

Third, the Administration seeks a significant increase in the budget for international narcotics and law enforcement at the State Department. Specifically, it requested $275 million, a $44 million increase. These resources are required to continue the ongoing struggle against the narcotics cartels in this hemisphere and elsewhere.

I commend the President for seeking a 20 percent increase in the budget for the Peace Corps, an increase designed to put the Corps on a path to 10,000 volunteers by the year 2000, well above the current number of 6,500 volunteers. The Peace Corps represents the best of American values and ideals, and advances American interests overseas immeasurably.

Finally, the Administration has requested a supplemental appropriations legislation for Fiscal 1998 for the International Monetary Fund (IMF), and urge passage of legislation to pay off our arrears to the United Nations (UN) and other international organizations. Last year's budget agreement allows for an adjustment in the discretionary spending caps for these important priorities. I hope we will act on this legislation soon—and without linking it to unrelated issues.

Mr. President, in closing, let me emphasize this: funding for foreign affairs is but one percent of the total federal budget. But as is reflected in the daily headlines and our own priorities here in the Senate, foreign policy comprises far more than one percent of our nation's interests. As our Secretary of State likes to say, it may account for fifty percent of the history that is written about our era.

This is not to suggest that the foreign policy budget should constitute half of our federal budget; it is to remind us, however, that any reduction in that budget would be symbolic in its effect on the federal fisc, but would be significant in its effect on our national interests. I hope my colleagues will

bear that in mind as we begin debate on the budget for the coming fiscal year.●

20TH ANNUAL RESPECT LIFE BENEFIT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge the 20th Annual ''Respect Life'' Benefit presented by the Knights to Columbus, Michigan State Council and the Right to Life of Michigan Educational Fund.

The benefit is a very important pro-life event for Michigan. It will take place on the evening of Thursday, March 26, 1998 at the Burton Manor in Livonia, Michigan and is expected to attract over one thousand people. When a large group like this gathers to celebrate the gift of life it sends a great message. In light of the current struggle in our nation regarding partial birth abortion there could not be a more urgent time for a gathering like this one.

Another way in which those of us who respect the sanctity of life can send a message is through media channels. Michigan will lead the way in the pro-life movement through a major media campaign. The 1998 Media Campaign, of which the proceeds will go, will be showcased at the event. In addition, Dr. Alan Keyes will be the featured speaker for the evening.

The efforts of Richard F. McCloy, State Deputy of the Knights of Columbus, Michigan State Council, and Barbara Listing, President, Right to Life of Michigan Educational Fund are truly commendable. They have generously devoted their time and efforts, not only to this event but to a very worthy cause. I extend my best wishes for both a very successful event and Media Campaign.●

CURBING TOBACCO USE IN THE THIRD WORLD

● Mr. LEAHY. Mr. President, public and private institutions all across the United States have invested enormous amounts of time and money to educate Americans about the dangers from smoking, and to curb tobacco advertising especially that targets minors. Nationwide campaigns have raised awareness about the health and economic costs of cigarettes. Lawmakers have focused on holding the tobacco companies responsible for the incalculable harm their products, and their decades of lies, have done to our society. Parents, schools and local governments have joined together to keep children from starting to use tobacco.

The attention has paid off, although their is much more that needs to be done. Laws that seek to protect children from tobacco advertising have become stricter, warning labels on cigarette packaging contain stronger language, the price of cigarettes has gone up, and regulations on second-hand smoke have become broader and more inclusive. The number of stories in the media about the tobacco industry and the horrors of lung cancer and emphysema are an indication of how far we have come.

What has been sorely lacking, however, is the same kind of attention on the effects of tobacco use in developing nations where an estimated 800 million people smoke and the consumption of cigarettes is rising steadily. As the market for tobacco products in the US declines, tobacco companies are aggressively pursuing these lucrative foreign markets. It is projected that adult consumption of cigarettes in the developing countries will exceed that in the industrialized countries within the next decade. These figures do not even take into account that in many developing countries the number of people under eighteen—those most susceptible to tobacco advertising and most inclined to start smoking—is more than fifty percent of the population. In a matter of years, tobacco will be a leading cause of death in countries whose poor healthcare systems cannot possibly care for them.

Why should this matter to us? Each year, we provide billions of dollars in foreign aid to improve the lives of people overseas. We spend tens of millions of dollars to support foreign health programs. It is absurd that in the same countries where we are spending precious American tax dollars to try to save lives, American tobacco companies are pushing their deadly products.

