

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

Mr. LOTT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota—

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

RESERVATION OF LEADER TIME

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

EXPLANATION OF ABSENCE

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

AMMENDMENT NO. 1682

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

Mr. WELLSTONE. I will take 3 minutes.

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

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

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to come to the floor today

to add my voice to those of my colleagues, Senators LAUTENBERG and DEWINE, in support of this amendment to require states to pass .08 blood alcohol content (BAC) laws.

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

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

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

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

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

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

The National Public Services Research Institute reports the following:

Approximately 10 percent of miles driven at BAC's of .08 and above are at BAC's between .08 and .10. Every year, crashes that involve drivers at BAC's of .08 to .09 kill 660 people and injure 28,000.

Driving with a BAC of .08 is very risky. They estimate that crash costs average \$5.80 per mile driven with a BAC of .10 or higher, \$2.50 a mile for a BAC between .08 and .09, and only 11 cents a mile for each mile driven while sober.

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

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

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

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

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

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

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

matter of public health. This is protection for families in our country. This is the right thing to do. I hope we get a strong majority vote for this amendment.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in support of the Lautenberg-DeWine amendment, and I commend both Senators for this excellent amendment. It would, as previous speakers have discussed, establish a .08 blood alcohol concentration level, or BAC level, as a threshold for driving under the influence throughout the United States.

As we all know, drunk driving is a scourge on the highways of the United States of America. It is something that we are all against. This legislation would take a very positive step to ensure that all States provide for a very rigorous .08 blood alcohol content standard as their measure of driving under the influence of alcohol.

This law builds on previous success. Since 1986, alcohol-related fatalities on our roads have decreased by 28 percent. That is a result of the efforts of many, many people. It is the result of tougher laws, increased enforcement, public education, and particularly the work of Mothers Against Drunk Driving, who have done so much to illustrate this problem and reach policymakers throughout the United States. Although we are proud of this success, we can and must do more.

In 1996, more than 17,000 people were killed because of drunk driving. Now, these deaths are not accidents because these are tragedies that could have been avoided—many of them—if we had tougher laws and better enforcement. That is what we are about today. We are trying to declare throughout this country that we have a tough standard for those who would drink and drive, a standard that would save lives throughout this country in every community.

I don't think any of my colleagues would like to say to a family who lost a loved one and tell them, "Well, the standard of .10 was OK," because in that situation it's not OK. We can do better. We know these laws work, and we want to make them work much, much better.

In essence, the .08 blood alcohol concentration standard means fewer deaths on the roads of America, fewer driving fatalities, fewer young people cut down in the prime of their lives, and it means a safer America. That is what we should stand for today.

Currently, 15 States already have adopted a .08 blood alcohol concentration standard. A recent study by Boston University showed that these States experienced a 16 percent decline in fatal driver crashes where the driver's BAC was .08 or greater. Already these States have shown that this standard saves lives. And we can do better.

It is estimated that nationally, if we adopt the .08 standard, we can save between 500 and 600 lives a year. Those are impressive statistics. But lives alone are not at stake. Each year drunk driving accidents cost this country \$45 billion. That is six times more than we spend on Pell grants. We can do better. We can save lives. We can save resources. We can make our world much, much safer.

There are those who argue that this would put a huge constraint on law-abiding Americans who occasionally will have a drink and then drive. That is something I don't think is true at all because under this standard a 170-pound man must consume more than four drinks in an hour on an empty stomach to reach this BAC. A woman of 135 pounds would have to consume three drinks. That is not social drinking. That is drinking irresponsibly, and then getting into an automobile.

This law will not affect the reasonable, rational, careful, deliberate person who may have one social drink or two and then drive. In fact, the American Medical Association said that really the beginning of impairment is not .08, it is .05 blood alcohol content. So this standard is far from what medical experts would argue is the beginning of deterioration of motor skills when one drives an automobile. We can do better. We have to recognize today that we must do better.

There are those of my colleagues who have suggested that this proposal is an improper infringement on the prerogatives of the States. First of all, we have taken positive steps before in this land. For example, just a few years ago we adopted through congressional action a zero-tolerance policy that would say for young people driving that the blood alcohol content was basically zero, that they should have no drinks if they are driving an automobile, and we have seen success already.

Mr. President, we have already seen the success of our zero-tolerance policy throughout the United States, a policy that was promulgated through Congress and adopted by many States, where fatalities at night by younger drivers have dropped 16 percent in States that are following the zero-tolerance policy.

So this law and this approach is not an impermissible imposition on the States. It is a rational, reasonable way to encourage what is the right thing to do. It is small comfort that if one State, such as my State of Rhode Island, adopts this standard but it is not adopted next door in Massachusetts or Connecticut, and someone in Massachusetts comes speeding into my State. That is not a States' rights issue. That is an issue of interstate commerce, of national economy, of national highways that reach every corner of this country regardless of State lines. We don't stop the national highways at the State lines. We shouldn't stop good, sensible bills that will control drunk driving in this country at the State lines.

I urge passage of this legislation, and again commend Senators LAUTENBERG and DEWINE for their excellent effort.

I yield my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to yield 5 minutes against the amendment to the senior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, regrettably I rise in opposition to this amendment. I say regrettably because if I were in the State Senate of Oklahoma, I would vote in favor of this amendment. Presently, there is no Federal standard or Federal law for blood alcohol level—none. So we have an effort now to federalize a national problem. I don't think we should do that.

I led the effort years ago that would allow the States to set speed limits. I thought the States should set the speed limits, not the Federal Government. I didn't say that I thought every State should increase their speed limits. I thought States should set the speed limit.

What about the alcohol level? Again, if I were a State legislator, I would support the lower level. Fifteen States have this level—.08. Maybe it should be lower. Let the States make that decision. I hate to federalize problems, and I hate to tell the States that if they don't do such and such we are going to withhold 10 percent of their money, or 5 percent of their money the first few years and 10 percent thereafter.

Whose money is it? Is that Federal money? No. That money is paid for by our constituents, by our consumers, and by our people who are on the road. They pay that money. It comes to Washington, DC, and now we start putting strings on it. We basically tell the States if you do not pass a law that we have determined is best—and I don't know anything about blood alcohol limits. I have heard three beers, I have heard four beers. I don't know. I have not done the homework. I will take their word for it. But really, should we be dictating or mandating that on the States? I don't think so. And tell the States if they don't pass such and such, we are going to withhold 5 percent of their funds.

We are talking about millions and millions—hundreds of millions—of dollars. In a few years, it will be 10 percent. So it is a real heavy penalty if they don't subscribe to our Federal dictate. I just disagree with that. That money came from the States. It came from individuals. This is not Federal money. For us to put on these strings, I think is a mistake.

I am very sympathetic to the goal of the authors of the amendment, and I compliment them for trying to say we want to reduce drunken drivers on the streets. I want to do the same thing. I just do not agree with their tactics.

The Commerce Committee amendment has some incentives to encourage States to lower levels, and if the States lower those levels, they can get more money. In other words, a little bit of a carrot. This is a heavy stick. As a matter of fact, this is more than a heavy stick. This is a dagger. This says you have to do it. I think we should encourage it.

Again, I go back to the Constitution. Sometimes we ignore the Constitution. But the 10th amendment to the Constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Time and time again we come to this body and we find a problem. And drunk driving is a real serious problem. But we want to have a Federal solution: The Federal Government knows best. I think the framers of the Constitution were right when they said we should reserve those powers to the States and to the people, and encourage the States—maybe even give them a little bonus—if they make some moves that we think would be positive. But to federalize it and now, for the first time in history, have a blood alcohol content which has always been the prerogative of the States, in my opinion, is wrong.

I can count the votes. My guess is that the proponents probably have the votes.

But I think, again, we are trampling on States' rights. We are also trampling on this idea or encouraging this idea that if there is a problem, we need a Federal solution, and we will not give back your money. I resented that when I was a State legislator. I resented the fact that when we sent our highway moneys to Washington, DC, from our State, we only got about 80 cents back. That bothered me. We would only get about 80 cents on the dollar back. Then, not only that, when we got the 80 cents back, we got all the strings attached: You have to have the Federal highway speed limit; you have to have all of these other Federal requirements; you have to have the Davis-Bacon standard. You have to pass all of these rules. By the time we complied with those rules, that dollar would only buy about 60 some cents' worth of road. It wasn't a very good deal for our State.

So I would like to not put more punitive actions on the States if they don't comply with what we think—Government knows best.

Again, I want to compliment the authors. But I think this is an intrusion into States and I urge my colleagues to vote no on the amendment.

Mr. DURBIN addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Montana.

Let me at the outset salute my colleagues, Senator FRANK LAUTENBERG of

New Jersey and Senator MIKE DEWINE of Ohio, who are, on a bipartisan basis, offering an amendment today which is critically important to the safety of American families.

America has learned the dangers of drunk driving. Americans understand that we lose one of our neighbors, or one of our children, or one of our friends, or one of the people we work with every 30 minutes to a drunk driver—every 30 minutes. America understands that this law which we are debating will save 500 to 600 lives each year. It will spare countless parents, spouses, and friends from the senseless tragedy of drunk driving deaths.

America understands. Does the U.S. Senate understand? The vote will answer the question in just a few moments.

Let me address the issue of States rights. I don't believe this debate is about States rights. I think it is time, in this particular situation, to reject this well-worn argument when it comes to saving lives.

I can remember this argument about States rights a few years ago when I served in the House because there was a hodgepodge of standards around the United States. In some States you could drink at the age of 18, some at the age of 21, and we decided to make it uniform. The States said this is a mistake, that the Federal Government shouldn't do it, that it is the heavy hand of Central Government trying to impose its will on States. Of course, it made no sense.

In my home State of Illinois, where the kids at night would drive across the border to Wisconsin and drink legally and then drive home drunk, killing themselves and innocent people, it made no sense. We rejected it. We said it will be a national uniform standard drinking age of 21. What we are saying here is that we will have a national uniform standard when it comes to drunk driving.

This debate is not about protecting States rights. This debate is about protecting families that live in every State. It is about protecting families who go on vacation from State to State and worry about their safety. It is about people who go to the store and think it is just a casual trip in the car and find, because of a drunk driver, that a fatal accident or a serious accident resulting. That is what this debate is really about. Families that cross State lines shouldn't fear that there is more danger in one State or the other to drunk drivers.

I think we have to react to the reality of the number of Americans who are losing their lives each year because of drunk driving.

The New York Times probably said it best in the title to its editorial: "One Nation, Drunk or Sober." Should it be a different standard in each State because of the issue of States rights? Can you imagine going to the funeral home, can you imagine meeting with the grieving parents, or the students when

someone has lost a classmate, and saying, "I am sorry we cannot do more on drunk driving because it is an issue of States rights?" How empty that argument sounds when we are talking about saving lives.

When you look at the groups that are supporting this, listen to what the Wall Street Journal has to say. This is no liberal organization. It is pretty conservative. And they say:

Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine-Lowey amendment isn't a drive toward prohibition but an uphill push toward health consensus.

Then go to the experts—not only the health experts—who will tell you that the impairment of drivers at .08 is a serious matter. They estimate that some 40 percent of all of the alcohol-related accidents occur with people who have been drinking and have imbibed at a level that doesn't quite reach .10 but is at .08, and still is very serious.

Then, of course, go beyond the health experts. Talk to the law enforcement people—the people who respond to these accidents, the people who have to see the tragedy when someone makes a terrible decision to drink and drive and, as a consequence, lives are lost and people are injured. They stand shoulder to shoulder begging us to pass this Lautenberg-DeWine amendment, as does the organization, Mothers Against Drunk Driving.

I want to salute them especially. This is the type of political movement in America which is really, I guess, unique to our country; people who have been touched by tragedy come together and say, "Let's make a difference; let's spare other lives that might be lost." Mothers Against Drunk Drivers, Students Against Drunk Driving in Illinois and around the Nation have really led this debate.

I am happy to stand in support of the Lautenberg-DeWine amendment. I think doing this will not only save lives, but it will put to rest once and for all this empty argument that this is really about States rights. This is about much more. It is about the rights of every family in every State to get on the highway and to realize that they can be safe.

I thank the Chair.

Mr. CHAFEE. Mr. President, I, in control of the opponents' time, yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the chairman for the time.

Mr. President, we are here again talking about an issue that seems to come up every time there are highway bills and highway funds to be distributed. We always come up with this question of process, of who has the responsibility to make the kinds of laws that would be there.

I am disappointed that some of the speakers just previous have indicated

they don't think the States have the ability to make the decisions, that they don't think the State legislatures feel as passionately about drunken driving as we do. I think they do. I have been there. To say, "Well, this is something the States simply can't do, or aren't capable of doing, or don't care about," it seems to me is not fair or balanced.

I think we ought to talk about the process here. And the process is, how do we best deal with States as a Federal entity, in this case, with highway funding? This isn't the first kind of mandate that has been applied. Every time this comes up we have mandates, whether it be highways, helmets, whether it be speed limits—which, by the way, were put on in a similar kind of process and were changed later because it didn't work very well.

There is no one in this place or no one that I know of in the whole country who doesn't want to do more about preserving safety in driving. There is no one here who cares more about the losses that we have. That is not the issue here. The issue is process, procedure, and what is the proper role in doing it. I think we ought to consider incentives, and we have done that; \$25 million of incentives here for the States to do this. But instead we move towards penalties.

We have been through this a number of times, and we are back at it again. I think we ought to give the leadership. And the President wants to give leadership on this issue. Why doesn't he do that as President? We can do that. If this is the proper level, and I do not disagree with it, I would support it in my State, my State legislature. But the process is what we are talking about. Should this body say to the States, "Look, if you want the money that your people pay into the fund, if you want it back, then you have to do what the Congress prescribes"? It is not as if the money came from somewhere else. This money came from the States.

So it is a difficult one and I, frankly, have misgivings about even rising to talk about it, but I do think the system is important. The process is important here, and we ought to really consider it over a period of time, as to how much of this sort of thing we do. We do it each time this arises.

So I think we ought to put on all the pressure that we can. I think we ought to have all the incentives that are possible to move towards safer driving, to move toward doing something about drunk driving losses. But I think we also ought to ask ourselves about where do we stop in this idea of penalizing the States if they do not properly adhere to what this body proclaims they ought to do.

So I appreciate very much the opportunity for us to debate this. I am, of course, a great supporter of this bill, and hope we can move forward with it. I, frankly, hope we can do it without encumbering it with mandates of any kind. I thought we were going to be

able to do that this year. The fact is the committee, I think it is fair to say, probably wasn't in support of doing it and therefore it did not come out of the committee that way. But now, of course, we are continuing to work on it. So I hope we can find additional ways, other ways, incentives to move towards .08. I have no objection to that. On the contrary, I support it.

On the other hand, I do think it is necessary for us, over time, to take a strong look at the kinds of processes and procedures that we impose on the States. I am sorry I cannot make as light of States rights as has been made on the floor this morning, as if it does not pertain. It does, in fact, pertain. And we have different kinds of conditions.

Mr. President, I appreciate the time, I thank the chairman for his time, and I look forward to the debate.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I urge opponents, please come to the floor. We have something like 25 minutes left on the opponents' time. Here is the opportunity that they have to speak. So I urge any opponents who wish to speak to come quickly to the floor. Now is the chance to voice their opposition to the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I know the Senator from Ohio has been looking for some time. I ask the Senator how much time he needs.

Mr. DEWINE. Let me inquire, if I could, how much time the proponents have left?

The PRESIDING OFFICER. The proponents have a little over 10 minutes. The opponents have a little over 15 minutes.

Mr. LAUTENBERG. I ask the chairman of the committee, the Senator from Rhode Island, whether or not, if he does not have any opposition speakers, he might help us out with a few minutes?

Mr. CHAFEE. Yes; I will be glad to. If there is nobody here who wishes to speak against, and we have time left, I am certainly glad to yield.

Mr. LAUTENBERG. I yield to the Senator from Ohio, 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I appreciate some of the very eloquent comments that have been made this morning on the Senate floor. I appreciate the comments about States rights. Let me say, though, that there are very few times when we, as Members of the Senate, can come to the floor and cast our votes when we will know that the vote we cast will save lives. That is true in this case. There is absolutely no doubt about it. Lives will be saved and families will be spared the heartache of losing a child or mother or father.

There are other things I think we clearly know and that are not in dispute. That is one. The second is that no one has come to the floor suggesting that a person who tests .08 has any business being behind the wheel of a car. That is not really in dispute at all. No doctor who has looked at this, no emergency room doctor who has looked at it, no police officer who is involved in testing people, pulling them over and seeing what they test and looking at their reflexes, looking at how they act—everyone who has had that experience agrees—at .08, no one should be behind the wheel. If anyone has a doubt about it, think of it this way: If you were at a party and someone had four beers in an hour and you watched him drink those four beers in an hour, and you observed he didn't have anything to eat, four beers in 1 hour, and he looked over after that time and said, "Let me take your little 5-year-old daughter"—my daughter, a 5-year-old, is named Anna—"Let me take her up to the Tastee-Freez and buy her an ice cream cone; I'll drive her up." How many of us would put her in that car? We would not do that. There is no doubt about it. So it is absolutely a reasonable standard.

