

make the act a crime, as does the District of Columbia and the Federal Government.

As a consequence of this development in the law, a disparity has been created in U.S. extradition law. The disparity occurs in a subset of extradition treaties referred to as "list" treaties—so named because they specifically enumerate, or list, the crimes under the treaty that are considered extraditable. Thus, because the act of parental abduction was not a crime when these older list treaties were ratified, it has been the practice of the executive branch to interpret the treaties as excluding parental abduction. This concern does not arise in more modern "dual criminality" treaties, which avoid the limiting nature of the list treaties by allowing extradition in any case where both countries make a practice a felony.

Seeking to remove this disparity, the Clinton administration has requested authority to adopt a new interpretation of the term "kidnapping" in the list treaties so that it encompasses parental abduction. The Foreign Relations Committee strongly supports this request, and voted unanimously last month to report the bill to the Senate.

The chairman and I have offered a substitute amendment which makes several changes to the Committee-reported bill which were recommended by the Justice Department after it gave closer review to the legislation. The changes are modest, and mostly technical. I would highlight only one: the committee-reported bill provided, in the operative section of the bill, section 3, that the Congress authorizes the interpretation of the term kidnapping to include international parental kidnapping. The substitute omits the word "international," for an important reason: the crime of international parental abduction, which includes as an element the taking of a child out of the country, is a Federal offense. But the practical reality is that most extradition cases will involve crimes prosecuted at the state level, where the offense does not include the aforementioned element of removing the child from the country. Thus, the substitute ensures that the bill has the broadest possible reach.

Mr. President, the abduction of children by their parents is a heartwrenching crime. This bill will ensure that there is no disparity in U.S. extradition law and practice with regard to this crime, and, I hope, will help lead to the extradition of individuals wanted for this crime. I urge my colleagues to support the bill.

Mr. LOTT. Mr. President, I ask unanimous that the amendment be agreed to.

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

The amendment (No. 1523) was agreed to.

Mr. LOTT. Mr. 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. 1266), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I believe there is still some more debate on the ISTEAL highway construction bill. I am still trying to find a way to clear this bill of the obstructions that have been placed in its path so that we will have safe highways and safe roads and get this major legislation through the Senate. We have had two cloture votes. The next cloture vote will be tomorrow at 9:45 a.m.

We made a serious effort today by all concerned on both sides of the aisle and both sides of the issue with relation to the campaign finance reform matter to find a way to move forward, and I believe that Senator DASCHLE and I had basically reached an agreement, but then other Senators indicated that they wanted something more and we couldn't complete that agreement.

I think that is really unfortunate. I thought what we had come up with was very fair, that we would take up campaign finance reform by the first week of March and that amendments would be in order. But we will continue to work on it, hopefully, because I do think this is very important legislation. I will have to make a decision as majority leader after tomorrow's cloture vote as to what to do at that point. If we get cloture, obviously, we will go right on with the amendments with regard to ISTEAL, the highway transportation bill, and I believe we can get it completed next week even though we have a lot of very important amendments pending.

If we don't get cloture, I have to make a call as to whether to spend another half of a week trying to cut off basically the filibuster that has gone on with regard to this legislation and move on to other matters. I think that would be unfortunate. I think this is important legislation that needs to be passed.

On Monday, if we have not been able to clear from hold the Federal Reserve nominees, it would be my intention to move to debate those and get a vote on them. And we also are going to have to act early next week, in some form, with regard to the threatened Amtrak strike.

Beyond that, we will consult with Members on both sides of the aisle and let them know what will be the legislative schedule next week.

If we cannot get something worked out on ISTEAL, we will move on to other issues. And, of course, I would like to continue to work on the Executive Calendar, but that takes cooperation on both sides of the aisle. And if we cannot get cooperation on committee meetings and on how we resolve campaign finance reform, I guess we will not get cooperation on nominations either. But we will keep moving forward and see if we can come to some reasonable agreement so we can get this very important legislation completed.