Until recently, it was even worse than that. According to a February 16, 1998 ''New York Times'' article, there has been a long history of collaboration between the US Government and tobacco companies to introduce American cigarettes into foreign markets and to fight anti-smoking regulations overseas. It is reported that in 1992 the US Government and the tobacco companies worked hand-in-hand against an effort by Thai authorities to require tobacco companies to disclose the ingredients in their cigarettes.

Fortunately, the US Government is finally catching up with the times. In February, the State Department directed our embassies and foreign commercial offices to stop promoting the sale or export of American tobacco products. They were also told to stop trying to block restrictions from being placed on these products.

Mr. President, the dangers of smoking have been established and Americans are responding by taking steps to curb their tobacco consumption. As our efforts against tobacco in the US pay off, we must also help the developing countries curb their own consumption. One step in the right direction is the Healthy Kids Act, of which I am a cosponsor. Introduced by Senator CONRAD on February 12, 1998, the Act contains a provision to establish the ''American Center on Global Health and Tobacco'' to assist other countries curb tobacco use.

In addition, on July 23, 1997 Senator LAUTENBERG introduced the Worldwide Tobacco Disclosure Act. It would subject exported cigarettes to the same restrictions on labeling that apply to the sale and distribution of cigarettes in the United States and prevent U.S. Government officials from working against other countries' restrictions on tobacco. We should do everything we can to try to protect the people in those countries from the dangers of tobacco, as we are protecting ourselves. Hundreds of millions of lives, and billions of dollars that could otherwise be used to educate, house and employ people, are at stake.●

COMMEMORATING THE RESTORATION OF LITHUANIA'S INDEPENDENCE

● Mr. ABRAHAM. Mr. President, on this day, the eighth anniversary of the restoration of Lithuania's independence, I would like to pay tribute to the perserverence and sacrifices of the Lithuanian people which enable them to achieve the freedom which they now enjoy.

On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its election mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state.

The people of Lithuania endured a 51-year foreign occupation which began as a result of the infamous Nazi-Soviet Pact of 1939. During that time the people of Lithuania courageously resisted the imposed communist dictatorship and cultural genocide of this foreign occupation.

During this time, the people of Lithuania were able to mobilize and sustain a non-violent movement for social and political change which came to be known as Sajudis.

On February 24, 1990 Sajudis, the people's movement, through citizen action guaranteed a peaceful transition to independence and democracy by fully participating in the first democratic elections in Lithuania in more than half a century.

In January 1991, ten months after this restoration of independence, the people and government of Lithuania withstood a bloody and lethal assault against their democratic institutions by foreign troops. Lithuania's successful restoration of democracy and independence is remarkable for its use of non-violent resistance to an oppressive regime.

On September 17, 1991, Lithuania became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization and Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe. Lithuania is an associate member of the EU and has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. U.S. representation accredited to Lithuania served from the legation in Riga, Latvia, until May 31, 1930, when a legation in Kaunas was established. The Soviet invasion forced the clousure of Legation uninterrupted for over 50 years. The U.S. never recognied the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the interwar republic. Lithuania has enjoyed Most-Favored-Nation (MFN) treatment with the U.S. since December, 1991. Through 1996, the U.S. has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the U.S. and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

For over fifty years, there was a bipartisan consensus on maintaining a strong policy of non-recognition of the forcible incorporation of Lithuania into the former Soviet Union.

Since Lithuania regained their independence on March 11, 1990, the United States has played a critical role in helping these states implement democratic and free market reforms strengthening their security and sovereignty.

The 1998 U.S. and Lithuania signed The Baltic Charter Partnership which recalls the history, and underscores that the United States has a ''real, profound, and enduring'' interest in the security and independence of the three Baltic states. This is because, as the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

Mr. President, I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I join with the people of Lithuania as they celebrate their independence day.●

RAISE THE MINIMUM WAGE—CUT BACK ON HUNGER

● Mr. KENNEDY. Mr. President, the nation's economy is the best it's been in decades. Under the leadership of President Clinton, business productivity has reached historic highs. Enterprise and entrepreneurship are flourishing, generating an extraordinary expansion, with remarkable efficiencies and job creation. Inflation and unemployment are at record lows.

In the midst of this extraordinary prosperity, however, millions of Americans go to bed hungry each night. A report yesterday by Second Harvest, the network of food banks, documents that 26 million Americans received food and grocery products through Second Harvest in 1997.

The report contains conclusions that should shock the conscience of us all. Children and the elderly are over-represented at emergency food outlets. Over a third of the beneficiaries are children, and 16% are senior citizens age 65 and older. Women make up 62% of those served at soup kitchens and food pantries. 47% are white, 32% are African-American, 15% are Latino and 3% are Native American.