Does it include social drinkers? We are not talking about one or two beers and a pizza. We are talking about people who have absolutely no business behind the wheel of a car.

I think Ronald Reagan did say it best. I think he had it right in 1984. He supported a similar type concept, and that concept was that there should be a minimum standard across the country for the drinking age, and it should be 21 no matter where you were in the country. He supported that. The great champion of States rights said in this case a national uniform standard will save lives and makes common sense. This is what Ronald Reagan said in 1984 when he signed the bill:

This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. In a case like this I have no misgivings about a judicious use of Federal inducements to save precious lives.

It is a minimum standard. It is a rational standard. Doesn't it make sense that when you get in your car and put your family in the car and go on a trip—many of us cross two or three State lines every week; every day, some of us—doesn't it make sense there should be some assurance that there is a minimum standard that exists, no matter where you drive your car in this country? Doesn't that make sense? I think it does.

So, I think it is a question—yes, it is a question of rights. The rights of families, the right to live, the right to have a fair chance on the highway not to have someone come at you who has been drinking and driving. That is what this is all about.

So I urge my colleagues to vote "yes" on this amendment in the vote

that will take place in 20 or 25 minutes. It is a rare opportunity among all the things we debate, all the rhetoric—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. Mr. President, I yield another minute to the Senator from Ohio.

Mr. DEWINE. It is a rare opportunity to save lives. I urge my colleagues to take this rare opportunity and spare a family, spare hundreds of families, life's greatest tragedy, and that is the loss of a loved one.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the amendment offered by Senator LAUTENBERG and Senator DEWINE to implement a nationwide .08 blood alcohol level requirement for DUI offenses.

Let me begin by saying that I agree with those who say alcohol consumption—and how much is enough—should be a matter of personal responsibility. Adults should have the common sense to know when enough is enough and when not to get behind the wheel.

Tragically, however, the statistics show common sense is not that common.

In California, we already have the .08 standard and still the accident rates are staggering. According to the California Highway Patrol, there were 91,654 DUI arrests and 37,622 DUI accidents in 1996. Also in that year, there were 1,254 fatalities and 35,654 injuries due to DUI-related accidents. Let me remind you this is with the standard we are pushing for in this bill.

To put these statistics in perspective, in California there were 3,555 total traffic fatalities in 1996. Nearly 40 percent of the traffic fatalities in California in 1996 were alcohol related. I understand this is consistent with the national average which show that 41 percent of all traffic fatalities are alcohol related.

According to a MADD survey, 68.8 Americans support lowering the legal blood alcohol limit to .08. That same survey showed that 53 percent of Americans consider drunk drivers to be the nation's number one highway safety problem.

However, when you cut through the numbers, this is really an issue about saving lives and about personal safety. Every American—no matter where they live—has a right to feel safe on our highways. I believe tough DUI laws, including strict blood alcohol limits, do reduce drunk driving and do make our roads safer.

I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, drunk drivers are a menace to all of us. Last September, a car driven by an alcohol-impaired teenager went off the road near Montpelier, Vermont, killing teenagers Brian Redmond and Ryan Kitchen. This was a rare enough tragedy in Vermont that it sent the entire state into mourning. Nationwide, however, the story is far different. More than 40 percent of all traffic fatalities

are alcohol-related—more than 17,000 in 1996 alone.

I am proud that Vermont is one of only 15 states that already has a .08 blood alcohol standard. Vermonters have a longstanding awareness of the dangers of drunk driving, and I advocated adoption of the toughest state drunk driving laws in the nation while serving as State's Attorney in Chittenden County. Today, Vermont has a state law which lowers the threshold for drivers under the age of 21 to .02 percent, one of the toughest laws in the nation.

The amendment which we are considering will establish a .08 standard in all 50 states. If enacted, states will have three years to enact .08 laws, or they will have a portion of their highway construction funds withheld. With all due respect to the cosponsors of this amendment, I have reservations about this approach. I have always been a senator who believes that, whenever possible, Congress should respect each state's right to govern itself. I am uncomfortable when we in Washington say that we will penalize states financially when they do not behave as we see fit. I think we in Congress use that threat too often. Instead of punishments, we should offer incentives for states to adopt tougher drinking and driving laws. It would be better to offer supplemental transportation resources to those states that meet a higher standard. The rest of the states would follow soon enough once they see their neighbors benefitting from doing the right thing.

Nevertheless, I am convinced that Senator LAUTENBERG's amendment will save lives, just as the .08 standard has saved lives in Vermont. Although this amendment will not directly affect Vermont, I will vote for it. I am convinced that we can send a strong signal to all Americans that there should be one standard for drinking and driving. This nation has made some progress in the war on drinking and driving, and with this legislation we can save still more lives.

Mr. CRAIG. Mr. President, I share the concern of my colleagues from New Jersey and Ohio, and all the cosponsors of this amendment.

I am in complete agreement with the view that there should be a no tolerance policy for drinking and driving. That kind of irresponsibility is inexcusable; the senseless human tragedy it produces is unpardonable. Our laws should be severe enough to deter anyone who thinks he or she can abuse alcohol and drive without impairment. Our law enforcement officials should have the tools they need to locate and stop these accidents waiting to happen.

My state of Idaho is one of the states that has already adopted a blood alcohol content standard of .08 percent. They believed this was a reasonable standard, based on sound data, that would help save lives. Other states have come to the same conclusion and made the same choice.

And that brings me to my point.

While I would support a strong resolution from this Senate denouncing drunk driving or even recommending the adoption of this particular blood alcohol content standard, I cannot endorse this amendment. The federal government should leave this decision to the states, where it constitutionally belongs in the first place.

I am confident if the facts truly support it, this standard will be adopted voluntarily by every state. However, I am not willing to say today that this is the one and only way to solve the terrible problem of drunk driving, nor that it is the best way. We've heard a lot on this floor and from the administration about how our states are "laboratories of ideas." Instead of burdening them with new federal mandates, we should be ensuring they have the maximum freedom and flexibility to work out effective solutions for local problems, especially problems of this magnitude.

In short, transportation dollars that are critical to public safety should not be threatened in order to force states into compliance with the "solution of the day"—no matter how well intended.

While I strongly agree with the goal of stopping drunk driving in America, I strongly disagree with the path this amendment would take to achieve that goal. For all of these reasons, I have no alternative but to vote against this amendment.

Mr. LIEBERMAN. Mr. President, I rise in support of the bi-partisan amendment introduced by Mr. LAUTENBERG and Mr. DEWINE to set a national illegal blood alcohol content (BAC) limit of .08 for drivers over age 21. I am proud to be an original co-sponsor of the bill upon which this amendment is based.

Mr. President, the drunk driving problem is a national disgrace. Its severe emotional and financial costs to society are staggering. In 1996, more than 17,000 Americans died in alcohol-related crashes. That means someone in America loses a loved one every 30 seconds to a driver who is drunk. In 1996, more than 321,000 persons were injured in crashes where police report that alcohol was present.

When you count up the health care costs, lost work, and other economic impacts, alcohol-related crashes also add up to a monetary loss to society of more than \$44 billion every year. It's not surprising that a recent survey by Allstate identified drunk driving as the #1 highway safety problem in the eyes of a majority of Americans.

We know that the physical and mental abilities of virtually all drivers are impaired at .08. This impairment includes critical driving tasks such as vision, balance, reaction time and hearing, judgement, and the ability to concentrate. The heightened risk of a crash starts with the first drink, but rises rapidly when BAC is as high as .08. For example, the National Highway

Traffic Safety Administration has concluded that, in single-vehicle crashes, the relative risk for drivers with a BAC between .05 and .09 is more than 11 times greater than for drivers with no alcohol in their systems.

Although setting a minimum BAC isn't the only answer to our national drunk driving problem, it's a necessary part of the solution. Studies show that .08 actually has saved lives where it is law by deterring unsafe drinking behavior. In fact, figures show that even heavy drinkers, who account for a large number of drunk driving arrests, are less likely to get behind the wheel because of .08 laws. We also should remember that .08 makes it easier for police and courts to do their jobs—they are less likely to accept excuses when faced with offenders who have BAC levels at or around .10.

A national strategy to require driver safety measures like this one has worked before. We have seen, for example, how earlier national laws that require seat belts and mandate zero tolerance for drinking and driving under age 21 dramatically have reduced driving fatalities. More than an estimated 16,000 lives have been saved since 1975 by the 21 drink age law. It also is very important to remember that the concept of .08 is not new or radical. 15 States already have adopted .08. Many industrialized nations have even lower legal limits ranging from .02 to .08.

Don't be misled by those who may argue that .08 laws prohibit reasonable alcohol consumption. Such is not the experience of States that have adopted this law. To be legally drunk under a .08 standard, a 170-pound male must consume four and a half drinks in an hour and on an empty stomach. That's not what I consider social drinking and that's just not the kind of behavior that most of us who drive would consider safe.

Mr. President, we need .08 BAC as a national limit. Having one mandatory national standard doesn't permit confusion about what's safe and what's reasonable. Pedestrians, passengers, and safe drivers all need protection from drunk drivers no matter where they live.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The proponents of the Lautenberg amendment have about 4½ minutes. Those opposed have about 15 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I yield myself such time as we have available, with the hope that when the Senator from Rhode Island returns we will be able to—will the Senator from Rhode Island allow 5 minutes to me at this juncture if there is no one else?

Mr. CHAFEE. Yes. I think the Senator has a little time left. Why doesn't he consume that and go into our time for the remainder?

Mr. LAUTENBERG. OK.

Mr. CHAFEE. I think we will have plenty of time.

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

Mr. LAUTENBERG. I yield myself as much time as I have available.

First, I ask unanimous consent we add Senator HOLLINGS as a cosponsor of this amendment.

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

Mr. LAUTENBERG. Mr. President, we are getting to the point where we are going to wrap up this debate. I thank my friend and colleague from Ohio, Senator MIKE DEWINE, for his support, his commitment, and his work on this issue. He has fought tenaciously to reduce drunk driving. I hope he and I at the end of this debate will be able to shake hands on behalf of the American people and say we have done something good this morning.

I remind our colleagues, as I listen to the debate, about the issues that I hear being discussed. Frankly, it bewilders me, because I stand next to the picture of a child who was 9 when a drunk driver took her life. I hear discussions of process, that the process is the issue. The process is not the issue. The issue is whether or not we want to say to every American parent, "We have done something more to save, perhaps, your child or your grandchild or your sister or your brother." That is the issue, and that is, I hope, what the American people are going to say when they look at the vote count and say, "My Senator stood up for life."

"My Senator," on the other hand, they can brag, "proudly, stood up for process."

Can you imagine in the homes across America, all the people who are going to be applauding because someone stood up for process? It is outrageous. It cannot be that way.

In the balcony sit people I have come to know, people I have come to know very well: Brenda, Randy and Stephanie Frazier—mother, father and sister of Ashley.

I wish I could ask them to speak about their view of process, whether or not they think that process is the thing that we ought to be talking about. Or should we be talking about the loss that they had, that they do not want anyone else to experience.

Before Senators vote on this amendment, I ask them to think about their children and think about the pain that could come from the loss of a child they know and love. Today we can spare parents across this country, in all 50 States, the grief experienced by the Frazier family.

Mr. President, I hope that the happy hour is over for drunk drivers. Every year in this country more people are killed in alcohol-related crashes than were killed in our worst year of fighting in Vietnam. And the country stood in national mourning at that time. By lowering to .08 the blood alcohol level at which a person is considered legally drunk, we can save more than 500 lives each year.

Mr. President, drunk driving is a crime, a crime like assault, like shooting at someone, like murder; and it should be treated with the same severity as other crimes that bring harm or death to another person. We can prevent many injuries and deaths that result from drunk driving by making .08 the national alcohol limit, just like 21 is the drinking age limit across the country. And if we do that, we could save lots of lives, like other westernized countries—like Canada, like Ireland, like Great Britain, Germany and Switzerland. Poland has a .03 BAC, and Sweden .02.

We can make .08 work in America, if we pass this amendment and declare our opposition to violence on our highways. Because it is at .08 that a person's capacity to function is impaired. Their vision, balance, reaction time, judgment, self-control—this is the level at which they are medically drunk. And if they are deemed medically drunk, we ought to deem them legally drunk, in every State, no matter where they live.

Mr. President, the alcohol lobby is trying to bottle up this bill. We are not targeting social drinkers. We are targeting drunk drivers. And when you get drunk, it is your business. But when you get drunk and drive, it is our business. We are not asking people to stop drinking. We are not running a temperance society here. We are asking them not to drive if they are drunk.

The PRESIDING OFFICER. The Senator has consumed all of the proponents' time.

Mr. LAUTENBERG. About 3 more minutes?

Mr. CHAFEE. Yes, 3 more minutes from the opponents' side.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

By enacting this law, we can stand with our Nation's families and prevent the loss of life that tears a family apart. We can stand with the public interest against the narrow opposition of special interests.

Mr. President, we should do the right thing and pass this amendment. The Washington Post said it this morning in its editorial: The vote is a vote to create "a single, clear certified and effective standard across the country as to what constitutes drunk driving."

Let us vote to protect our children, our families—not drunk drivers. And I ask everybody to take one final look at this beautiful child's face before they cast a vote.

I will yield the floor, but before doing that, Mr. President, I say thank you to my friend and colleague from Rhode Island for his support for this amendment, and also to the Senator from Montana who has been forthright and supportive of this amendment as well.

Mr. President, have the yeas and nays been asked for?

The PRESIDING OFFICER. The yeas and nays have not been.

Mr. LAUTENBERG. 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.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I am deeply concerned over the high incidence of highway fatalities in our country that involve alcohol.

In 1996, more than 17,000 lives were lost as a result of alcohol-related collisions out of the 40,000 deaths overall in our country. So that is about nearly half. I believe that this measure will help reduce that.

I understand the views of the opponents who think that it should be left to the States. But when you have a small State such as mine where there are people who are constantly going into the neighboring States, back and forth, it seems to me that in order to make our highways safer, and which obviously involves out-of-Staters, a law such as this is necessary. So I support it, Mr. President.

Mr. President, I am pleased to join with my colleagues from New Jersey, Senator LAUTENBERG, and from Ohio, Senator DEWINE, in support of the amendment to strengthen drunk driving laws throughout the Nation.

I am very concerned about the safety of our nation's highways. I am particularly troubled by the high incidence of highway motor vehicle injuries and fatalities involving alcohol. The statistics are truly alarming. In 1996, more than 17,000 lives were lost on our nation's highways as a result of alcohol-related collisions. This represents nearly half of the 40,000 fatalities that occur on U.S. highways every year. The real tragedy, however, is that drunk driving accidents are completely avoidable.

This amendment would strengthen drunk driving laws across the country and dramatically reduce the number of fatalities attributable to driving while intoxicated. The amendment specifically targets those states that have not enacted a .08 blood alcohol content (BAC) drunk driving law.

In 1997, the National Highway Transportation Safety Administration (NHTSA) issued a report entitled "Setting Limits, Saving lives: The Case for .08 BAC Laws." The report cited studies which indicate that virtually all drivers, regardless of skill, are significantly impaired at the .08 BAC level. At that level, basic driving skills such as braking, steering and speed control, as well as judgment, reaction time, and focused attention are adversely affected.

Contrary to the claims of those who oppose this amendment, the .08 standard does not punish social drinking. To exceed the .08 limit, one would need to consume an excessive amount of alcohol. The NHTSA report includes an example. In order to exceed the .08 BAC level, a 170 pound male would need to consume more than four drinks in an

hour, while a 137-pound woman would need to consume three drinks, the report indicates.

Despite these statistics, 35 states still maintain the higher .10 standard before someone is considered legally drunk—and that puts many lives at risk. Drunk drivers not only risk their own lives, but the lives of every other motorist on the road. The .08 level is a sensible approach to preventing senseless tragedies on our nation's roadways. I urge my colleagues to support this amendment. Thank you.

Mr. President, I know the Senator from Oklahoma would like some time. And the opponents have 10 minutes?

The PRESIDING OFFICER. The opponents have 10 minutes remaining.

Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, parliamentary inquiry. Is the situation such that we are going to vote either up or down on the amendment or a motion to table the amendment?

The PRESIDING OFFICER. A motion to table could be made.

Mr. NICKLES. I understand. Is the amendment amendable?

The PRESIDING OFFICER. If the motion to table fails, it will then be subject to amendment.

Mr. NICKLES. Is it subject to amendment prior to a motion to table?