I yield the floor, Mr. President.

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

The PRESIDING OFFICER. The Senate is still conducting morning business until 6:30 this evening.

Mr. BYRD. Mr. President, I wonder if the distinguished majority leader would mind if the Senate returned to the consideration of the highway bill?

Mr. LOTT. Mr. President, I would have no objection to that. I would like to make sure that the manager of the bill has no objection at this time.

Mr. CHAFEE. It is my understanding that the distinguished Senator from West Virginia is going to make some comments and no motions or anything are involved. It is strictly some remarks in connection with the legislation.

Mr. BYRD. That is correct. I would like to make them while the highway bill is pending before the Senate.

Mr. CHAFEE. So I have no objection.

Mr. BYRD. I thank the Chair.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. If there is no objection, the Senate will proceed to consideration of the highway bill. The clerk will report.

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

Chafee/Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee/Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee/Warner amendment No. 1314 (to Amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to Amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. BYRD. Mr. President, with reference to the highway bill, on yesterday I, on behalf of Senators GRAMM, BAUCUS, and WARNER, introduced an amendment for printing only and also for the purpose of having that amendment appear in the CONGRESSIONAL RECORD. And I was not offering the amendment in the usual sense that I was calling it up, and so consent was granted.

At that time I indicated that there were several Senators who wished to be added as cosponsors of that proposed amendment. And I wish to add these names today to those that I stated yesterday: Senators BROWNBACK, CAMPBELL, CONRAD, CRAIG, GLENN, HELMS, LEVIN, and KEMPTHORNE. And I wish to remove the name of Mr. COATS. That name was included in error yesterday. And so I ask unanimous consent that the RECORD show that the name of Mr. COATS was removed and also to indicate the additional cosponsors.

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

Mr. BYRD. Yesterday I indicated that I would present for the RECORD the history of the Federal gasoline excise taxes since the inception of the highway trust fund. I ask unanimous consent that I may have printed for the RECORD such history.

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

HISTORY OF FEDERAL GASOLINE EXCISE TAXES
SINCE THE INCEPTION OF THE HIGHWAY
TRUST FUND

The enactment of the Federal Aid Highway and Highway Revenue Act of 1956 (PL 84-627), called for all Federal gasoline excise taxes to be placed in the newly established Highway Trust Fund. Between 1956 and 1990, the Congress, on numerous occasions, voted to extend these gasoline excise taxes with all of the revenue being devoted to the Highway Trust Fund.

The Omnibus Budget Revenue Reconciliation Act of 1990 (PL 101-508) increased the Federal gasoline tax by 5 cents, with 2.5 cents being dedicated to deficit reduction and 2.5 cents being dedicated to the Highway Trust Fund. Of the amounts transferred to the Highway Trust Fund, 2 cents of the tax was deposited in the Highway Account of the Highway Trust Fund and 0.5 cents of the tax was deposited in the Mass Transit Account.

The 2.5 cents dedicated to deficit reduction under OBRA 1990 was scheduled to expire on September 30, 1995. Instead, the Omnibus Budget Reconciliation Act of 1993, (PL 103-66) stipulated that this 2.5 cents gasoline tax be deposited into the Highway Trust Fund, beginning on October 1, 1995, and divided in the same manner as the 2.5 cents placed in the Trust Fund in 1990.

OBRA 1993 simultaneously levied a new, permanent gas tax of 4.3 cents dedicated solely to deficit reduction.

The Taxpayer Relief Act of 1997 (PL 105-34) stipulated that the entire 4.3 cents gas tax would be deposited in the Highway Trust Fund beginning on October 1, 1997, with 3.45 cents of the tax being dedicated to the Highway Account of the Highway Trust Fund and 0.85 cents being dedicated to the Mass Transit Account.

Source: CRS Report for Congress: Federal Excise Taxes on Gasoline and the Highway Trust Fund, September 15, 1997.