Even more disturbing, the report finds that 39% of all emergency client households have at least one member who is working. Nearly half the employees in those households are working full-time. It is shocking that in America today, so many households with full-time workers are forced to rely on emergency food aid. 86% of households receiving emergency food aid earn less than $15,500 a year. 67% earn less than $10,000 a year. Kim, a single mother who works as a nurse, said ''I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand.''

The reason why so many Americans need emergency food aid is obvious—the current prosperity has passed them by. Their earnings are too low. Wanda, an emergency food client and mother of two, put it this way: ''My husband works, but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry.''

Raising the minimum wage is an important step toward solving this problem. Today, full-time minimum wage workers earn $10,712 a year—$2,600 below the poverty level for a family of three. According to the Department of Labor, 60% of minimum wage earners are women; nearly three-fourths are adults; over half work full time. Their families need the money, and they deserve an increase in the minimum wage. If we believe in rewarding work, we have to be willing to pay working families more than a sub-poverty minimum wage.

The American people understand that you can't raise a family on $5.15 an hour. The 26 million Americans receiving food aid last year understand this fact of life all too well. We must raise the minimum wage, and raise it now. No one who works for a living should have to live in poverty.

I ask that the first chapter of the Second Harvest report ''Hunger 1997: The Faces and Facts,'' be printed in the RECORD.

The material follows:

THE FACES & FACTS OF THE PEOPLE WHO ARE HUNGRY

A *kaleidoscope* of faces that makeup the hungry in America can be found behind the charts and graphs of this report. Young and old. *Employed* and looking for work. Living in suburbs, cities and rural areas. Many of them never anticipated that they would ever need this type of support. The *reasons and circumstances* are varied. The hidden face of hunger in America is often missed. To reveal the faces behind the facts, interviews were conducted at food pantries, food shelves, soup kitchens, and emergency shelters—nearly 28,000 clients in all have provided their personal stories to this research study. They have made an invaluable contribution to this research effort.

Their plight is the reason for this study. ''Hunger 1997: The Faces & Facts'' describes the *health and social consequences* of hunger. Second Harvest can use the understanding of their situation to be able to serve them more efficiently and effectively.

This first part profiles the recipients of emergency food. According to ''Hunger 1997: The Faces & Facts,'' 26 million people in 1997 received food and grocery products through the Second Harvest network of food banks.

EDUCATION

According to labor statistics, educational attainment is perhaps the greatest indicator of job and income mobility. Thirty six percent have a high school diploma or equivalent. Forty percent have not completed high school. Only five percent of all emergency clients have attended college or received a college degree.

GEOGRAPHY

US Census Bureau statistics show that 90 percent of all low-income people live outside urban ghettos. Census figures indicate that the low-income population of suburbs is growing at a faster rate than that of central cities or rural areas. Agency service areas reflect the changing demography of the people they serve with nearly one-third of agencies serving suburban areas.

EMPLOYMENT

More than one-third (38.6 percent) of all emergency client households have at least one member who is working. Of those households, 49 percent contain someone who is working full-time, 47.8 percent include someone who is working part-time or has seasonal work. Two percent of all households include someone who is enrolled in JOBS or other government sponsored job-training program. Twelve percent of all emergency client households include someone who is retired. Twenty one percent of all emergency client households include someone who is disabled. Thirty-five percent of all emergency client households include someone who is unemployed.

Eighty six percent of emergency client households earn less than $15,500 annually. Ninety percent of emergency client households served by the network have incomes at or below 150 percent of poverty.

''Nearly everyone of us is just two paychecks away from financial crisis,'' says Richard Goebel, executive director of the St. Paul Food Bank and a member of the Second Harvest Board of Directors.

Despite the strong economy and a low unemployment, many emergency food recipients have limited incomes and job security. As someone who has utilized emergency feeding programs, Kim, an employed nurse and single mother, can strongly relate to Goebel's words. ''I never thought I'd be in this situation. People think of the single mother and immediately stereotype her. Requiring emergency food assistance in today's blossoming environment is one thing that the public doesn't understand.''

*Note—households may represent more than one family member so numbers total more than 100%.

REASONS AND CIRCUMSTANCES

For many who have never had to deal with the problem of hunger, it is beyond comprehension the reasons. Why do people depend on emergency food? How Long have people depended on emergency food programs? What about government resources?

WHY?

Despite the strong economy, the percentage of people living in poverty has hardly

changed in the past year. The poverty level for a family of three is currently $13,330 annually. Sixty-seven percent of emergency client households have a yearly income of $10,000 or less. Wanda, an emergency food client and mother of two, says, ''My husband works but at the end of the month we just run out of money. I wouldn't know what to do if it weren't for the food pantry.'' For millions of American families, low wage jobs or inadequate government assistance are not sufficient to provide a family's basic nutritional needs.