The PRESIDING OFFICER. The unanimous consent agreement prohibits that at the present time.

Mr. NICKLES. I understand.

Mr. President, one of the reasons why I rise in opposition to the amendment is, the penalty is too hard. I care just as much about the child that Senator LAUTENBERG alluded to as anybody else. I care just as much about wanting to eliminate drunk driving as anybody in this Chamber.

The penalty under this bill is too harsh. And 10 percent of the highway funds is—looking at any State—the State of Texas is \$1 billion over 6 years. That is a pretty big penalty. The penalty in my State of Oklahoma is \$200 million. That is a pretty big penalty.

The reason why I was asking or inquiring about is it amendable is that maybe we should change the penalty from 5 percent and 10 percent to half a percent and 1 percent. You are still talking about real money that would be a real incentive, but 10 percent is too high. In other words, we want to encourage States.

I mention the Commerce Committee amendment has an incentive program. It is not a lot. I think we found out from staff—I did not know when I made my earlier comments—\$25 million, not much of a carrot, a little bit of a carrot. So we encourage States to do it. Maybe that should be enhanced a little bit.

But I look at the draconian penalties in this thing. This thing is really a dagger at the highway program to take 10 percent of the funds. In the State of

Michigan you are talking about \$477 million. That is a lot of money. I mean, so the penalties, in my opinion, are too high.

The reason why I was inquiring about a second-degree amendment is maybe we should change the penalty and make it 1 percent or 2 percent instead of 10 percent. I think it is too much of a gun at the head of the States and saying, "You have to do this or you're going to lose hundreds of millions of dollars."

The State of Texas would lose \$1 billion over 6 years. The State of California over \$1 billion. For the State of California it would be \$1.3 billion over a 6-year period of time. That is a lot of money.

So I understand the desire that some people want to Federalize alcohol-content crimes. That, I believe, should be left in the State's jurisdiction. I kind of wonder, if you have States that are not complying—maybe the States are going to change their law but do not really enforce it. Are we going to have the Federal Government come in and say, "Wait a minute. Now you're going to have to monitor the amount of enforcement?"

We cannot have the State of Rhode Island say, well, they are going to change the law but not really enforce it until you get over the .1. I do not know that that would happen, but I question the wisdom of Federalizing blood alcohol content.

It has not been a Federal crime. It has not been a Federal incidence. Now we are saying the Federal Government is telling the States, you have to do this or you will lose hundreds of millions of dollars—in some States billions of dollars. I think it is overkill. I think it is too punitive. I think we should consider—and maybe we will not do it now; I know the bill has a little ways to go; it still has the conference—but if this provision is going to be in, I think we should reduce the penalties.

I think it is far too harsh. It is too much of a dictate, too much of a mandate, too much trampling on, I believe, of the Federal Government saying, "Before you get your money back, you must do the following: Before you get your highway money back, we're going to put an additional string on it, an additional penalty, up to 10 percent, which is hundreds of millions of dollars." I think it goes too far.

So, Mr. President, one other comment. My colleagues alluded to the fact that in 1984 we did something comparable, and we had a national drinking age of 21. Now, it might surprise some of my colleagues on the other side. I supported that. And the reason is, I live very close to the border in Oklahoma. And Oklahoma had a 21; Kansas had an 18. And we had people running back and forth across the State line to take advantage of that situation. Not a very safe situation. So I supported it.

I saw some differences in that provision, although the penalty was still

very high. It was too high then, in my opinion. This, I think, is a little bit different. Now we are Federalizing blood alcohol content, and I seriously doubt the wisdom of doing that. And we are putting far too heavy of a burden on the States for noncompliance.

Again, for those of us that read the Constitution and say all of the rights and powers are reserved to States and the people, I think some of our colleagues and proponents, who have very good intentions, in the bill are saying, there is a problem and, therefore, we have to have a Federal solution. We are going to use the heavy hand of the Federal Government and withhold funds that come from the States, come from the people, and say, you cannot have that money back unless you do as we determine what is proper. I think that is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have additional time for opponents. How much time is there for the opponents?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CHAFEE. Four and a half minutes. So now is the time. Again, I urge any opponents to please come to the floor and use that time.

Mr. DORGAN. I wonder if the Senator from Rhode Island would yield for a question?

Mr. CHAFEE. Yes.

Mr. DORGAN. I am a supporter of the amendment, but I am wondering if I might use one minute if no one else is seeking recognition.

Mr. CHAFEE. Yes. Let us leave it this way: The Senator from South Dakota can proceed. If somebody comes in on this side and wants to speak in opposition, then I would appreciate it if the Senator would then yield.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Senator from Rhode Island.

The Senator from Oklahoma was discussing the 21-year-old drinking age. That was established in legislation by Congress some long while ago. In fact, I believe the provisions in that bill, with respect to penalties for those States that would not comply, are identical to the provisions of the penalties in this bill.

We have decided, as a country, there are certain things that are national in scope. Our road program is a national program, a program of priorities. And I think this amendment simply says, let us determine what represents drunk driving so that you are not driving in one State versus another, and come up to an intersection, when you cross the State line, and find someone driving down the road that is drunk but in fact is not legally drunk because that State has a different set of rules.

In fact, you can now—and I hope to change this—you can now drive and drink in five States. In five States you can put a whiskey bottle in one hand

and a driver's wheel in the other and drive down the road and you are legal. In over 20 States someone else in the car can have a party while the driver drives as long as the driver does not drink.

I also will propose, following this amendment at some point, that in every State in this country we have a prohibition on open containers of alcohol in vehicles. So the point I wanted to make with respect to the comments by the previous speaker was, we have tried incentive programs.

For example, a number of years ago we had an incentive program. Incentive grants were established, since the early 1990s, with respect to trying to persuade the States to pass legislation prohibiting open containers in vehicles. We have said, we want incentives to be available to prevent open containers in vehicles and pass legislation to prevent open containers in vehicles. Despite that, in 1998, 22 States still prohibit open containers in vehicles. Incentives do not work. I do not think we ought to talk about incentives on this issue. And alcohol and vehicles do not mix.

No one in America should be able to drive and drink at the same time. Yet in five States you can. Nowhere in America should a car be driven down the road to meet anyone here, their families or anyone in America, and then at the next intersection have, if not the driver drinking, the rest of the people in the car with open containers of alcohol. If we don't decide to have the will to at least require that in this country, then we will not stop the carnage on American roads.

I appreciate the Senator offering the amendment. I intend to support it and I hope my colleagues will support it, as well.

Mr. CHAFEE. How much time remains?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. CHAFEE. One minute for the opponents. I see no one prepared to take that time. If somebody from the proponents wishes to use it, with the understanding that as soon as an opponent appears they will yield—

Mr. LAUTENBERG. By the time we finish with the 1 minute—we could yield back all 37 seconds that remain.

Mr. CHAFEE. Do you want to speak now?

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

The arguments have been made abundantly clear. We are talking about something that will save lives. We are talking, on the other hand, about whether or not the process is appropriate or whether or not the penalties are too high.

I submit to Members that there is no penalty too high to permit a child like this to live a full life. No penalty too severe. I think when Senators vote here, that is what they ought to be thinking about—thinking about the people back home and how they will react to a vote they are making here.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

Mr. BAUCUS. Mr. President, on this vote I have a pair with the Senator from Hawaii, Mr. INOUE. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

On this vote, the Senator from Montana (Mr. BAUCUS) is paired with the Senator from Hawaii (Mr. INOUE).

If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Montana would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—62

Abraham	Durbin	McConnell
Akaka	Faircloth	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Frist	Moynihan
Bond	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Harkin	Reed
Bumpers	Hatch	Robb
Byrd	Helms	Rockefeller
Chafee	Hollings	Roth
Cleland	Hutchinson	Sarbanes
Coats	Johnson	Shelby
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lugar	

NAYS—32

Allard	Ford	Lott
Ashcroft	Graham	Mack
Bennett	Grams	Nickles
Brownback	Grassley	Reid
Bryan	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hutchinson	Smith (NH)
Cochran	Inhofe	Thomas
Craig	Kempthorne	Thompson
Enzi	Kyl	Thurmond
Feingold	Landrieu	

ANSWERED "PRESENT"—1

McCain

PRESENT AND GIVING A LIVE PAIR—1

Baucus, against

NOT VOTING—4

Glenn	Jeffords
Inouye	Roberts

The amendment (No. 1682) was agreed to.

Mr. CHAFEE. 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.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I just want to point out to the Members what the next order of business will be. We now will take up the funding amendment that provided a good deal of additional money for a whole series of States, every State, and we would like, obviously, to get a time agreement on that, but we are having some trouble doing it. We are going to get started nonetheless.

AMENDMENT NO. 1684 TO AMENDMENT NO. 1676

(Purpose: To provide for the distribution of additional funds for the Federal-aid highway program.)

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 legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN, proposes an amendment numbered 1684 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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, yesterday, the Committee on Environment and Public Works held an important meeting on the pending business before the Senate; namely, the underlying legislation, S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997. During yesterday's business meeting, the committee agreed unanimously, the 18 members of the committee voted 18-0, to adopt an amendment to S. 1173, which will provide an additional \$25.9 billion for the Nation's highway programs over the next 5 years. The additional funds will bring the total authorization for highways in the bill to \$171 billion.

As I mentioned last Thursday in my opening statement on ISTEA II, which is how we will refer to the underlying legislation, the majority leader, Senator LOTT, and Senators DOMENICI, D'AMATO, BYRD, GRAMM, WARNER, BAUCUS, and I have been working to try to resolve the difficult issue of how much additional funding should be directed to transportation. We have participated in a challenging but ultimately productive set of meetings. Although I am not an advocate of spending the 4.3 cents gasoline tax on highways, I believe that the agreement we reached is a fair one that will allow the Senate to complete its work on ISTEA in a timely fashion.

The principal question on everyone's mind is how this additional funding will be allocated among the 50 States and various ISTEA programs. I am pleased that the amendment before us distributes the new money in a manner that is responsible to all States and to all regions of the country. Moreover, the committee amendment does not affect the allocations or program structure in the underlying ISTEA II bill. The lion's share of the additional funds, \$18.9 billion, goes to all 50 States in the same proportion as the formulas under S. 1173.

Before we proceed, I want to outline the package adopted by the committee yesterday. To make the bill fairer, the committee amendment provides additional funds for those States that did not fare as well as the majority of the States in S. 1173.

First of all, this amendment does address the inequities of the so-called donor States, those States that contribute more money to the highway trust fund than they receive from the Federal aid highway program. The underlying bill, S. 1173, as reported, guaranteed that each State would receive at least 90 cents in return for every dollar allocated to the States from the trust fund. The amendment before us includes an additional \$1.9 billion over the life of the bill to ensure that each State receives at least 91 cents in return.

Now, the States that will benefit from this donor State bonus are the following: Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. These States have complete flexibility to use the additional funds for any purpose authorized under title 23, which is the Federal aid highway title of the U.S. Code. That is the first thing we did.

Second, there are a number of densely populated States, such as California, Illinois, and New Jersey, where high volumes of traffic clog the roads and high repair costs impede routine maintenance. The committee amendment provides an additional \$1.8 billion over the next 5 years for these high-density States. The additional funds may be spent for any purpose authorized under title 23 to relieve the terrible congestion problems and address tremendous infrastructure needs.

Those States which are neither donor States nor high-density States also may spend a percentage, 22 percent, of the additional funds they receive pursuant to this amendment for any purpose authorized under title 23.

The committee amendment also provides additional funds for those ISTEA programs directed to regions of the country with unique needs. For instance, the Appalachian Development Highway System was first authorized in law in 1965, but is not yet completed. The committee amendment provides an additional \$1.89 billion for the Appa-

lachian Highway Program for fiscal years 1999 through 2003 to help complete the 3,025 mile system.

Second, as a result of the implementation of the North American Free Trade Agreement (NAFTA) and other key trade agreements, states along the Mexican and Canadian borders have experienced a substantial increase in truck traffic. The increased traffic and congestion along these routes has put a heavy burden on the corridors that connect border locations and other ports of entry. The committee amendment provides \$450 million over the next five years in contract authority for the nation's border infrastructure and trade corridors.

Third, the roads that run through the nation's parks, Indian reservations, and other public lands are in great need of maintenance and repair. The committee amendment provides an additional \$850 million over 5 years for the Federal Lands Highway Program.

This is in addition to the money that was included in the bill originally as we submitted it.

Of the \$850 million total, the committee amendment provides \$50 million per year for fiscal years 1999 through 2003 to help address the mounting needs of the nation's 49,000 miles of Indian reservation roads. An additional \$50 million per year for the next 5 years, is provided for the Public Lands Highway Program, which funds Forest Service roads and other public roads that run through federal lands.

The remaining \$350 million in the Federal Lands portion of the committee amendment is directed to the Park Roads and Park Ways Program. An integral part of our National Parks System is the 8,000 miles of park roads and parkways that make the splendor of these national treasures accessible to all Americans. Fifty million dollars of the \$70 million annually for the Park Roads and Parkways Program is directed to these roads that run through our national park system.

The remaining \$20 million per year is set-aside to address the backlog of needs for the roads in our National Wildlife Refuge System. I am delighted that the committee has agreed to include this additional funding for the 4,250 miles of refuge roads within the system. Indeed, the National Wildlife Refuge System, which is administered by the Fish and Wildlife Service, plays a pivotal role in the conservation of fish and wildlife resources throughout the country. The additional funds provided in the committee amendment will allow the Service to better focus its appropriations on the core mission of protecting fish and wildlife and their habitats.

Mr. President, before closing, I want to thank all of the members of the committee for their diligence and cooperation in adopting the amendment before us.

I see Senator WARNER here, who has been a very valuable ally and originator, actually, of much that is in this legislation.

I thank them all for their diligence and cooperation in adopting the amendment before us. I thank the majority leader, Senator LOTT, who presided over the negotiations in which we arrived at this compromise; Senator BYRD, Senator WARNER, whom I previously mentioned, Senator BAUCUS, the ranking member of the full committee, who has been so helpful, Senator GRAMM, and particularly Senator DOMENICI. All I thank for their determination and resolve during our discussions.

I urge my colleagues in the Senate to support the amendment before us so we can proceed to the business at hand and enact an ISTEA II bill which will bring the Nation's transportation system into the next century.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I want to defer to the distinguishing ranking member. Then I shall follow dutifully the seniority of our committee.

First, I thank the chairman, and I will include those remarks.

But we have on the floor here the distinguished senior Senator from South Carolina, the President pro tempore, who has counseled with me, and other members of the committee, on a regular basis concerning this. The distinguished Senator represents South Carolina, which is in the category of a donor State, as is the State of Virginia. I wish to assure the senior Senator from South Carolina—and perhaps the chairman can join me—that his State will receive an allocation of 91 percent under the formulation that I and others have worked out. We, in the course of the recalculation, specifically asked the chairman and the distinguished ranking member, as, over the weekend, we reworked the formula. It was my desire to raise the level from 90 to 91 percent with respect to as many donor States as we could achieve. But according to my calculations, I represent to the distinguished Senator from South Carolina that his State has achieved a 91 percent mark.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say, as chairman of the Transportation Subcommittee, that the answer is yes. In fact, currently there are a good number of States—so-called “donor” States—which contribute more to the highway trust fund than they receive in terms of highway allocations. They receive actually less than 90 percent. There are some States down around the 80s. One, I think, is 76 percent. I am not sure about South Carolina. But the bill that passed the committee made sure that there is a floor of 90 percent—that donor States get at least 90 percent. Through the able efforts of the Senator from Virginia, and others—Virginia is often a donor State—that was then raised to 91 percent.

This was one of the areas of concern that we on the committee had when we considered additional money under the Byrd-Gramm-Warner-Baucus amendment; that is, there are some States that felt they needed additional money because of high density, and others because they are donor States. There are some Western States that felt because they are public land States they should get some, too. And then the Appalachian Regional Commission felt that there was not enough money in the underlying bill. So the amendment would give a little more to Appalachia.

But the long and short of it is that South Carolina, and all donor States, will, under the amendment now pending, combined with the underlying bill, receive at least 91 percent. Technically, it is 91 percent of the percentage of their contribution of the funds that are allocated, but for all intents and purposes, it is raised from 90 percent to 91 percent.

Mr. President, while I have the floor, I would like to follow on the points made by the very distinguished and able chairman of the committee, Senator CHAFEE, very generally. Several of us—Senator CHAFEE, myself, Senator BYRD, Senator GRAMM, Senator WARNER, Senator DOMENICI, and, most particularly, the majority leader, Senator TRENT LOTT, met many, many times over the last several weeks to find a fair way to distribute dollars that would be raised in the act transferring 4.3 cents of the gasoline tax to the trust fund, and then back to the States.