Mr. BYRD. Mr. President, it was my intention to move at this time to waive all points of order pursuant to the budget act affecting the amendment that I had introduced on yesterday for printing on behalf of myself and Senators GRAMM, BAUCUS, and WARNER.

Mr. President, having the floor, I have a perfect right to move at this time to waive such points of order; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I am not required to wait until such time as that amendment is pending before the Senate, nor am I required under the rules to wait until such time as the so-called tree, consisting of several amendments, has been dismantled, nor do I have to wait until such time as such a point of order is actually made against the amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

So I am perfectly within my rights at this point to move to waive such points of order. Such a motion would be debatable. And it would also be amendable, would it not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Now, Mr. President, I had intended to ask unanimous consent that that motion not be amendable. But I thought I should let Mr. CHAFEE know that I intended to make such a request. He might want to object to it. I had a right to make the motion. He could not keep me from doing that. But I wanted to get consent that it not be amendable, and I thought he had the right to know about that. And I realize he could object to that, and he will. He has told me he will object to that.

Now, my purpose in wanting to get such consent is simply this: 60 votes are required for me to waive the points of order under the Budget Act. However, my motion would be amendable, it would be open to amendment, and such an amendment to my motion would require only a majority of votes, so that if all 100 Senators were present and voting, only 51 votes would be required to amend my motion, which, standing alone, would require 60 votes.

If the motion to amend my motion to waive were to carry, then a simple majority could add the authors' motion to amend my motion. That would put me at a disadvantage in that it is my understanding that Mr. DOMENICI might make a motion, the purpose of which would be—and I don't know that he is going to do this—he would repeal the gas tax, the 4.3-cent tax. That may or may not be based on rumor. I haven't heard Senator DOMENICI say that, but I anticipate that such a motion or some other motion might be made. If that were the case, if that were to be adopted by a majority vote, I would be put at a great disadvantage in trying to get

60 votes for my motion, so I do not intend to make that motion at this time.

But it may be that at some future time we can work out something whereby I could get a vote on a motion to waive points of order under the Budget Act against my amendment. That is a motion that is made quite frequently here. Sometimes it carries, sometimes it doesn't. So I intended to make that motion because I feel that the sponsors of our amendment have 60 or more votes in support of such motion and in support of such amendment.

Several Senators have indicated to me and have indicated to my three cosponsors that while they will not cosponsor the amendment, they will support it, so that we feel we would have more than 60 votes. But I am not at this time going to make the motion for the reasons I have stated.

HAPPY BIRTHDAY, SENATOR CHAFEE

Mr. BYRD. On another matter, I'm informed that on yesterday the distinguished, the very distinguished, Senator from Rhode Island reached his 75th birthday. Oh, to be 75 again! I experienced that happy occasion 5 years ago. Today is the 23rd of October. In 27 more days I will reach my 80th birthday. Hopefully the Senate will be out of session because I don't want anything said about it.

But I must congratulate this crusty New Englander, whom I admire hugely, on his having reached his 75th birthday. He is a great American. He is truly a fine Senator. As a man he is a real man. He is honest, and he is one who deals fairly with his colleagues right up on the board, straight across the board, nothing under the board, and he says what he thinks. If he agrees with one, he will agree; if he doesn't, he will say so, but he won't go out of this Chamber in any fit of dis-temper. It is a matter to be stated, and that is it.

So I admire JOHN CHAFEE. The people of his State are fortunate in having a man like JOHN CHAFEE here. I think we are all fortunate in having a Senator like JOHN CHAFEE. I greatly admire him.

Let me just recall a few lines to a little poem titled the "Multiplication Table of Happiness." I hope I can repeat it, having focused my thoughts on the line-item veto, the highway bill, and on the various other matters today.

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful October afternoon,
Count your age by friends, not years.

Now, after the distinguished Senator makes a response, if he feels that he has to—he doesn't—but if he wants to say anything—I saw him start to rise—