HOW LONG HAVE PEOPLE DEPENDED ON EMERGENCY FOOD ASSISTANCE?

The study shows that most people seeking assistance are in a temporary hunger crisis and are not long-term dependents. Forty-four percent of Second Harvest clients have received food and grocery products for six months or less; eighteen percent for less than month.

WHAT ABOUT GOVERNMENT RESOURCES?

Food stamps. Forty-one percent of emergency food clients receive food stamps, 79 percent of those receiving food stamps say that they do not last through the end of the month. Eleven percent of food-stamp clients polled say their benefits have been discontinued, and 20 percent have seen a decrease in benefits. Of the clients not currently receiving food stamps, 40 percent have applied and are awaiting approval for benefits.

Sixty-four percent of client households with children participate in School Breakfast and Lunch programs, 31 percent of emergency clients with children participate in the Special Supplement Nutrition Program for Women, Infants and Children (WIC). Twenty one percent of emergency clients with children participate in the Child- and Adult-Care Food Programs, and/or Summer Food Program.

Ninety-two percent of Second Harvest families with children receive no government assistance for daycare.

HEALTH AND SOCIAL CONSEQUENCES

Twenty-eight percent of adults seeking food assistance have missed meals in the last month because there wasn't enough food, and (call out) 9% of clients' children have missed meals in the past month.*

''It's criminal that we live in a country that will allow a child to go hungry,'' says Rick Ellenberger, an elementary school teacher in Orlando. ''Studies show that if children are not ready to learn by the time they are five or six years old, we've lost them.

The growing body of medical evidence shows that even short periods of under-nutrition can affect a child's behavior, cognitive development, and future productivity. ''Children make up about one-third of our population, but they make up 100 percent of our future as a nation,'' states Dr. Joseph Zanga, President, American Academy of Pediatrics. ''What opportunities have we lost because a child was not nourished properly? A scientist who discovers a cure for cancer? A politician or statesman who brings lasting peace to the world?''

HEALTH

Twenty-eight percent of emergency clients have had to choose between medical care or filling prescriptions and buying food. Thirty-seven percent have delayed medical care because they couldn't afford it. Thirty-six percent of emergency clients report that members of their household are in poor health, and 41 percent of the clients have unpaid medical or hospital bills. ''My husband is so frail that I must stay home and take care of him and the children,'' says Martina, whose husband is disabled due to being robbed and shot while leaving his job. Although the family receives Supplemental Security Income (SSI) and food stamps, it is not enough to support a family of four.

HOUSING

Thirty-five percent of people seeking assistance have had to choose between buying food and paying their rent or mortgage. And, 15.8 percent of emergency food clients are homeless, another 5 percent are living in marginal housing, such as living with friends. Stanley, a disabled caretaker whose partner works at a motel, says, ''If it wasn't for the food pantry, we would starve at the end of the month. We pay the rent and utilities first and from then on it's a day-to-day existence.''

America is the richest country in the world. And, yet tonight thousands of your neighbors will go to bed hungry. It may be your child's schoolmate who is under-nourished and has difficulty learning on an empty stomach. Or, it could be a co-worker, a working mother whose low-wage job doesn't make ends meet. Perhaps it's an elderly neighbor who has to make a decision whether to delay filling a prescription or buying groceries. ''The faces of hunger are as broad and diverse as the faces of America,'' explained David Nasby, Director, Community Affairs, General Mills, Inc., and chair of the Second Harvest Board of Directors. ''It may be the neighbor down the street who has encountered a tough situation or the child who is estranged from a parent. It's everybody. People you know and would never think hunger would touch. These personal low points have an impact on every single community.''

Despite an economy that is thriving, unemployment is at a 30 year low, and a stock market that continues to reach historic highs, more than 21 million people in this country seek emergency food assistance through Second Harvest network at least part of the year. These startling statistics include eight million children, and more than three-and-a-half million elderly.

''Hunger 1997: The Faces & Facts'' does not attempt to simplify a complex social issue. Instead, it is Second Harvest's hope that this research study will establish a clearer picture of hunger in America and its effects on all of us. No single strategy, tactic or program can solve the problem. It takes a combined effort of community involvement, government action, and charitable service to effect a solution.

Second Harvest's research shows the need is urgent. With its network of certified affiliate food banks comprising the largest domestic hunger-relief system in the country, the data collected for ''Hunger 1997: The Faces & Facts'' has contributed to the most comprehensive analysis of charitable hunger-relief efforts ever conducted on a broad, national scale.