Essentially, we came up with a program dealing first with States that had legitimate concerns as a consequence of the committee bill and then distributing the rest back to the States according to the percentage share that they were receiving under the bill so as not to give any favoritism to anyone in place.

That is what we did. It is an agreement that was agreed to by all the main parties. We, at the same time, talked with many other Senators who were not part of this conversation in order to have a result that reflected fairness to regions in all parts of the country.

It is also an agreement agreed to by Senator DOMENICI, the very, very able chairman of the Senate Budget Committee. He said he would find a way with these increases to come up with a balanced budget resolution that does not exceed the caps in the budget resolution so that those who are concerned that this additional money might “bust the budget” may rest much more assured that is not the case. If anybody can find a way to not balance the budget and not bust the caps and get the rest of the additional money because of this amendment, certainly Senator DOMENICI can do that.

I might add, Mr. President, that these issues are never easy. Every State feels that it should have a few more highway dollars, and every State

feels that its share is not quite as fair as the share of other States. There is no magic in this. It is just a matter of looking at all the claims, all the equities, and all the differences in different parts of the country. Some States are donor States and some States are donee States. Others have completed their interstate highways later, rather than earlier. Some States have real bridge problems that need to be addressed. Some States, like in ours, in the West, next to public lands, count on a lot of tourists who visit our States. For example, in the State of Montana, there is tourism with tourists going to visit Yellowstone or Glacier Parks. Some tourists pay a little bit of Montana tax to the degree that they travel in our State. But we in Montana have to pay a lot to maintain those highways. So it is adding all of those equities together as best we possibly can.

On the numbers again, just so everyone is clear, the underlying bill spends about \$145 billion in contract authority over 6 years on the highway program. The amendment that we are now addressing, that is before the body, adds \$6 billion for a total \$171 billion in contract authority that would be spent allocated among the States.

I do not want to get too technical about this, but contract authority is not exactly the same as obligation limitations or outlays, which is to say that the Budget Committee will determine what those obligation limitations are. The Appropriations Committee will then decide how much of the total it can spend. The Appropriations Committee will not be bound to spend the full \$171 billion unless it wants to. The Appropriations Committee can spend a little less, if it decides in its determination that it is more appropriate because it will have to find some off-sets to spend this additional money. Obviously, there will be some compelling needs with the Budget Committee with other ideas and other programs, but still with the contract authority set at \$171 billion over 6 years, there is a tremendous incentive for the Budget Committee and the Appropriations Committee to spend—allocate outlays—the actual dollars going to the States to build highways at a level very close to \$171 billion—not entirely, but very, very close.

This underlying bill, Mr. President, I remind Senators, is much, much more flexible than the current highway program. The current highway program has 11 separate categories that are pretty rigid; somewhat inflexible. They give State highway departments gray hairs sometimes, because one State's needs—say that were Arkansas—is a little bit different from another State's needs—let's say Montana or Rhode Island or Virginia or South Carolina.

So we collapsed those 11 categories into 6. And the six are now much more flexible, very flexible. For example, one of the main categories is called “surface transportation account.” You can

take money out of that for Amtrak, if you want. You can take money out of that for mass transit, if you want. You can spend more on enhancements, if you wish. There is a lot of flexibility here, flexibility that the States have, much more flexibility given to States than is the case under the current highway bill. The departments of transportation commissioners wanted this. It makes sense to the committee that much more delegation of flexibility be given to the States.

For those who are concerned about the Congestion Mitigation Air Quality Program, CMAQ, actually there are more dollars in this bill than the current CMAQ program. CMAQ is important because we want to make sure that building more highways is consistent with improving air quality. We passed the Clean Air Act in 1991, telling States and cities that are not in attainment to undertake certain actions to bring their air quality standards into compliance. Obviously, if you build a lot more lanes, have a lot more traffic in the city, more cars, more auto emissions, sometimes it is inconsistent with the goals of air quality improvement. So, basically, the CMAQ money is there to help deal with that problem.

And, I might say, in the first category, called "interstate maintenance," called "national highway system money," there is a restriction: You cannot build additional lanes for single occupancy. You can for HOV lanes, again to address congestion and air quality problems, but you cannot build lanes just for single-occupancy cars. Again, we are trying to merge two competing programs together.

I might say, this is particularly important, this amendment, to my State of Montana. We are a big State. We don't have a lot of people. In fact, we have more miles per capita of highways than any other State in the Nation. Our State gasoline tax is the third highest in the Nation. We are paying for our highways as best as we possibly can. We are not a big industrial State. In fact, we are a relatively poor State. I am embarrassed to say this, but Montana, today, ranks 46th in the Nation for per capita income. We were 35th, 36th, not too many years ago. We are now down to 46th.

It is tough. We don't have the money in Montana to pay for our roads, and this is going to go a long way. Mr. President, 90 percent of the households in Montana make multiple trips of over 100 miles each year, and that is compared with a national average of 80 percent. As I say, tourists come to Montana—actually it's 8 million visitors who come to visit our State. It is beautiful. Glacier National Park in the summertime—a lot of people come to fish and camp out and bring their families from all over the country. In the winter, of course, there is skiing, whether it's downhill, cross-country, or snowmobiling, which is very popular in our State.

I will just sum up by saying, as much as it sounds like we spend a lot of money on highways, in the larger context this really is not enough. Today, the United States spends, State, local and Federal combined, about \$34 billion a year on our highways. The Department of Transportation did a needs study, what is needed to be spent just to maintain the current condition of our highways, recognizing winter and summer things get beat up and so on and so forth. They concluded that about \$54 billion a year should be spent just to maintain the current level of maintenance of America's highway system. So if we want to do better, we should spend, according to the Department of Transportation, maybe \$70 billion a year, so as to improve our highway system, to keep up with the highway system in Germany, for example, and some other countries that spend a lot of money on their highways.

Of course, their gasoline taxes are much higher than they are in the United States, but those dollars go to improve their highways. That is a decision that those countries have made. We are spending \$171 billion over 6 years. That is a far cry from \$60, \$70 billion over 1 year. It is just an example of what other countries are doing compared with what our needs are, to explain that the current bill, as important as it is, is probably not enough if we wanted to improve upon our current system.

I am going to yield the floor to whoever wants to speak here. Again, I thank all those who worked very hard on this and hope we can conclude this bill very quickly, because we have to go to conference on the House-passed bill whenever they pass their bill. By May 1, the bill has to be signed by the President. By May 1, that's when the current program expires. We were a bit derelict last year in the Senate when we did not pass the highway bill even though the program expired June 30 of last year. We got tied up on campaign finance reform, and we agreed to move the transportation bill up to one of the first orders of business in 1998. That slipped a little, but fortunately here we are.

It is very important that we move expeditiously to meet our Nation's needs and satisfy Americans who want to be assured that we have the highway program in place, a solid 6-year program, so contractors can plan and State departments of transportation can plan ahead and we do not have to worry about this on-again/off again problem that we are currently facing with our program. So I hope we do move very expeditiously to pass not only this amendment but the full bill so we can get on to work with the House in the conference and pass the bill.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if the Senator will engage in a colloquy? As subcommittee chairman—fortunately, I have had as my ranking member the distinguished Senator

from Montana from the very first day of the consideration of this bill in the Environment Committee, and of course we initiated the work in the subcommittee. The Senator from Montana and I decided that we were not going to seek retribution for some of the inequities in the 1991 ISTEA, but we were going to try to establish a formula and other provisions in the bill which brought about the greatest equity achievable, in a bipartisan way, in this piece of legislation. I feel that we have remained true to that fundamental principle that the Senator from Montana and I laid down on day 1.

Do you share that view?

Mr. BAUCUS. I answer the point of the very distinguished Senator from Virginia that I very much do. I might remind the Senator of several facts which substantiate his point.

No. 1, the current highway program is based on very dated data. It is based on the 1980 census. We even have in here the 1916 postal road formula—that is in the current law. Of course, the bill we are passing today brings it up to date.

Mr. WARNER. Mr. President, I have even used the example, the pony express was still in here someplace.

Mr. BAUCUS. Once we get this legislation passed, we are out of the pony express era because we will have current data, data reflecting how many miles people travel in their State, lane miles, vehicle miles, et cetera. That is a formula based on the actual usage and needs in the State, which is critical.

In addition to that, I might add to my distinguished friend that there were earlier separate competing bills. There was a STEP 21 bill sponsored by the Senator from Virginia; there was a STARS 2000 bill, which had a little Western influence; there was ISTEA-Plus, I think the name of it was, or the ISTEA bill which was sponsored by the northeastern Members of the Senate.

With the leadership of Senator WARNER we were able to bring the three bills together. We didn't favor one region over another. On a very bipartisan basis, you on your side and I on my side, along with Senator CHAFFEE, had to come up with a bill which is fair to America, fairest to the country.

We passed our bill out of committee. Even though we did the very best we could, there were still some Senators who had some concerns. Some of them were off the committee. We dealt with those concerns with this amendment on a very bipartisan basis.

Mr. WARNER. I thank my colleague, because I felt as a trustee of these funds—and when you and I, for example, joined on the first amendment to try to add additional funding, we were going to win that when, obviously, leadership was able to persuade one or two colleagues and we came within one vote, to my recollection.

Then along came the distinguished senior Senator from Texas and our distinguished former majority leader, the

distinguished Senator from West Virginia, and you and I joined in that effort, even though we were at odds with our distinguished chairman and other members of the committee. We felt it was imperative to add these funds. With the add-on, I want to make clear, we left the basic formula intact, 90 percent intact, and simply superimposed this amendment on top.

Again, under the guidance of the distinguished chairman of the committee and yourself—and I had a voice in it, of course—we again tried to achieve equity. I specifically asked the chairman to make certain that in the recalculation, over the weekend, we get as many States as possible above the 90 to 91 percent. I think we have done that. There may be some 90.8, some fraction. But in order to achieve the fundamental equity, we did our very best in superimposing this add-on, on the undisturbed basic bill, as the allocations were made up in that bill.

Mr. BAUCUS. That is exactly right. In fact, in a nutshell, we believe it is only fair to the American people that a portion of the gasoline tax that goes to the trust fund be allocated to the States. We took that amount, 3.45 cents, and essentially allocated it according to the provisions of the underlying bill without changing the formulas, making a couple of minor changes to accommodate some legitimate concerns of Senators. That is basically what we have done. Frankly, I cannot think of a fairer way to do it.

I am also reminded there is sort of a feeling in the room, and also the feeling in the committee when we acted on this in the room where we put this together—you can tell when it's fair or not fair. Everybody was happy and felt good. It felt good. Also, in the committee, when the committee reported out this amendment, you could tell, too, it passed unanimously with Senators all around, as the Senator well knows.

Mr. WARNER. That's owing to the leadership of Senator CHAFEE, in the first bill, and you—Senator CHAFEE and you as ranking. When we brought, shall we say, the subcommittee bill, before the full committee, I was astonished we got a unanimous vote.

Mr. BAUCUS. I was, too.

Mr. WARNER. Now with Senator CHAFEE's leadership, we got another unanimous vote in our committee. But I have felt the will of the entire Senate was represented in various groups on our committee. We listened carefully, took things into consideration, and did the best we could. I am urging Senators to support this amendment. But I caution those who want to come and perhaps give their own proposal, be careful, because once you take one part of this formula and move it, you will be surprised how all the States begin to go up and down in other areas of the calculations.

So, I think the Senate will have to repose a lot of trust in our committee. But that trust is predicated on the principle of fairness that we started

with when the first word of this bill was placed down by the subcommittee, and it has transcended—that concept of fairness is throughout our work.

I thank my distinguished colleague.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of the amendment. I thank my colleagues, each of those who are on the floor, and my dear colleague from West Virginia, Senator BYRD, who is not here, for their leadership in bringing us to the point at which we find ourselves today.

What I would like to do is to explain the problem we sought to deal with, say a little bit about how we came to be at this point, and then try to explain why every Member of the Senate should rejoice that we have reached a point where we are going to take a very dramatic step in terms of improving the quality of America's highways and, in doing so, improve their safety, their efficiency, and not only save the lives of thousands of our fellow citizens, but improve the lives of tens of millions of Americans who use our highways.

I entered this debate over one simple issue, and I have always viewed it as an issue that has to do with honesty in Government and equity. The issue that I entered the debate on, along with Senator BYRD and joined by Senator BAUCUS and Senator WARNER, was an issue that boils down to basic trust. And that is, people go to the filling station and, in a lot of States in the Union, that little clip that you used to put on the nozzle where you could pump the gas and go on about your business and do something else, many States have taken that clip off. So you often find yourself standing there holding this nozzle, and every once in a while, in desperation, somebody reads the gasoline pump.

When you read the gasoline pump, it sort of gives the good news and the bad news story. The bad news is a third of the cost of buying a gallon of gasoline in America is taxes. The good news is, at least, as it says it on the pump, that the gasoline tax is a user fee and that user fee is used to build roads. So while you should be unhappy that a third of the cost of a gallon of gasoline is going to pay taxes, you should be happy with the fact that at least those taxes are going to build the very roads that you are going to ride on in burning up that gasoline that you are buying.

I entered this debate because the bad news is true, a third of the cost of a gallon of gasoline is, in fact, taxes, but today it is not true that all those taxes go to build roads. In fact, beginning in the 1990s, the Federal Government started diverting highway trust funds to other use. So we collected gasoline taxes, those moneys were put into the trust fund, but by not spending those moneys on highways, we were able to spend those moneys on other things.

Then, in 1993, the Congress adopted the first permanent gasoline tax in

American history since we had the highway trust fund where the money went to general revenues, and so the money was spent and none of it was spent on highways.

That produced a situation by this year where roughly 25 to 30 cents out of every dollar paid by every American in gasoline taxes goes not to build roads but to fund other expenditures of the Federal Government.

Senator BYRD and I started this debate because we believed that that was dishonest. We believed that the Government was deceiving the American people, and we thought it was wrong. We thought it was wrong to take a dedicated tax and spend it on general Government rather than spending it for the purpose to which Americans had been led to believe that they were paying the tax.

Our first victory in this roughly 2-year effort was on the tax bill last year where we were able to take that 4.3-cent-a-gallon tax on gasoline away from general revenue and put it back into the highway trust fund where it belonged. It was a big issue, because 4.3 cents per gallon collects roughly \$7 billion a year in revenues.

We were successful in that effort. Then, last year, we started the effort to guarantee that the money was actually spent on highways. That effort, by Senator BYRD and myself, produced a coalition with Senator BAUCUS and Senator WARNER, the chairman and ranking member of the subcommittee with jurisdiction over the highway bill. That started a negotiation which reached a successful conclusion the day before yesterday in a new highway bill, for all practical purposes, very different than the bill that the President proposed, very different from the bill that came out of the committee, and I think different in being better.

The bill before us guarantees that over the next 6 years, we will move from a situation where almost 30 cents out of every dollar of gasoline taxes today is diverted to some use other than building highways and for transportation purposes to spend on general programs. We will move from that situation today to a situation 6 years from now when this bill is fully in effect so that every penny of the 4.3-cents-per-gallon tax on gasoline, which is now diverted to other uses, will be used for the purpose of improving the transportation system of America and building roads.

That will mean that this bill will, over the next 6 years, spend \$173 billion on highways. The difference in the number that Senator BAUCUS used and this number is that about \$2 billion of the expenditure is under another title in the Commerce Committee, and I do not want people to be confused to think we have taken away \$2 billion from the agreement that we announced the other day. The total is \$173 billion.

What does that mean relative to the highway bill that has just ended? What it means nationwide is that by the economic growth we have experienced, by

the growth in the collection of gasoline taxes and by dedicating every penny of gasoline taxes to build roads, nationwide we are going to increase the amount of money for highway construction over the next 6 years, as compared to the last 6 years, by 45 percent. That is a dramatic change. As a result of this bill, Americans who would have died on roads in West Virginia and Texas and all over America will not die. As a result of this bill, people who would have waited in congestion, taking time away from their work or their family, will find that that congestion has been abated.

So we are not just talking about spending another \$26 billion of money on highways, the purpose for which the money was collected. But we are talking about improving the lives of Americans by the tens of millions and saving the lives of thousands of our fellow citizens.

Secondly, by getting out of this absurd situation we were in under the previous bill where we were using the 1980 census for no other purpose than to discriminate in favor of States that were losing population and against those that were gaining population, by going to the current census, a State like my State, which has been growing very rapidly, will not only benefit from the fact that we are not allowing 30 cents out of every dollar of money collected in gasoline taxes to be siphoned off to pay for something else, but by using the current census and through other factors, the State of Texas will have an increase in highway funding over the previous bill of 60 percent. Obviously, that is a big deal for my State. It is a big deal for every State in the Union.

Some people will say, "Well, but if you're spending the money on highways, you're not spending the money on other things." When we debated this bill for the first time at the end of the last session, our opposition came from people who basically said, "Well, spending money on highways is great, but if you spend this money on highways, we can't spend it on other things."