''Hunger 1997: The Faces & Facts'' research study was funded with generous grants from: The Aspen Institute Nonprofit Sector Research Fund; Chicago Tribune Holiday Fund; J. Willard Marriott Foundation; Mazon: A Jewish Response to Hunger; Nabisco Foundation; Sara Lee Foundation; Share Our Strength; and W.K. Kellogg Foundation.●

*The United States Current Population Survey (CPS) defines this situation as ''food insecure with severe hunger.''

NATIONAL BREAST CANCER SURVIVOR'S DAY

● Mr. ABRAHAM. Mr. President, I rise in support of the resolution designating April 1, 1998 as ''National Breast Cancer Survivor's Day.''

It is only proper, Mr. President, that we should set aside a day to honor the brave women and men who have survived this dread disease, which causes pain, suffering and even death for so many Americans.

Every year, Mr. President, 178,700 women and 1,600 men in the United States are stricken with breast cancer. Each of us must live with the knowledge that 1 in 9 American women will suffer from breast cancer in her lifetime. That means that virtually all of us will either be stricken by breast cancer or know someone who is.

I know in my case, Mr. President, I lost my mother to breast cancer some years ago. It was a painful experience for all of our friends and family as well as my mother herself. The pain caused by this dread disease is intense for everyone involved, and we must do everything in our power to eradicate this scourge.

Thankfully, Mr. President, we have made some progress in our battle with breast cancer. The 5 year survival rate for breast cancer victims has risen to 97 percent in cases of early detection.

Medical advances have helped more women are surviving breast cancer. Just as important, however, has been the fact that we as a nation are doing a better job of telling women about their options, and of emphasizing the importance of self-examination and regular visits to the doctor.

This is one reason, Mr. President, why I believe it is important that we honor breast cancer survivors in the manner called for by this resolution. By bringing breast cancer survivors together here in Washington, DC and elsewhere around the country, we can celebrate survivorship and publicize, not just the tragedy of breast cancer, but also the hope that is provided by research and early detection.

We need to get the message out that there are things women can do for themselves in the fight against breast cancer. We need to highlight the effectiveness of early detection and show our respect for the courage of women who have faced this disease and lived.

We have a long way to go, Mr. President, before we win our battle with breast cancer. But research, early detection and programs to make Americans aware of their options in dealing with the possibility of breast cancer all can help.

I salute the women of American who have faced breast cancer, along with the families and friends who have supported them during their time of trial, and I hope that all of us can join together, not only to mourn those who lost their battle with breast cancer, but also to honor those who have fought that battle and survived.●

BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 315, S. 1605.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1605) 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.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets, and the part of the bill intended to be inserted is shown in italic.)

S. 1605

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 ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

[(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.**]**

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. CHAFEE. Madam President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1605) was considered read the third time and passed, as amended, as follows:

S. 1605

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 ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by

a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. LEAHY. Madam President, I am delighted that the Senate has passed the Bulletproof Vest Partnership Act of 1998, S. 1605. I thank Senator CAMPBELL for his leadership on our bipartisan legislation which is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor, this issue. It has been a pleasure working with the senior Senator from Colorado to pass this vital legislation in the Senate. I also want to thank the Chairman of the Senate Judiciary Committee, Senator HATCH, for his strong support of S. 1605.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country everyday officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, Federal, State and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscore the point that all of our

law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. In January, I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our Nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' In fact, the National Association of Chiefs of Police just reported that 21 police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Our bipartisan legislation enjoys the strong support of numerous nation law enforcement organizations including the Fraternal Order of Police, Police Executive Research Forum, International Union of Police Associations, National Association of Police Organizations and International Brotherhood of Police Officers. The bill also enjoys the support of 38 attorneys general from across the country. Mr. President, I ask for unaminous consent to have printed in the RECORD letters of support for S. 1605 from all these national law enforcement organizations and the attorneys general.

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, January 14, 1998.

Hon. PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY, I am writing to you on behalf of the more than 270,000 members of the Fraternal Order of Police to offer our strong support of legislation you plan to introduce in order to establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

This legislation will greatly increase the number of officers wearing body armor—and it will save more lives. At the May 15, 1997 Peace Officers' Memorial Day, the F.O.P. honored the memories of one hundred and seventeen officers who were killed in the line of duty in 1996. This year we have already lost one hundred and sixty from our ranks.

While we know that there is no way to end the deadly risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. Hopefully, the bill you plan to introduce will increase the quality and number of armored vests available to America's law enforcement officers.

On behalf of the Fraternal Officer of Police, I commend you for your leadership on this important issue and forward to working with you once it has been introduced. If I can be of assistance, please contact me or Executive Director Jim Pasco in my Washington office, (202) 547–8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

INTERNATIONAL UNION OF
POLICE ASSOCIATIONS,
February 13, 1998.