Let me respond to that in two ways. First of all, we do have a great need in highways, but the real argument is not one of relative need. The real argument is we collected the money for the purpose of building highways. This is a dedicated tax. So those who find today a sad occasion because for the first time since the mid-eighties we are actually going to spend gasoline taxes on highways and they are unhappy because we are not going to spend the money on other things, let me say, as I have said in the past, that they remind me of rustlers who have been stealing our cattle. We finally catch them, we call the sheriff out, we don't hang them, we don't even make them give our old cattle back they stole. All we say to them is, "You have to quit stealing our cattle." We will hear from a few of them today, and their basic re-

sponse will be, "Well, that's great, but where do I get my beef? If I can't rob the highway trust fund, where do I get this money to do all this good I want to do?"

I have two responses. One, that is not my problem. Two, we should have never been spending highway trust fund money for other purposes. We should have never let the Federal Government collect money in gasoline taxes and turn around and spend it for something other than the purpose for which those taxes were collected.

So I believe this is a happy day. Is everybody satisfied? I have great appreciation of the situation of Senator CHAFEE and Senator BAUCUS and Senator WARNER. You can't satisfy everybody. We have a highway system that is a national system and, obviously, I have been unhappy about the fact that my State was getting 77 cents for every dollar we sent to Washington. I have complained vigorously, and partly as a result of that complaint, we have changed the bill. We have gotten rid of the 1980 census, and we are going to have a dramatic increase in funding going to States like mine.

You can always say, "We want more," but I think it is important, and Senator CHAFEE has made the point and I agree with it, we have a National Highway System. When we were building roads across Texas in the 1950s and 1960s, the Interstate Highway System, we were more of a beneficiary State. But what good is it to have an Interstate Highway System that when it gets to Western States, you don't have the highway? If it is an east-west or north-south system and you have a State that has a low population and a low formula and, as a result, can't build its system, do you have a national system?

There are always going to be years, because of the ongoing building of the interstate system, where some States are going to get more than a dollar back, some are going to get less. But thanks to Senator WARNER—and I congratulate him and thank him personally—under this bill, for all practical purposes, no State will ever again get less than 91 cents out of every dollar in formula money back that they send to Washington in terms of highway taxes.

What that means is, no matter what we are doing in terms of a national system, at least that minimum will be available to every State. I think that is a dramatic improvement, and I think it is something of which people can be proud.

I think this is a major step forward. I thank everyone who has worked on the bill. I have enjoyed having the opportunity to work with the sponsors, with Senator CHAFEE. I thank Senator LOTT for his ability to bring everybody together. I think it has been a classic case of democracy at work. Someone once said that there are two things you don't want to watch people do. One is making sausage and the other is making laws.

But I have to say that I think any civics class at any high school in America that sat through the whole process on writing this highway bill, that sat in every meeting and every negotiation, and that watched the give-and-take, that listened to the intellectual content of the debate, both public and private debate, that watched the consensus form, would go away convinced that, while our system is not perfect, it is clearly the best system that has ever been devised by the mind of man.

So I am proud of this bill. I am happy for my State. I am happy for the country. I believe that this is a dramatic improvement. And while I do not agree with or support every single provision of the bill, you reach a point where you have to say, this is the best we are going to do given that we have 100 Members of the Senate. There will be those who will be offering amendments to try to tear this consensus apart. I do not intend to support any of those amendments. I think we have put together a good bill. And I think it is time to get on with improving our highway system, with saving lives, with improving the quality of life for hundreds of millions of people all over the country.

So I am for this amendment. I am for this bill. And I congratulate those who have been the leaders of that effort.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from Texas for his remarks, personal and otherwise, directed at those who put together this amendment.

But now I say to all colleagues, we are entering into that phase which I have called in previous iterations of the highway bill, the "battle of the charts." And the charts are coming over the transom, under the transom, and from all directions. And it comes down to whether or not someone can put up a matrix which benefits their State a little bit more. But I assure you, it is at the detriment of someone else. And you have to at some point, when the votes come, decide: Did the committee or did not the committee try and do an equitable distribution of the funds?

The basic bill reported out by the subcommittee, then by the full committee, is unchanged. But in working out the most equitable distribution we could under the add-on, as a consequence of the Byrd-Grumm-Baucus-Warner amendment, you could figure it several different ways. And therein I presume the debate will focus in just such time as we proceed to vote on this amendment. And there are means by which you could calculate it in a different way.

I think Senators are perfectly entitled to fight. And they should. But it all comes back to, will their formula be viewed as an equitable distribution of the funds?

And I say that when the final vote is taken it is my hope and it is my expectation that the Senate will express its confidence in the ability of the committee—under the guidance of the distinguished majority leader, and, indeed, with the valued input of Senator BYRD, Senator GRAMM of Texas—that we did the best we could to make equitable distribution of the apple.

So let us now engage in the “battle of the charts.” I hope Senators will come to the floor and express their views with respect to their individual States and their own view as to whether or not equity was achieved.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our friends on the committee for their effort here. And we are trying to get information to help us decide exactly how we should respond to the committee amendment. That information was requested as soon as the amendment was adopted. We are still awaiting for that information.

I think it is only fair to those States, States that have been particularly put in a donor position decade after decade after decade, which is the case with many of our States, that we get the information that we sought. We very well—I am speaking just for myself—we very well may end up supporting this amendment. But it would seem to me, as a matter of fundamental fairness, that when an amendment this complex and this important to our States is brought to the floor, that where information is sought from the Department of Transportation, that information be forthcoming before we are expected to vote on this amendment.

Mr. WARNER. Mr. President, if the Senator would yield, I know of no reason why the chairman, who is momentarily absent from the floor, or the ranking member or myself is trying to push this to a conclusion prior to those who desire to have additional information get all that information and have free discussion on it.

So please do not send out the alarm that, in my judgment, we are trying to roll this thing through before all States have an opportunity to examine the complexity of this and get such information and charts as they so desire.

Mr. LEVIN. I very much appreciate it.

Mr. BAUCUS. If the Senator would yield for me to further make the point of the Senator from Virginia, the Senator knows my office is also calling the DOT to light a fire under them to get the information back so that the Senator from Michigan has all the information he wants in order to make an informed decision.

He is absolutely right. I mean, he represents his State and wants to represent it to the fullest. And he believes, correctly, that he would like to have more information. And so we are doing

our best to get the information for the Senator. Once he does have it, I am quite confident things will work out. But it is more important, first, to get that information.

Mr. LEVIN. I thank my friends from Montana and Virginia for their support in our effort to get this information and, indeed, for their long, hard efforts to try to bring a conclusion to this effort to come up with a fair highway bill.

The problem is, as the Chair and others know, there are some States that have not been treated equitably and fairly, at least in our eyes, over the decades.

First, the Senator from Texas correctly says we have a National Highway System. And that is true. I do not think it would be possible to build an interstate across Montana if Montana only got back the amount of money in gas tax for the building of that interstate that was sent to Washington by folks buying gas in Montana. I have no doubt of the truth of that comment.

I have been to Montana. I have been on those interstates. I understand that. I appreciate that. Indeed, I would support that if this were coming up for funding in the 1950s. But that does not explain why a whole bunch of other States that are not in that situation get back a \$1.20, \$1.40, \$1.60, \$1.80, \$2 for every dollar they send.

We can explain some of this to our constituents. And I have. I get up and use Montana as the example. And I say, it is only right, if you are going to have an Interstate System, that more money go to build an interstate in Montana than is coming from Montana. That is the point the Senator from Texas made.

But, again, let me emphasize, there are a whole bunch of States that that is not applicable to, who have for decades gotten back a heck of a lot more than they have sent into this system and put into that trust fund. And those of us that have been in a donor position for decades, because of these formulas which were put in here many years ago, cannot possibly justify the huge amounts which many donee States have received which do not relate to the fact that they are sparsely populated and have large distances to cross.

And while my friend from Texas may be correct in the case of some States falling into the donor or donee situation, depending upon what year you may be looking at, there are other States which have been in the donor situation constantly throughout where you cannot justify this. And there has been some effort in this bill to correct the unfairness. And I want to thank my friends from Rhode Island, Montana, Virginia, and to others, Texas, who participated in this effort to get a little more fairness for the so-called donor States. I want to thank them for that effort.

Does it come close to repairing the unfairness? I do not know. And we are not going to know until we get this

data. There are a lot of complications in these formulas. My dear friend from Virginia is right, you get all kinds of charts coming in. I mean, one chart which we already have shows that two-thirds of the States actually get a smaller percentage under the committee amendment than they did under the underlying bill.

If that is true—and some of those being donor States—if that is true, how do donor States then get a guarantee of 91 cents back instead of 90 cents, if some of those two-thirds of the States that get a smaller percentage under the committee amendment are donor States?

My State gets a smaller percentage under the committee amendment than it does under the underlying bill. You can add all the money you want, which is what the committee did, but the problem still is going to remain in terms of the percentage of the contribution unless something else happens here. We should be in a worse percentage situation under the committee amendment than we were under the underlying bill. But that is what we want to look at in terms of charts.

I have questions about the density group. How is that defined? I have highly dense, congestive places in the State of Michigan, but I am not one of those 10 States. How is it defined? And why? And why is it that 10 States all get the same amount of money for density no matter where they may fall on some density chart? No matter where they fall, they all get the same amount of money year after year, but States that do not quite reach the level of density get nothing. I would like to at least know why and how, how that is arrived at.

I have a number of questions which I would like to have answered. Are those special categories—for instance, density. When you get a density bonus or a density amount in this bill, does that count in terms of the donor State guarantee of 91 percent? Does that count towards that? We do not know. Perhaps some of the sponsors of the amendment could answer that question.

And to my friend from Texas, my understanding is it is not 91 cents back on the dollar; it is 91 percent of contribution. And that, as a matter of fact, is not 91 percent of your contributions, because there is something taken off the top here. So it is 91 percent of the contributions of the amount which is distributed to the States which is less than 100 percent.

I wish it were 91 cents on the dollar, I tell my good friend from Texas. I wish it were that every buck we are going to send to Washington, from here on in, we are assured we are going to get 91 cents back. That is not my understanding of what this bill does.

So I think here that there is an underlying feeling on the part of many States two things: One, that we need a fairer treatment; and, two, that we want to see some data. And, three, speaking now for myself, when we receive that data, it may answer a whole

lot of these questions so that indeed someone like me may end up voting for an amendment such as this, as being an improvement over the status quo.

Now, there is another problem which none of us are going to solve here. And that is that there are offsets for this increase. And we do not know where those offsets are coming from. Because the budget is going to be adopted after we adopt this bill. And the Budget Committee is going to have to find, as I understand it for this upcoming year, \$1 billion-plus. We do not know where that \$1 billion-plus is coming from.

Now, we are all in that boat. But it is a problem that we all ought to be concerned about. Is that \$1 billion going to come from education? Is that \$1 billion coming from veterans? It is going to come from domestic discretionary spending. And even those who vote for this amendment, it seems to me, have to be concerned with what lies down the road in terms of paying for this committee add-on.

Again, that is something which data from the highway department is going to be able to answer. That is something which we are going to have to fight out or debate in the weeks and months ahead. But it is a real concern. It is an unanswered question. In this case it is a question which cannot be answered prior to the time when we will be voting on this amendment. But, nonetheless, it should be raised as a flag. I think, for all of us. Even those of us who intensely support this amendment, it seems to me, would have some concern about, how are we going to pay for the offset, to pay for the amount of money which has been added?

Mr. WARNER. Mr. President, if I could interject. I thank the Senator. I rose for the purpose of a clarifying statement. You do not pose that in any way as a delay of a judgment by the Senate on the pending amendment? It is just a realization that at some point in time the Senate, as a body, will have to consider where the offsets came from, but not in the context of getting a definitive answer for the purposes of addressing a yea or nay on this amendment; am I not correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. As I said, that is a concern that I hope all of us have regardless of how we end up voting on this amendment as to how that money is going to be paid for, how that offset is going to be achieved.

Second is something I am very much concerned about. We keep hearing thoughts, rumors as to where this is coming from, but that will not be resolvable. I do believe the good chairman of the Budget Committee has indicated there will be no undue impact on any domestic discretionary program as a result, but I haven't seen those exact words—I have heard that secondhand—that the Senator from New Mexico, the chairman of the Budget Committee, has said something like no undue impact on any discretionary program.

But I'm not going to quote him because I didn't actually see the quote itself.

So what it comes down to is that we have an amendment that is pending. We have a request for information relative to a complicated amendment, made yesterday to the highway department. We don't have that information.

If the managers of the bill and the sponsors of this amendment are willing to get that information forthcoming before our vote, it seems to me we either ought to have a quorum, as I understand they are on their way, or we ought to set aside this amendment for an hour or two so those of us who are not decided on how to vote on this amendment could be in a position where we could vote on it.

PRIVILEGE OF THE FLOOR

Mr. WARNER. On behalf of the distinguished Senator from Oklahoma, Mr. INHOFE, for purposes of this debate, I ask unanimous consent that Mr. Andrew Wheeler be granted floor privileges.

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

Mr. WARNER. Mr. President, I ran a calculation for the Senator from Michigan and I will send it over to my good friend. He and I came to the Senate together and sit on the Armed Services Committee together. We have had many debates. The records are full. If the Senator would, take a look at that and see whether or not my analysis of your State is correct. But as I listened carefully, the Senator made the representation to the Senate in his remarks that there are some States that will get less money than they would under the underlying bill.

Mr. LEVIN. That is not correct. The Senator is not correct. I said about two-thirds of the States get a smaller percentage under the amendment than they do under the underlying bill. I will give the Senator some examples and have them printed in the RECORD.

I believe this chart comes from the Federal Highway Administration. I think every State gets more money because there is a significant amount of money that is added to the pot. My statement is that about 38 States get a smaller percentage of a larger pot than they did.

Mr. WARNER. Let's talk about the pot. You are addressing the amendment that is pending before the Senate which we refer to as an add-on to the underlying bill.

Mr. LEVIN. That is correct. The pot I refer to is the total pot after the add-on. I am saying under this chart of the highway administration, this came in yesterday.

Mr. WARNER. I have a copy.

Mr. LEVIN. If you look at the right-hand column, at the minuses, looking at the 6-year percentages with the so-called "option," which is the committee amendment, 38 of the States have a little minus in front of them, meaning they usually get a slightly smaller percentage of the larger pot, which is represented by the amount of money to-

tally there after the committee amendment is adopted. That is the reference I made.

Every State gets more money and every State—to put it very bluntly, say that Michigan contributes an additional \$110 million to the highway fund in this larger pot. That \$110 million of the delta, the extra money going into this pot, to enlarge it, comes from Michigan, and we get back \$100 million. These are hypothetical numbers. That means we are getting back more money, right? But we have put in, actually, a larger share of money towards the amount that is going out.

My good friend from Texas, I am sure, would agree it is about time that the money that goes to the highway fund is distributed to the States. It is long overdue. We shouldn't be having surpluses built up from gas tax dollars which our people pay in order to build and maintain highways. That is long overdue.

My point here, however, is that of the extra amount of that \$26 billion that the committee adds, say Michigan's share of that \$26 billion is \$110 million—I am making up numbers here—and if we get back from that extra amount \$100 million, the answer is, yes, we are getting back more than we did under the underlying bill, but it still could be a smaller percentage of the total than we would have gotten under the underlying bill.

Mr. WARNER. Mr. President, I will yield momentarily.

Let's see if we can narrow the Senator's concern. The Senator's concern is not with the underlying bill; it is the manner in which the funds were allocated, roughly \$6.9 billion to five programs, and that \$6.9 billion coming off of the total \$25.8 billion, is that correct?

Mr. LEVIN. The answer is correct. The questions that I have are relative to the amendment that we don't have the information on.

Mr. WARNER. The Senator expresses at the moment some disagreement as to how the committee took the total of \$25.8 billion, then took a sum of \$6.9 billion and allocated it to five programs; basically, is that the area in which the Senator has disagreement?

Mr. LEVIN. No, I have questions in that area. I don't have a disagreement until I get the information, and then I may or may not have a disagreement.

Mr. WARNER. And that hopefully is forthcoming.

I yield the floor.

Mr. GRAMM. Mr. President, our dear colleague from Michigan reminds me of the drowning man that is on the verge of going down for the third time and we have thrown him an inner tube and he is complaining that he has to swim a little to get to it.

Mr. LEVIN. Will my friend yield for a quick comment?

Mr. GRAMM. I never stop in the middle of an analogy.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas has the floor.

Mr. LEVIN. If the Senator might yield.

The PRESIDING OFFICER. I remind Senators to address each other through the third party. The Senator from Texas has the floor.

Mr. GRAMM. I will get to the point because I'm basically trying to answer questions the Senator raised.

Let me go back to his made-up example. Currently, every taxpayer in America who pays gasoline taxes is basically being cheated out of 25 cents on the dollar on average of what they pay in because it says right on the pump the money is going for highways and it's not. This amendment, over a 6-year period, eliminates that problem.

The Senator from Michigan is saying if Michigan taxpayers now paying 4.3 cents per gallon are currently paying \$110 million in gasoline taxes in that tax, what if this amendment only gives Michigan \$100 million to build roads from this 4.3 cents per gallon. It seems to me you don't have to have studied high mathematics to understand that Michigan is a lot better off getting \$100 million of the \$110 million than they were getting zero from the \$110 million.

When you look at the formula, because of the makeup of the National Highway System, there are many States that will not get every penny of it back to their State but they are going to be substantially better off than they are now and a tremendous amount of the underlying inequity will be fixed. That is the first point I wanted to make.

The second point I want to make is in terms of offsets, where we are going to cut other programs to pay for this, that we are going to decide those offsets in the budget. Every Member of the Senate will have an opportunity to vote on that.

Before we weep too much about the offsets, I go back to my example of the rustler who has been stealing our cattle by taking 25 cents out of every \$1 in gasoline tax and spending it on something else. It may be that in the process someone discovers that this rustler actually gave money to the First Baptist Church, but are we going to argue that we don't want to stop rustling because a rustler contributed money when the plate was passed at the First Baptist Church? The point is, we have to take the money away. That money should never have been there in the first place. This money should have been spent on roads from the beginning.

Finally, before I yield to the Senator, and I will be happy to do it or yield the floor and let him have the floor, what I will try to do not just for the Senator from Michigan but for all of our colleagues, I will try to explain some of the logic of the underlying bill. I'm not on the committee but I have studied the thing and understand it so that Senator BYRD and I could write our

amendment with Senator BAUCUS and Senator WARNER, so, in fact, I find myself in possession of information that I never wanted to have to begin with but I think it is relevant to this whole debate. I don't think people really understand how the highway program works. Maybe as one who is a new possessor of this knowledge, I find it really reflects on this whole problem we are dealing with.

Let me try to very briefly deviate from my background as a school-teacher, and be brief. Let me try to run through it and then explain the games that people can play if they chose to. Since the beginning of our highway program, we have had a general rule of thumb, and that has been a division of money from the highway trust fund. That portion that goes to highways has gone into two pots. One pot is money that is available nationally under an account that is overseen by the Secretary of Transportation and the National Highway Administration, and that has normally been roughly 10 or 11 percent, total. That has focused on individual priorities and a series of concerns that have not generally been dealt with by the allocation to the States. The other 90 percent has gone to the States. This is not a new invention with this bill. It has been true in every highway bill that we have had. It is true in this bill.

Now, I could personally go through this bill and take the 10 percent of items that will be funded under the national account and say there are a lot of these programs that I am not for. I don't want to create sadness by talking about what they are, but the point is, since they deal with concerns for a big country, and Texas is one piece of it—the most important piece, the largest piece—and shares more interest in common with the country because we have more diversity than anybody else, it is true that we have money for building roads on public lands. We are blessed in Texas in that we were a country first so we have virtually no public lands. We never thought it made sense when we came into the Union to have the United States own our State. So we will get virtually no money out of the account that is available for building highways on public lands. It is a little over \$1 billion, if my memory serves me right.

Now, I could stand up here and say, "Look, Texas has got no public lands to speak of. We are not going to get a penny out of that \$1 billion." The point being, like the distinguished Presiding Officer who is from a Western State, he didn't choose to have the Federal Government own a huge chunk of his State. Probably over half the land in his State is owned by the Federal Government. I feel sorry for him. I don't think it is right. I would like to see some of that land back in private hands, I say to the Presiding Officer. The point is that is part of a national system. The Presiding Officer can't help it that the Federal Government owns over half of his State.

So, to adjust, in the 10 percent of the bill, we have a whopping \$1 billion that his State will benefit from, and my State won't benefit. We won't get any of the money. Now, I could do a chart that says you eliminate that program for funds to be spent on public lands and I could show Texas gets more money. I can show that Virginia gets more money. We have money in here for roads on Indian reservations. We had the most bitter part of the Indian wars in my State. We had Apaches and Comanches raiding our capital in the 1870s. We have only a couple of tiny, little Indian reservations in Texas. Oklahoma has vast quantities, as does Arizona.

Now, I could stand up here and say, well, look, by building roads on Indian reservations, you are not doing anything for Texas. I could take that billion dollars for roads on Indian reservations in the 10 percent national account in the bill—I could strip it out and say, look, you distribute it to all the States, and every State will gain. In fact, you would probably get 40 of the 50 States in the Union that would gain if you did that. But is that how you write a national highway bill?

So the point I am making is that to single out parts of the 10 percent and say that if we eliminated them, we could have more to give the States, look, if I were writing the highway bill by myself, I would not even have the 10 percent. I would give all of it to the States. But I am not writing the highway bill by myself. What I am trying to explain to people is that when you are singling out programs like the Appalachian Regional Highway Program, you are singling out a program that has been in every highway bill since 1965. The money that is being provided is actually a smaller percentage of the overall bill than President Clinton requested. The amount of money being provided is a smaller percent than was spent under the last highway bill, when you add up all the expenditures.

This is a program that became the law of the land in 1965. The program is on the verge of moving toward completion. You can single it out if you want to, but how is it less meritorious than building roads on public lands? How is it less meritorious than building roads on Indian reservations? It's part of a series of national priorities.

Now, in case you don't know much about geography, Texas is not part of Appalachia. My State doesn't benefit one bit from that provision. But the point is, it has been part of every program since 1965, and it is part of this 10 percent overhead to deal with specific programs. So if we could go back and reinvent the world, change the whole highway system, this logic would make sense. But I think singling out a couple of programs when there are many others that are more vulnerable—and we can all play this game—in the end you don't have a highway bill.

Let me say, in terms of density, that I don't have to read very well to see

that Texas, which has 3 of the 10 largest cities in the country, does not benefit a nickel—not a penny—from this density thing. Where did this density thing come from? First of all, I am not accepting any responsibility. I am not on the committee. I would love to take it out. But what is it trying to do?

Well, the old highway bill was written under the 1980 census, which was outrageous. It happened because the House has been, until the last reapportionment, dominated by the East and Midwest. All of our formulas are rigged to take money away from the South and the West and give it to the East and the Midwest. We all know it. We are beginning to fix it with this highway bill. But as a result of getting rid of the 1980 census, which is only 18 years old, by doing that we are going to have some States that are substantial losers, and our colleagues are going to have to go back to their States and say that in the highway bill we really got a dramatic change relative to the old bill, basically because people voted with their feet to move off to California, Texas, Virginia and Georgia.

What this whole density provision is about is trying to cushion the blow to those States. So I could offer an amendment—as apparently is being contemplated by others—to say, strike this density provision. Let me look here before I say that. Virginia gets nothing out of the density provision. I will mention one more. Rhode Island gets nothing from the density provision. So we could offer an amendment to strike the density provision and give that money to other States, and we could show that 40 States of the Union benefit and only 10 or 15 lose. But the purpose was to write a bill that every State in the Union can live with, and where people, in good conscience, can go home and say that given where we are, given the growth pattern of the country, we did as well as we could expect to have done, given what has happened to the population in the country and the movement of population.

So I want to urge my colleagues to understand that we have always had a division of roughly 90-10 in the funds for national priorities and to the States. I wish we had no 10 percent, but we do, and we always have. Singling out specific programs is simply not fair when we look at the other programs, whether it's building roads on Indian lands or public lands, simply because we have no Indian lands in our State, or we have no public lands to speak of in our State. We need to understand what a national highway bill is about is dealing with those things.

I want to conclude by going back to ARC. I know more about ARC than I ever started out wanting to know, given that I am not from there. But I have had the privilege, in the last year, of working with a man who is very much committed to Appalachia. When

Senator BYRD was born in Appalachia, it was a big red letter banner day for Appalachia and for West Virginia. He cares about this program intensely. So people look at this and say that is a good and ready target. There are only 13 States in Appalachia, and that means there are 26 Senators. Again, when you take 100 and subtract 26, you get more than a majority.

I want to be sure that everybody understands the following points:

No. 1. Appalachia has been part of the national section of this bill, in one form or another, since 1965. I guess Senator BYRD was the only person who was here in 1965 and who voted for it, but it passed and it's the law of the land.

No. 2. We have a smaller percentage of the amount of money we are spending in this bill going to Appalachia than the President asked for. We have a smaller percentage of this bill going to Appalachia than was actually funded over the last 6 years as a result of the appropriations process and the old bill, and so anybody who thinks that this is some new program that has been put into this bill, that is providing money that was not there over the last 30 years, or that somehow it is providing more money as a percentage of the bill than we had in the past, is simply wrong.

I urge my colleagues, if you are going to single out one little program, remember that everybody can play this game, whether it's Indian land roadbuilding or public land roadbuilding, or 25 other categories; we can each pick some part of the bill that does not benefit our State and we can try to take that part away to add money to the formula. But the truth is that this roughly 90-10 formula has been in place throughout the whole history of the highway bill, and, in fact, if you knocked out this program and didn't change the makeup of the highway bill, the Secretary of Transportation would decide where the money is spent and would probably spend it on exactly the same thing.

So I wanted our colleagues to understand how the bill is made up, and I think that, other than the handful of people on the committee, people don't know. So it looks like some giant conspiracy against them when, in fact, if you look at the totality of it, it makes sense. Since we all resent deals we are not part of—I certainly do—these deals they put together in committee look mysterious. But I think if you understand how the bill has evolved over the last 30 years and how it is made up, it is pretty reasonable, again, for the kind of work we are doing.

I wasn't trying to get into a debate with the Senator from Michigan. I am from a big-time donor State. My State, under the old highway bill, got back 77 cents out of every dollar. We are going to get back 91 cents out of every dollar in this bill, and I rejoice. It is progress.

In the future, when we build a vast North-South interstate system to go with our East-West system, maybe in the next highway bill, people will be standing here saying that Texas is getting back \$2.12 for every dollar, because now you are building these interstates from Lubbock to Texarkana.

The point is, that is what a National Highway System is about. When it works in our favor, we are all quiet about it, hoping nobody notices. When it works against us, we scream to the heavens. That is how the system works.

I would be happy to yield the floor and let the Senator from Michigan speak, or answer a question. I didn't want to stop in the middle of my analogy, knowing how clever the Senator from Michigan was, knowing he would destroy it outright.

Mr. WARNER. Mr. President, I thank the Senator from Texas. It has been interesting. I may have made a mistake. Perhaps I should have taken the block of money that was to correct the inequity of the donor States and put it up there above the line as one of those programs. But it was a program. While not clearly identified above, it was a program. Let me give you some examples.

In the 1991 ISTEA I bill—I was a conferee and I was in the second row and was told to be quiet while the dominating chairmen, predominantly from the Northeast, controlled it. That bill came out, and Massachusetts got \$2.45; Connecticut, \$1.92; New York, \$1.25; Maine, \$1.23; New Jersey, \$1.09; Pennsylvania, \$1.16. The donor States: South Carolina got 72 cents; Missouri, 85 cents; Michigan, 80 cents; Mississippi, 83 cents; Virginia, 79 cents; Florida, 82 cents.

You bet I took a block of money and I straightened it out, together with the support of my distinguished ranking member, the senior Senator from Montana. We straightened it out. We took a chunk of money and balanced that thing out so that now, with the underlying bill, they get 90 cents—not these egregious disproportionate sums, but 90 cents.

With the amendment before us, we tried to allocate the dollars so the donor States came up—as many as we could—to 91 cents. Maybe one or two were a fraction under, about 90.8 cents. But that's what we tried to do under this bill. There it is.

I am going to put into the RECORD at this point a chart, in the battle of the charts now, to show all of the States and how they fared under the 1991 bill compared to the underlying bill at 90 percent.

I ask unanimous consent that the chart be printed in the RECORD.

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

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*

[In thousands of dollars]

State	ISTEA P.L. 102-240			Intermodal Surface Transportation Effi- ciency Act II S. 1173		
	\$	%	% HTF	\$	%	% HTF
Alabama	332,076	1.815	0.8181	440,984	1.997	0.9000
Alaska	212,284	1.160	4.5339	273,823	1.240	4.8445
Arizona	256,005	1.399	0.8110	342,955	1.553	0.9000
Arkansas	262,823	1.437	0.9944	293,697	1.330	0.9205
California	1,670,616	9.133	0.9046	2,020,441	9.150	0.9063
Colorado	200,876	1.098	0.8602	281,614	1.275	0.9989
Connecticut	352,884	1.929	1.9283	379,110	1.717	1.7161
Delaware	72,760	0.398	1.3807	103,788	0.470	1.6315
Dist. of Col.	92,104	0.504	3.9887	99,792	0.452	3.5799
Florida	768,405	4.201	0.8210	1,016,800	4.605	0.9000
Georgia	544,262	2.975	0.7638	774,165	3.506	0.9000
Hawaii	126,495	0.692	2.6738	131,960	0.598	2.3106
Idaho	125,018	0.683	1.2451	181,076	0.820	1.4939
Illinois	683,258	3.735	1.0105	734,596	3.327	0.9000
Indiana	408,059	2.231	0.8254	537,118	2.432	0.9000
Iowa	220,676	1.206	1.0352	291,408	1.320	1.1324
Kansas	210,018	1.148	0.9936	289,137	1.309	1.1331
Kentucky	285,474	1.561	0.8097	383,071	1.735	0.9000
Louisiana	264,040	1.443	0.8187	391,813	1.774	1.0064
Maine	117,708	0.643	1.2310	126,672	0.574	1.0974
Maryland	305,888	1.678	1.0020	332,751	1.507	0.9000
Massachusetts	830,024	4.537	2.4582	392,393	1.777	0.9627
Michigan	514,446	2.812	3.8023	696,628	3.155	0.9000
Minnesota	280,668	1.534	1.0733	330,117	1.495	1.0458
Mississippi	202,329	1.106	0.8345	278,518	1.261	0.9516
Missouri	404,387	2.211	0.8553	525,443	2.379	0.9206
Montana	161,661	0.884	1.8457	234,074	1.060	2.2139
Nebraska	142,252	0.778	0.9603	185,431	0.840	1.0369
Nevada	117,301	0.641	1.0027	161,202	0.730	1.1415
New Hampshire	88,413	0.483	1.1842	114,829	0.520	1.2741
New Jersey	521,026	2.848	1.0925	532,188	2.410	0.9244
New Mexico	178,413	0.975	1.1226	231,866	1.050	1.2085
New York	1,001,465	5.475	1.2562	1,126,672	5.102	1.1707
North Carolina	478,873	2.618	0.8336	624,113	2.826	0.9000
North Dakota	116,258	0.636	1.7645	161,202	0.730	2.0267
Ohio	655,612	3.584	0.9369	760,300	3.443	0.9000
Oklahoma	259,702	1.420	0.8421	347,988	1.576	0.9347
Oregon	212,793	1.163	0.8934	284,368	1.288	0.9890
Pennsylvania	889,978	4.865	1.1697	836,244	3.787	0.9104
Rhode Island	106,052	0.580	2.1089	128,078	0.580	2.1098
South Carolina	234,009	1.279	0.7246	350,872	1.589	0.9000
South Dakota	119,442	0.653	1.8165	172,243	0.780	2.1699
Tennessee	365,565	1.998	0.7947	499,764	2.263	0.9000
Texas	1,174,846	6.423	0.8396	1,520,201	6.884	0.9000
Utah	130,046	0.711	0.8311	190,431	0.862	1.0082
Vermont	79,486	0.435	1.4840	103,788	0.470	1.6052
Virginia	414,607	2.267	0.7970	565,171	2.559	0.9000
Washington	341,090	1.865	0.9506	405,928	1.838	0.9371
West Virginia	209,819	1.147	1.4239	225,365	1.021	1.2669
Wisconsin	352,373	1.926	0.9544	401,139	1.817	0.9000
Wyoming	115,092	0.629	1.3513	167,827	0.760	1.6323
Puerto Rico	81,874	0.448	N/A	101,332	0.459	N/A
Total	18,292,630	100.0		22,082,486	100.0	

*Federal Lands Highway Program funds are excluded from this comparison.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. WARNER. Yes.

Mr. GRAMM. Listening to the Senator talk about eliminating the tremendous inequity in the 1991 bill, I think it would behoove every Member of the Senate, when they are looking at how well off they are under your bill with our amendment, to look at how they did in 1991 and see that each of the inequities that we chafe under are far diminished under your bill and, of course, knowing you represent Virginia, and listening to the fact that on the old highway bill you were sitting in the back room in obscurity and silence, and now you speak with such great clarity, it reminds me of the old saying in the part of the country we are from, which is, "Save your Confederate money, boys, the South will rise again."