Hon. PATRICK J. LEAHY,
Russell Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Executive Committee and the 80,000 rank and file law enforcement officers of the International Union of Police Associations, AFL–CIO, we are proud to endorse and support the ''Bulletproof Vest Partnership Grant Act of 1998'' as introduced in the Senate by yourself and Senator Campbell.

Law enforcement officers who put their lives on the line everyday deserve state of the art body armor and because of your commitment to law enforcement, officers will have the protection that could mean the difference between life and death.

We commend you for your support and legislation and we pledge our continued assistance toward the enactment of the ''Bulletproof Vest Partnership Act of 1998.'' Thank you.

Sincerely,

ARTHUR J. REDDY,
Legislative Liaison,
International Vice President.

NATIONAL ASSOCIATION OF POLICE
ORGANIZATIONS, INC.,
Washington, DC, February 25, 1998.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: Please be advised that the National Association of Police Organizations (NAPO), representing more than 4,000 police unions and associations and more than 220,000 rank and file law enforcement officers enthusiastically and wholeheartedly supports S. 1605, the ''Bulletproof Vest Partnership Act of 1998.'' I would like to take this opportunity to thank you for your efforts in scheduling the markup of S. 1605, for Thursday, February 26, 1998 at 10:30 am.

As you know, far too many law enforcement officers patrol our streets and neighborhoods without proper protective gear against violent criminals. Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. We cannot allow criminals to have the upper hand. This legislation is a necessary step in adequately protecting law enforcement officers, who put their lives on the line every day to serve our communities. This is why NAPO supports your effort to help state and local law enforcement departments provide officers with bulletproof vests.

Again, thank you for addressing S. 1605, which is a legislative priority for NAPO. I appreciate your hard work and commitment to the law enforcement community and if we can be of any assistance please contact my office at (202) 842–4420.

Sincerely,

ROBERT SCULLY,
Executive Director.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, February 20, 1998.

Hon. PATRICK LEAHY,
Senate Committee on the Judiciary, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you on behalf of the Police Executive Research Forum (PERF) to offer our strong support for S. 1605, the Bulletproof Vest Partnership Grant Act of 1997. This important piece of legislation would establish a grant program to assist local law enforcement agencies in purchasing body armor for their officers.

PERF, a nonprofit organization of progressive police professionals who serve more than 40 percent of the nation's population, is firmly committed to helping police obtain equipment necessary to ensure their safety as they protect the community. Between 1985 and 1994, more than 2000 police officers had their lives saved by bulletproof vests. This bill would greatly increase the numbers of officers wearing bulletproof vests and will ultimately save more lives.

PERF commends you for your commitment to officer safety and your leadership on this important issue. If we can be of any assistance in the future, please feel free to contact me or Martha Plotkin at (202) 466–7820.

Sincerely,

CHUCK WEXLER,
Executive Director.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, February 10, 1998.

Hon. PATRICK LEAHY,
United States Senate, Washington, DC.

DEAR SENATOR LEAHY: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union. The IBPO represents over 50,000 police officers at the federal, state, and local level, including IBPO Local 506, Brattleboro, Vermont.

On behalf of the entire membership of the IBPO I wish to thank you for your sponsorship of S. 1605, ''The Bulletproof Vest Partnership Act of 1998.'' This life saving legislation will provide protection to police officers across the country.

In the past few months alone, the IBPO family has dealt with the tragic deaths of police officers in Boise, Idaho and Atlanta, who

lost their lives in the line of duty. Every police officer who takes a call knows the dangers facing them. That is why this legislation is so crucial.

The number of police officers who do not have access to bulletproof vests is astounding. Almost 150,000 law enforcement officers do not have the ability to fully protect themselves. Simply put, passage of this legislation will save lives.

The entire membership of the IBPO looks forward to working with you on this important issue. If you have any questions, please feel free to contact me.

Sincerely,

KENNETH T. LYONS,
National President.

STATE OF VERMONT OFFICE OF THE ATTORNEY GENERAL,
February 26, 1998.

Hon. ORRIN G. HATCH,
Hon. PATRICK J. LEAHY,
Senate Committee on the Judiciary.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.
Re: Bulletproof Vest Partnership Act of 1998 (S. 1605)

DEAR SENATORS CAMPBELL, HATCH AND LEAHY: As state attorneys general, we are writing to express our wholehearted support for Senate Bill No. 1605, the Bulletproof Vest Partnership Act of 1998. In our view, this bill will be an invaluable tool in helping to protect law enforcement officers throughout the country who risk their lives daily while serving their communities. This bill would provide much needed matching grants to state, local and tribal law enforcement agencies to be used to purchase armor vests for their officers. We were particularly pleased to note the provision for waivers of the grantee's matching contribution in the event of a fiscal hardship by a particular law enforcement agency.

As you are all too aware, state, local and tribal law enforcement officers often find themselves in deadly confrontations with highly armed and dangerous criminals. The statistics cited in your bill make it imperative that every officer in the country have ready access to body armor when it is needed. Your bill will assure that all police departments will have the resources to equip officers with body armor as standard equipment. The bill will also allow reimbursement to those officers who have had to purchase body armor at their own personal expense.

This bill will enable more officers to wear armor when they need it. It will definitely save lives. We appreciate your support for this bill and urge passage of this important legislation.

Sincerely,

William H. Sorrell, Attorney General of Vermont.
Gale Norton, Attorney General of Colorado.
Bill Pryor, Attorney General of Alabama.
Bruce M. Botelho, Attorney General of Alaska.
Grant Woods, Attorney General of Arizona.
Daniel E. Lungren, Attorney General of California.
M. Jane Brady, Attorney General of Delaware.
Robert A. Butterworth, Attorney General of Florida.
Gus S. Diaz, Attorney General of Guam.
Margery S. Bronster, Attorney General of Hawaii.
Alan G. Lance, Attorney General of Idaho.
James E. Ryan, Attorney General of Illinois.
Jeffrey A. Modisett, Attorney General of Indiana.
Albert B. Chandler III, Attorney General of Kentucky.
Richard P. Ieyoub, Attorney General of Louisiana.
Andrew Ketterer, Attorney General of Maine.
J. Joseph Curran, Jr., Attorney General of Maryland.
Scott Harshbarger, Attorney General of Massachusetts.
Hubert H. Humphrey III, Attorney General of Minnesota.
Mike Moore, Attorney General of Mississippi.
Joseph P. Mazurek, Attorney General of Montana.
Frankie Sue Del Papa, Attorney General of Nevada.
Philip McLaughlin, Attorney General of New Hampshire.
Peter Vemlero, Attorney General of New Jersey.
Dennis C. Vacco, Attorney General of New York.
Heidi Heitkamp, Attorney General of North Dakota.
Betty D. Montgomery, Attorney General of Ohio.
Drew Edmondson, Attorney General of Oklahoma.
Hardy Myers, Attorney General of Oregon.
Mike Fisher, Attorney General of Pennsylvania.
Jose A. Fuentes, Attorney General of Puerto Rico.
Jeffrey B. Pine, Attorney General of Rhode Island.
Charles Molony Condon, Attorney General of South Carolina.
Mark Barnett, Attorney General of South Dakota.
Jan Graham, Attorney General of Utah.
Mark L. Earley, Attorney General of Virginia.
Christine O. Gregoire, Attorney General of Washington.
Darrell V. McGraw, Jr., Attorney General of West Virginia.

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

Mr. LEAHY. I urge the House of Representatives to support this bipartisan legislation and urge its quick passage into law.

RELATING TO THE RELATIONSHIP BETWEEN THE UNITED STATES AND THAILAND

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 319, S. Res. 174.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 174) to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1980

(Purpose: Relating to the relationship between the United States and Thailand)

Mr. CHAFEE. Madam President, Senator ROTH has an amendment to the resolution at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1980.

Mr. CHAFEE. Madam 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 2, strike lines 2 through 7 and insert the following:

''(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''.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1980) was agreed to.

Mr. CHAFEE. I ask unanimous consent that the resolution be agreed to, as amended.

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

The resolution (S. Res. 174), as amended, was agreed to.

AMENDMENT NO. 1981

(Purpose: To amend the preamble)

Mr. CHAFEE. Madam President, I understand there is an amendment at the desk to the preamble.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, proposes an amendment numbered 1981 to the preamble to S. Res. 174.

Mr. CHAFEE. 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:

In the preamble, strike ''and'' at the end of the sixth ''Whereas'' clause.

In the preamble, strike the colon at the end of the seventh ''Whereas'' clause and insert ''; and''.

In the preamble, insert after the seventh ''Whereas'' clause the following:

''Whereas Thailand's democratic reforms have advanced with that country's economic growth and development:''.

Mr. CHAFEE. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1981) was agreed to.

Mr. CHAFEE. Madam President, I ask unanimous consent that the preamble, as amended, be agreed to; that the motions to reconsider the above actions be laid upon the table; and, finally, that any statements regarding this legislation appear at the appropriate place in the RECORD.