Mr. WARNER. Before we invoke too much history here, it wasn't just the South; it was Michigan and some other States that were in the donor category. But I am going to put this on the table. So, when the call up yonder is taken here shortly on this amendment, you can see exactly where you fared under the 1991 bill compared to where you

fared under this bill. And it is absolutely striking.

Again, I am back to try to be helpful among the several States. There stands 90 like a stone wall. We tried to get above 90 as best we could for as many donor States. And I think when the final charts come out, I can show you exactly where the donor States went under the recalculations that we get under the amendment.

But I thank the Senator from Texas. It was very interesting to listen to his rendition, which was accurate, or I would have interjected. It was accurate as to how these bills have been put through, through the years. And you can fault the ARC. My State happens to be a beneficiary. Therefore, when I speak in support of ARC, I do so think that Virginia is a beneficiary. It is proudly in the Appalachian corridor. But that program has been there since 1965. It was enacted by the U.S. Senate in conjunction with the House. As a matter of fact, I think it was William Jennings Randolph who was then chairman of the committee on which I am proudly serving, and now under the leadership of Senator CHAFEE and Senator BAUCUS. But that was at that time. And it is a program that is unfin-

ished, as Senator BYRD pointed out, and hopefully this will take it almost to completion under this bill.

So I thank the Senator from Texas.

Mr. President, if there are other Senators desiring to speak, I will yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

First, let me assure my good friend from Texas that I agree with most of what he said, including the reference to Senator BYRD, as not only a red letter day for West Virginia when Senator BYRD came to the Senate, but it was a red letter day for the Nation and for the Senate when Senator BYRD came to the Senate. And his effort on behalf of the Appalachian Regional Commission is one that I think is a justified effort.

This is a national bill. I happen to agree with that. The Senator from Texas made reference to the fact that this is a national bill. This is also a complicated amendment. Those of us who have been in the donor status for decades want to understand. There are other Senators who would like to get the data that hopefully now the Transportation Department is providing us.

But for those of us who have given tens of millions, totaling hundreds of millions of dollars, as donor States, based on formulas which cannot be justified in our eyes, we surely want to understand what these new formulas provide, and why.

I asked a question about the new density program. It is a new program. This is not one that has been in the law for some time like the ARC or the public lands. This is a new program based on density. How are those rules divided? For those of us who have dense areas in our States, why is it that we are not on the list while some others States are on the list? It may be a very good formula. It may be a fair formula, taken in context. But it is a new formula and one I surely want to understand since we have some dense areas in my State.

We have asked for some information. I think it is only fair that we get this information. It is going to affect how at least some of us may vote on this amendment. Speaking for myself, it is going to affect how I vote on this amendment. In some sense, we are better off. There is a 91 percent assurance, we are told, that is built into the law. That is an improvement over the past.

However, there are some disadvantages to the approach as well. One of the disadvantages is that we now are

creating a very large uncertainty as to how these added funds are going to be paid for with other programs. We cannot solve that here. But we all have to understand that we are taking that risk. For those of us who are still in a significant donor position, even though it has improved over the last ISTEA, we have to weigh the risk of losing important discretionary programs against the improvements that we seek.

My good friend from Texas talked about throwing a lifeline to somebody who is drowning. Is this a 10-foot lifeline to somebody who is drowning 20 feet offshore? That is the question we have to analyze. Does someone in the position of representing a donor State vote for this because it is an improvement, with all the risks that are there? Or do we vote no on this because it still embodies for 6 more years an unfairness that we perceive?

All I am urging upon my colleagues is this: that surely fairness dictates, if not the outcome of formulas, we be given information upon which we wish to rely in voting on an amendment in a bill. As I said, I may vote for this amendment, I may vote for the bill, but we want information to help us make that judgment. For those of us who have been in a donor State position for decades, it seems to me that

this is a fair thing for us to ask and a fair thing for us to expect.

I have no need to talk longer on this. I do have a need to get the information which will permit me to make that assessment, which I have referred to.

I will suggest the absence of a quorum, unless there is somebody else who wishes to speak, in order that we can now visit with the transportation people and obtain that information that we have been waiting for.

Mr. President, unless there is somebody else who wishes to address the body at this point, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the chart that I referred to of the Federal Highway Administration be printed in the RECORD.

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

1998–2003—ISTEA II ADDED FUNDS APPORTIONED BY NET ISTEA II PERCENTAGE

(Dollars in thousands)

State	Average annual apportionments allocations for ARC & Density, and bonus payments		Dollars, Delta	Six-year percentages		
	S.1173, 6-yr	Option, 6-yr		S.1173, 6-yr	Option, 6-yr	Delta
Alabama	140,999	543,453	102,454	1.9970	2.0819	0.0850
Alaska	273,832	312,932	39,099	1.2400	1.1988	-0.0412
Arizona	342,967	404,698	61,731	1.5531	1.5504	-0.0027
Arkansas	293,707	335,644	41,937	1.3300	1.2858	-0.0442
California	2,020,393	2,372,013	351,621	9.1490	9.0871	-0.0619
Colorado	281,603	321,812	40,209	1.2752	1.2329	-0.0423
Connecticut	379,110	433,131	53,021	1.7167	1.6593	-0.0574
Delaware	103,791	118,611	14,820	0.4700	0.4544	-0.0156
Dist. of Col.	99,792	114,042	14,250	0.4519	0.4369	-0.0150
Florida	1,016,835	1,214,381	197,546	4.6046	4.6523	0.0477
Georgia	774,191	914,267	140,076	3.5058	3.5025	-0.0033
Hawaii	131,987	150,818	18,831	0.5977	0.5778	-0.0199
Idaho	181,083	206,939	25,856	0.8200	0.7928	-0.0272
Illinois	734,622	884,279	149,658	3.3266	3.3876	0.0610
Indiana	537,137	633,817	96,680	2.4323	2.4281	-0.0042
Iowa	291,411	333,019	41,608	1.3196	1.2758	-0.0438
Kansas	289,146	330,434	41,288	1.3093	1.2659	-0.0435
Kentucky	383,084	473,511	90,427	1.7347	1.8140	0.0793
Louisiana	391,895	447,919	56,023	1.7746	1.7160	-0.0587
Maine	126,698	144,810	18,112	0.5737	0.5548	-0.0189
Maryland	332,762	414,089	81,327	1.5069	1.5864	0.0795
Massachusetts	392,383	478,422	86,039	1.7768	1.8328	0.0560
Michigan	696,652	822,044	125,391	3.1547	3.1492	-0.0054
Minnesota	330,122	377,264	47,142	1.4949	1.4453	-0.0496
Mississippi	278,522	322,152	43,630	1.2612	1.2342	-0.0271
Missouri	525,467	600,512	75,045	2.3795	2.3005	-0.0789
Montana	234,082	267,506	33,424	1.0600	1.0248	-0.0352
Nebraska	185,430	211,902	26,472	0.8397	0.8118	-0.0279
Nevada	161,208	184,226	23,018	0.7300	0.7058	-0.0242
New Hampshire	114,833	131,229	16,396	0.5200	0.5027	-0.0173
New Jersey	532,206	638,198	105,991	2.4100	2.4449	0.0349
New Mexico	231,874	264,982	33,108	1.0500	1.0151	-0.0349
New York	1,126,664	1,324,725	198,061	5.1019	5.0750	-0.0269
North Carolina	624,134	744,883	120,748	2.8263	2.8536	0.0273
North Dakota	161,208	184,226	23,018	0.7300	0.7058	-0.0242
Ohio	760,326	916,776	156,450	3.4430	3.5121	0.0691
Oklahoma	348,008	397,705	49,697	1.5759	1.5236	-0.0523
Oregon	284,363	324,966	40,603	1.2877	1.2449	-0.0428
Pennsylvania	836,421	1,054,347	217,926	3.7876	4.0392	0.2516
Rhode Island	128,083	146,371	18,288	0.5800	0.5607	-0.0193
South Carolina	350,884	413,990	63,107	1.5889	1.5860	-0.0029
South Dakota	172,249	196,844	24,595	0.7800	0.7541	-0.0259
Tennessee	499,781	615,535	115,754	2.2632	2.3581	0.0949
Texas	1,520,253	1,793,886	273,632	6.8842	6.8723	-0.0119
Utah	190,417	217,615	27,198	0.8623	0.8337	-0.0286
Vermont	103,791	118,611	14,820	0.4700	0.4544	-0.0156
Virginia	565,190	699,238	134,048	2.5594	2.6788	0.1194
Washington	405,917	463,879	57,962	1.8381	1.7771	-0.0610
West Virginia	225,413	305,472	80,059	1.0207	1.1703	0.1495
Wisconsin	401,153	473,357	72,204	1.8165	1.8134	-0.0031
Wyoming	167,833	191,797	23,964	0.7600	0.7348	-0.0252
Puerto Rico	101,332	115,802	14,470	0.4589	0.4436	-0.0152
Total Apportioned	22,083,248	26,103,083	4,019,835	100.0000	100.0000	

Mr. LEVIN. 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. BYRD. 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. BYRD. Mr. President, I take the floor because we are presently in a quorum call and I thought it might be a good time for me not to overly impose on the Senate, since the Senate is not having any debate at the moment anyway.

Mr. President, Sir Francis Bacon, who was the Lord Chancellor and who ultimately went to the Tower—he wasn't executed, but he went to the Tower. In 1621, he was impeached and he was sent to the Tower for accepting bribes, which he admitted. He said there are three things that make a nation great and prosperous: a fertile soil, busy workshops, and easy conveyance for men and goods from place to place.

The Persians knew the importance of good roads, and had a network of roads that connected Susa and Ecbatana and Sardis and Babylon and Ninevah and Carchemish. Cyrus the Great was the king of Anshan in 559 B.C., and he became the king of all Persia when he defeated the Medes in 550. From 550 B.C. until 529 B.C. Cyrus ruled. Cyrus was killed in a battle with the Massagetai, whose ruling queen was named Tomyris—Tomyris. It's a very interesting story.

Herodotus, the author of history, tells us about it. I won't repeat that part today. Cyrus was killed in 529 B.C. and Cambyses, his son—Cambyses II—ruled from 529 to 522 B.C. Then Darius the Great ruled from 522 B.C. to 485 B.C.

Darius the Great—and Herodotus tells us this—Darius became king upon the neigh of a horse. He and some others joined in a conspiracy and assassinated an imposter to the throne. Upon the death of the imposter, these seven conspirators, of which Darius was one, decided they had to make a decision as to who would rule. They had a very interesting discussion about democracy and aristocracy and monarchy. Herodotus tells us all about it. It would be interesting for Senators to read that, or to reread it in the event they have already done so.

In any event, they decided at sunrise they would go out into the suburbs, these several conspirators, and that the first horse that neighed, the rider of that horse would be king of Persia. Darius subsequently told his groom, Oebares, about this and said, "This is what we have agreed upon. Do you have any ideas?" Oebares said, "Yes, don't you be concerned about it. Your horse will be the first to neigh."

That evening, Oebares took the favorite mare of Darius' horse into the

suburbs and tied her to a tree. He then took Darius' horse to where the mare was tethered, and, after a little while, returned with Darius's horse into the city for the night. The next morning, Darius and the other conspirators rode out into the suburbs with their horses. As they came near to the area where the mare was still tethered, Darius' horse neighed. The other conspirators immediately fell down upon the ground and proclaimed Darius to be the new king of all Persia. This is according to Herodotus.

Darius the Great built great roads. The Egyptians knew how to build good roads, the Etruscans, the Carthaginians, but the Romans were the truly great roadbuilders. Some of the roads and bridges that the Romans built hundreds of years ago are still in use. Many Senators who have visited Rome and have gone out to Tivoli—a few hours drive—have traveled the Old Appian Way, which was built by Appius Claudius Caecus, beginning in 312 B.C. and extending from Rome to Capua and on to Brundisium. The Romans knew how to build roads. They understood that in the center of the road there had to be a crown so that the water would drain off on each side and that on each side there had to be a ditch for the runoff water. These roads enabled the Roman legions to reach any part of the vast Roman empire. The Romans were great roadbuilders. And they built bridges, some of which are still in use today.

Now, roads in our time are very important and we have heard the expression that America is a country on wheels. People are on wheels. They are going hither, thither and yon at all times.

The Department of Transportation has indicated that the highways in all of the national system have deteriorated and that only 39 percent of the highways in the national system are in "good" condition.

We now have this highway bill that has come to the floor and we have already discussed the amendment, how it came about, and the meetings that took place in the majority leader's office. I said before and I say again, the majority leader performed a tremendous service in inviting those who were participants in the discussions, inviting them to his office and sitting with us each day, assisting us in reaching an agreement which now takes the form of an amendment to the ISTEA II bill, the Intermodal Surface Transportation Efficiency Act.

I came into these meetings, in a way, as someone out of the highways and hedges. I am not on the Environment and Public Works Committee. I am not on the Budget Committee. The Environment and Public Works Committee has jurisdiction over this legislation. I am not on that committee. Mr. BAUCUS is the ranking member of that committee. Mr. CHAFEE is the chairman. Mr. WARNER is a member of that committee and is chairman of the Transpor-

tation Subcommittee of that committee. Mr. DOMENICI is chairman of the Budget Committee, and Mr. GRAMM of Texas is a member of the Budget Committee. Those were the participants. I believe Mr. D'AMATO sat in on one or two meetings. He is chairman of the Banking Committee, which has jurisdiction over the mass transit moneys. That was not part of our amendment.

So, as I say, I was a stranger, in effect, to these meetings, not being a member of the committees that were directly involved. But I got into this thing because of Appalachia and because the moneys that were being deposited into the highway trust fund were not being spent for highways. And I talked with various Senators, upon one occasion with the Senator from Montana, Mr. BAUCUS. I said, "We need help on Appalachian highways." He said, "Well, we need more money, we need more money." I said, "OK, let's spend the money that is going into the highway trust fund. That is what the people think it is being collected for; let's spend it."

Mr. GRAMM of Texas had offered an amendment last year in the Finance Committee to transfer the 4.3-cent gas tax, of which 3.45 cents is for highways and 0.85 cent, or a little less than 1 penny per gallon, is for mass transit.

Mr. GRAMM had taken the bull by the horns and had, in the Finance Committee, offered an amendment, which was adopted, to transfer the 4.3 cents gas tax into the trust fund.

Senator GRAMM's amendment was later adopted by the Congress in the Taxpayer Relief Act. Congress adopted that proposal, and that money has been going into the highway trust fund but not being spent.

For those two reasons, I invited myself to the "party." I came up with this fine team of GRAMM, BAUCUS, and WARNER, and we all said, "Let's spend that money on highways and bridges," and we accordingly joined in sponsoring the amendment to do so.

That is how the Romans would have spent it. That is how the Etruscans would have spent it. I think that if Darius and the Persians were here today, they would say spend it on roads.

The four of us worked hard over a period of several weeks and months to get other cosponsors on the amendment. In the final analysis, we got 54 cosponsors in all. The day we reached an agreement on the amendment, may I say to the Senator from Montana, Mr. BAUCUS, I received a call from a 55th Senator saying, "I want to get on that amendment."

So it is never too late—never too late, never too late—to go to the altar, never too late to get religion, never too late to join in a good cause.

There were several Senators who said they did not want to cosponsor the amendment for various reasons, but if it came to a vote, they would support the amendment. I hope that will be the case.

This bill does not please everybody. I have not talked about Appalachia because I sense that there is a tendency for some people to think that I am only interested in Appalachia. However, I listened to Senator GRAMM just a little while ago make an excellent case for Appalachia.

Many times I have read Daniel Webster's reply to Senator Hayne of South Carolina on Tuesday and Wednesday, January 26 and 27, 1830. It was on January 26 and 27 that Webster took the floor in the old Chamber just down the hall and made his magnificent reply to Senator Hayne of South Carolina.

Many of the schoolboys in this country years ago memorized those speeches by Webster. We used to do those things. Webster spoke from about 12 pages of notes, one of the great, great speeches of all time, perhaps not the greatest. Demosthenes in his oration on the Crown probably delivered the greatest oration of all time. Cicero was once asked which of Demosthenes' speeches he liked best, and he said, "The longest."

Webster, in his debate with Hayne, made my case concerning "a road over the Alleghenies." I have quoted him a number of times over the years. I will not do that today. The record has been made.

But I could not have said it better than did Senator GRAMM earlier today.

So much for Appalachia at this point. I came here today to speak on the overall amendment. The adoption of this amendment signals a critical milestone in restoring integrity to our highway trust fund and the trust of the traveling public—the trust of the traveling public in their Federal Government. You drive up to the gas tank and you buy gasoline; you pay 18.3 cents on every gallon of gasoline in Federal tax—18.3 cents.