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

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

Mr. ROTH. Madam President, I thank my colleagues for unanimously adopting this resolution. I believe this vote of 100 to 0 lets Thailand and the Thai people know the heartfelt sentiments of the Senate and the American people toward bilateral friendship and partnership. It also makes clear our recognition of the strides Bangkok has been making in executing its responsibilities under its arrangements with the International Monetary Fund. Only last week, for example, Thailand deepened its commitment to economic reform by pledging to speed up privatizations and the reorganization of its banking system.

This week the new Prime Minister of Thailand, Chuan Leekpai, will visit the United States. Many of us will have the chance to meet him when he comes to visit Capitol Hill. While Prime Minister Chuan faces many challenges in the coming months and years, I hope and trust the support for Thailand that he will find in this country will help him in overcoming those challenges.

As I have said before, I believe that all of us in this Chamber—and Americans all across this land—are great admirers of Thailand and Thai culture. I remain optimistic about Thailand's future. Given the Thai people's energy and initiative, the country's remarkable history, and its record of economic success, I look forward to seeing Thailand's return to prosperity in the not-too-distant future.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 528, 531, 532 and 533.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade.

LEGISLATIVE SESSION

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

ORDERS FOR THURSDAY, MARCH 12, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 12, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until the hour of 10:30 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator DORGAN, 15 minutes; Senator LEAHY, 15 minutes.

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

Mr. CHAFEE. Madam President, I also ask unanimous consent that at 10:30 a.m. the Senate resume consideration of S. 1173, the highway bill, and immediately proceed to a vote on or in relation to the McCain amendment No. 1726 regarding demonstration projects.

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

Mr. CHAFEE. Madam President, I further ask unanimous consent that Members have until the hour of 10 a.m. to file first-degree amendments to S. 1173.

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

PROGRAM

Mr. CHAFEE. Tomorrow, the Senate, Madam President, will be in a period of morning business from 9:30 a.m. to 10:30 a.m. At 10:30 a.m., by a previous order, the Senate will proceed to a rollcall vote on the McCain amendment to S. 1173, the so-called ISTEA II legislation. Following that vote, the Senate will attempt to complete action on the bill.

In addition, the Senate may begin the consideration of S. 414, the international shipping bill, and H.R. 2646, the A-plus education bill. Therefore, Members should anticipate a busy voting day with votes occurring into the early evening.

Mr. FORD. Madam President, would the distinguished Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. FORD. Members have until the hour of 10 a.m. to file first-agree amendments to S. 1173. Is that in addition to the amendments that are already filed correctly, and this gets around the hour in advance?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. FORD. So the second-degree amendments can still be offered?

The PRESIDING OFFICER. By previous agreement, second-degree amendments are allowed for 24 hours.

Mr. FORD. I wanted to be sure about that so there would not be any confusion. I thank the leadership for accommodating those so we would not have to file those tonight and so we could prepare those overnight and file them at 10 o'clock in the morning. I am grateful for that accommodation.

I thank the chairman and I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I hope everybody does not feel——

Mr. FORD. Compelled.

Mr. CHAFEE. The requirement that they file an amendment. We have dealt with some 200 amendments. That, it seems to me, pretty well covers the field. So I would not have hurt feelings if there were no amendments filed by 10 a.m. tomorrow.

Mr. FORD. Well, the Senator knows that, given overnight, there is a lot of thought going into what they might file tomorrow, and to accommodate your colleagues, it may have gotten you in a little more trouble than you wanted. So I throw that in. I believe the Senator will be surprised at the small number of amendments that are filed by 10 o'clock tomorrow.

Mr. CHAFEE. I will be happy to be surprised.

So that completes our business. I do want to say to those who will be listening, I really believe we can finish this bill rather quickly tomorrow, if people restrain themselves on further amendments. We have some here, and we worked out some. It seems to me we have had a pretty good—we have been on this bill now I think for something close to 2½ weeks, and everything is pretty well taken care of. I hope Members will show great restraint.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. Madam 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 6:48 p.m., adjourned until Thursday, March 12, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1998:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

THOMAS EHRLICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF FIVE YEARS, VICE WALTER H. SHORENSTEIN, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALICE RAE YELEN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, VICE FAY S. HOWELL, TERM EXPIRED.

DEPARTMENT OF JUSTICE

STEPHEN C. ROBINSON, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS VICE CHRISTOPHER DRONEY, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 11, 1998:

THE JUDICIARY

HILDA G. TAGLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

SAM A. LINDSAY, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

JUDITH M. BARZILAY, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

DELISSA A. RIDGWAY, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 11, 1998, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF LABOR

IDA L. CASTRO, OF NEW YORK, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 9, 1997.