The ranking member of the Environment and Public Works Committee, who knows a lot about these things—I am not supposed to know a lot about this subject; don't know a lot about anything probably, not as much as I used to know on many subjects.

The Senator from Montana will correct me if I make a misstep here. The American people when they drive up to that gas pump see the little cylinder running round and round and round, and they know that the gas is flowing out of that nozzle into the tank of their car. As that cylinder rolls, the gas is pouring out of the nozzle. In their mind's eye, they should also see that as that cylinder rolls and the gas flows into the tank, there is also money flowing from their purchase into the highway trust fund. Just as the cylinder rolls, that money is flowing right into the highway trust fund.

So, there is 18.3 cents on the gallon that they pay in Federal tax. As Senator GRAMM has put it a number of times—the only part we are talking about here is the last 4.3 cents permanent gas tax that was added by the Congress—we are not talking about the

cattle that were rustled before the 4.3 cents tax was enacted, we just want you to stop rustling the cattle.

In any event, we are talking about the 4.3 cents. Actually, in our amendment, we are talking about the 3.45 cents of that 4.3 cents, and we say that the people believe that that money is going into the construction and repair and maintenance of the highway system.

That trust fund was created in 1956. I am probably the only Member of the Senate who was in Congress at the time that trust fund was created. That was during the Eisenhower administration, when the interstate system of highways was created, all of which has been completed. That trust fund is what we are talking about. The 4.3 cents gas tax is going into the trust fund, and it should be spent on highways.

My colleagues and I who cosponsor this amendment are simply saying let's keep faith with the American people.

Senators GRAMM, BAUCUS, WARNER and I have toiled mightily over these last several months to boost the resources available over the next 6 years to better meet the needs of our Nation's transportation infrastructure and better spend the resources that are collected from the public and deposited in the highway trust fund.

Over the last several years, spending on our Nation's highways has been restricted so severely that the highway account of the highway trust fund now shows an unspent balance of more than \$12 billion, money that sits idle in the trust fund, serving only the purpose of offsetting the Federal deficit at a time when our roadways and bridges are deteriorating at a rapid rate and our constituents are required to sit in ever-worsening traffic jams.

This past summer, the Senate adopted the Taxpayer Relief Act of 1997 which, through the efforts of my colleague Senator GRAMM, took the 4.3 cents gas tax initially levied for deficit reduction and moved that revenue into the Highway Trust Fund. As I indicated earlier, of that 4.3 cents, 3.45 cents was newly-deposited into the highway account of the highway trust fund. However, the ISTEA II bill reported by the Environment and Public Works Committee, S. 1173, did not authorize one penny—one penny—of that additional revenue to be spent on our Nation's highways and bridges. It was at this time—part of this is a repetition of what I have said earlier—it was at this time that Senator GRAMM and I joined forces to mount a campaign to amend the committee bill so as to allow the spending of the resources of the 4.3 cents—spend it.

We were very pleased to be joined in our efforts by Senators BAUCUS and WARNER, respectively, the ranking member and chairman of the Surface Transportation Subcommittee.

It has been a vigorous battle that we have waged here over the past several weeks trying to gain the minds and the

hearts of other Senators. Up to one week ago we had 54 cosponsors, and then we got a 55th one. But we were faced with very able adversaries in these meetings in Senator LOTT's office—very able adversaries in Senator DOMENICI and Senator CHAFEE.

One week ago, the majority leader, Mr. LOTT, invited us to his chambers in an effort to negotiate a compromise on this issue. And I have commended and will commend again the fair-minded manner in which the majority leader presided over those negotiations.

Senators BAUCUS and GRAMM and WARNER and I were not inclined to negotiate a solution that in any way abandoned our principle of authorizing the spending of the revenue in the highway account of the highway trust fund. And we made that point very clear. Even so, there were other factors that appropriately were brought into the discussion and merited the attention of all participants.

Specifically, the Congressional Budget Office has reestimated the revenue stream of the 4.3 cents coming into the trust fund, as well as the overall cost of the committee-reported ISTEA bill. It also reestimated the total amount of new revenue coming into the trust fund over the life of the next highway bill, 1998-2003. The changes reflected in this amendment, in comparison to the original Byrd-Grass-Baucus-Warner amendment, largely reflect the appropriate differences in CBO's estimates.

The original Byrd-Grass-Baucus-Warner amendment authorized \$30.9 billion, an amount equivalent to CBO's original estimate of the revenue to the highway account of the trust fund for the period, fiscal years 1999-2003. CBO reestimated this revenue stream to be a level of \$27.4 billion. This amendment that we are cosponsoring, that we are presently considering today, totals \$25.9 billion of the \$27.4 billion that we had asked for. So we came down from \$27.4 billion to \$25.9 billion. And, as such, this amendment covers 94 percent of our initial goal.

Now, Mr. President, I have been in several high-level negotiations in my public career of 52 years. It is rare that I am offered 94 percent of my original position and, as such, I, along with Senators GRAMM, BAUCUS and WARNER, embraced this final compromise. And as was true under the Byrd-Grass-Baucus-Warner amendment, every State—every State; every State; every State—will see substantially increased highway funding authorized in this bill.

Now, we brought money to the table. And I can understand how everybody now wants a chunk of that money that we brought to the table. And they should have a chunk. I came to the Senate from the House of Representatives when there were 48 States in the Union. And when I was sworn in on January 3, 1959, the two Alaska Senators were sworn in with me. There were 96 Senators, and those two Alaska Senators that were sworn in with me

made 98 Senators. Later that year, the two new Hawaii Senators came in to make a total of 100 Senators.

Well, 50 States in the United States are benefiting under this amendment. I wanted to see the tide rise for every State—the tide would rise and lift the boats for all the States. I wanted to see that money taken out of the trust fund and spent for highways and bridges in all 50 States.

And I wanted the people of Appalachia, who have waited 32 years, to see their boats rise. I wanted to see a consistent, secure source of funding for those Appalachian highways. Appalachia consists of 13 States, 200,000 square miles, 22 million people in Appalachia. We are all concerned about helping the disadvantaged and minorities.

Well, here is a whole region of people, stretching from southwest New York down the spine of the Appalachians into northern Mississippi and Alabama, people who have been disadvantaged. Yes. We are also a minority in some ways, a minority of people for whom the general prosperity of the Nation has not been fully enjoyed.

I was here when Congress passed the legislation authorizing the Appalachian Development highway system in 1965. For the entire Appalachian region, 78 percent of the highways have been completed—78 percent. In West Virginia, only 74 percent of the Appalachian highways have been completed. West Virginia is the only State among the 13 States that is wholly within Appalachia.

The people of Appalachia have been promised this a long time. It, too, is a part of the Nation.

So, out of the roughly \$26 billion in our amendment, yes, \$2.5 billion is for Appalachia. Not just for West Virginia, but the 13 States of Appalachia. I am proud of Appalachia, proud to be a West Virginian. I asked for only a small portion, \$2.5 billion, for the 13 Appalachian States, and all the rest of the money that I helped to bring to the table can be spread throughout the 50 States.

Every State—every State—will see substantially increased dollars as a result of this amendment. Moreover, Senator DOMENICI's participation in these negotiations has given rise to an understanding that additional outlays will be found through the budget resolution to enable the Appropriations Committee to fund these additional authorizations.

I thank Senator DOMENICI, who brought his considerable expertise on budgetary matters to the negotiating table. Here is a little bit more about Appalachia. I have already spoken about Appalachia, but I will read it. It won't take long.

Regarding the Appalachian Development Highway System (ADHS), I have worked long and hard to secure contract authority authorizations for the program in the new highway bill.

Let the States in Appalachia draw down contract authority from a reli-

able source of funds and complete their system, and in doing so, they, too, will lift all the books of the Nation.

In January of 1997, over a year ago, I visited the President in the Oval Office and urged him to include contract authority authorizations for the Appalachian Highway System in his ISTEA II proposal. He expressed his support for my position and, subsequently, did include \$2.19 billion in contract authority in his ISTEA II proposal.

Under the agreement that has been reached, authorizations of contract authority for the Appalachian Highway System will result in a total of \$2.19 billion in authorized contract authority over the six years, 1998-2003. This is the same amount as requested by the President, a compromise which I am willing to accept.

Let me emphasize that these funds will not be earmarked in any way. They will be allocated to the states on the basis of the mileage yet to be completed and on the cost to complete that mileage.

At markup the day before yesterday, the Environment and Public Works Committee utilized the new resources that were agreed to in the negotiations to satisfy the concerns of several other members from several other regions of the country. The amendment includes additional authorizations for the donor states, for parks and refuge roads, and for a new "density" program.

As I say, each of us would like to have more in this bill. I don't watch TV very much. I am very selective about what I watch on that magnificent medium, but I do watch these presentations that come along from time to time that show us what is happening out in animal country. I see a group of animals chasing another animal. I see the powerful lion, a herd of lions, and they are stalking, stalking, stalking a poor gazelle, a zebra, or some other animal. Finally the lion—ah, the king of beasts!

I remember the old fable in which a fox and a lion were having a discussion, and the fox said, "Look, I have many whelps, and you have only one." The lion answered and said, "Yes I have only one, but that is a lion."

The lion closes in for the kill. The lion attacks the victim, and then all the other lions rush in and seize a share of the kill. They want in on the kill. That is like it is sometimes in politics.

I hope that with the adoption of this amendment the Senate will move rapidly to debate the remaining amendments to the bill so we can ensure the earliest possible opportunity to send a comprehensive 6-year transportation bill to the President. I remind my colleagues that, including today, there are 33 sessions remaining through May 1. Come the stroke of that clock, 12 o'clock midnight on May 1, no State can obligate an additional dollar for highways. We have to move rapidly to adopt a highway program. We must remember that our colleagues in the

other body have yet to act on a 6-year highway bill. With the breaking of this logjam, I hope our colleagues in the other body will move expeditiously to pass a robust multiyear highway bill that meets or exceeds the levels authorized here today so that the authorizing committees can get to conference and send a bill to the President prior to May 1.

Before I yield the floor, I want to thank sincerely our minority leader, Senator DASCHLE, who carefully monitored our progress and supported our efforts. Again, I thank my principal cosponsors, Senators GRAMM, BAUCUS and WARNER. We did not allow ourselves to be divided in this effort, and the level of funding in this amendment reflects the success we enjoy by remaining united.

Finally, let me thank Senators DOMENICI and CHAFEE, two fine committee chairmen, who are equally able today as allies as they were as adversaries at an earlier time. This is an important bill to you who are listening and watching via television and radio. This is for you and it is for your children—your children.

An old man traveling a lone highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side,

And he built a bridge to span the tide.

"Old man," said a fellow pilgrim standing near,

"You are wasting your strength in building here.

Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?"

The builder lifted his old gray head.

"Good friend, in the path I have come," he said,

"There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him."

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I know the time is running out on the debate on this major amendment, the amendment that is in the nature of a substitute. But I wanted to take about 5 minutes and express my views about it.

Frankly, it is common knowledge around here that I was not in favor of moving quickly with the ISTEA bill. But clearly, we are ready now. We have

had ample opportunity to discuss how much money is coming into the trust fund from the 4.3 cents, how much contract authority ought to be obligated to use it up during the next 5 years. Part of that would be in 1998. So it is a 6-year cycle. We arrived at a conclusion that is pretty clear and pretty close to fair, in my opinion. In fact, I think it is about as well as we can do.

America needs highways. The U.S. Government has a lot of programs it is involved in that are not its responsibility. But there is no question that it is the responsibility of the Federal Government to appropriately handle the gasoline tax money and to let our States build roads with it. So, in a very real sense, it is a very high priority, because for many things that we spend money on, we are not, in a sense, as trustees, obligated to spend money for those things. And there are scores of them.

So I have come to the conclusion that the dollar number of \$173 billion as the total expenditure over the next 5 years is a right number, consisting of the gasoline tax of 4.3 cents which used to be in the general fund and is now in the trust fund. I believe it is going to help our States in many ways, and I think in many parts of the United States it is going to provide some very, very healthy employment where it is needed.

In addition, it seems to me that the chairman of the Committee on Environment and Public Works, with the able assistance of Senator BAUCUS as its ranking member, and the entire committee, all of whom have voted in favor of this amendment, have put together a very good cross section of the kinds of things we need in these changing times to carry out our responsibility with reference to this gasoline money and get some national programs that are necessary and put as much of it as we can—91 percent minimum—to every State, as I understand it, in return for their dollars so that they can begin this process of gearing up to build more roads. And they will take a little while for that. This is a very big increase. They are not going to be able to start next month with a maximum effort in this program. It will take the rest of this year and part of next year before it is actually built up to the maximum.

But I think the American people, probably on more than anything else we are going to be voting on around here—a broad cross section, not a little special interest or a sliver of our society, but a very broad cross section—want more roads, if we have gasoline tax money to pay for them. And many States have put their own gasoline tax on it and are even doing more.

There is nothing more frustrating for the people in my home State in a growing city to find out—already when we are not even 1 million in population—that their roads are clogged, the freeways are not working, and nothing causes them to wonder more what is

going on in terms of planning and appropriate expenditure of resources. We are about to say to them that I think this is about as good as we can do, with all of the competing interests. This is about as fair a program for all of the sovereign States and for the kind of special highway research and the like that is necessary.

So from my standpoint, I am on the amendment. I wasn't on the original Byrd-Grumm amendment. We had some very lengthy debates trying to arrive at the right dollar number—we did—that permit me in good conscience to say that we have a good bill. There are some very legitimate questions. And, if there were Senators here, they could probably ask me, with some degree of difficulty—and I would have some degree of difficulty answering them—that is, since every year we put in an appropriated amount for these highways that comes within the annual cap that we must live with, the annual total domestic program spending, how are we going to add this to the entourage of American programs that exist and still meet that cap when we didn't contemplate this program?

Let me repeat, I see no difficulty doing that for the next year. We have to find just a little over \$1 billion to accomplish that purpose in the first year. It grows a little bit, because contract authority is slow to spend, and it will get bigger. In the fourth and fifth year, it will be bigger, and then well beyond the caps that will be spent. But caps won't be around in the last year of this expenditure. Nonetheless, I believe that since this is so vitally important, that we will find the wherewithal to meet our caps—that is, meet our total domestic expenditures—and, yet, be able to fund this program.

If some Senator, insisting on knowing precisely what program would be constrained, cut back or eliminated in order to pay for it, I wouldn't be prepared to tell you that. But I am prepared to tell you that the Budget Committee will have to do that. It will make some recommendations on how we pay for this program and maintain the authenticity and variety of our caps where we believe that our balanced budget will be a balanced budget. I think we can get there.

I thank everybody who participated, and all who have joined today in this amendment can say they were part of the original amendment which pushed this forward. And I have no quibble with them. There were a lot of Senators on that—not quite as many as the proponents would have liked. I had a little bit to do with that. I asked some not to go on so that we could make an agreement. I hope they are not feeling put upon, having waited and now to be able to vote for this bill and be on it. I don't like to do that, but I sort of thought it would be better for everyone if we slowed up a little bit. And it turned out well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, we spent a good deal of time this afternoon without any action on the floor, in quorum calls. We want very much to get on with this bill. People ought to bring over their amendments. If they have problems—as you know, we are just dealing solely with the so-called Chafee amendment, which is the major amendment dealing with the increased financing for a whole series of programs. I see no reason why we should not go to a vote. No one has brought over any amendments. Nobody is proposing anything here on the floor. We have worked out the ones who have. We have worked them out. Others say they are going to get together. They may be along. It is all very indefinite. I see no reason why at a quarter of 3 we should not have a vote.

So, Mr. President, that is the tilt I have, because I want to get on with this bill. There are other lengthy amendments after this. This is not the last amendment by a long shot. There are other amendments that we have to consider. We have one involving disadvantaged business enterprises and a whole series of others. There are some 100-plus amendments out there. Clearly, hopefully, they are not all going to be brought up, but we ought to get on with this. If people have problems, come on over here.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I chime in with the remarks of the distinguished Senator, chairman of our committee, Senator CHAFEE, and encourage Senators who do have amendments on this underlying amendment to come on over. I am going to encourage the chairman to go to a final vote on this amendment in the next 25 minutes, by a quarter of 3. Senators have had more than ample notice all day long, certainly this afternoon, and having heard from the chairman and from myself, all the offices around, they have about 25 minutes to get here. That is more than fair. I think it is, frankly, in fairness to other Senators who want to get on with this bill, move on with it—it's in fairness to them that we vote by a quarter to 3 on this final amendment. Unless Senators come to the floor with their amendments where we can work out some kind of time agreement in some expeditious manner, I really strongly encourage the chairman to vote at quarter to 3 if there are no pending amendments.

Mr. INHOFE. Will the Senator yield?

Mr. CHAFEE. Yes, to the Senator from Oklahoma.

Mr. INHOFE. I share the frustration of the chairman and ranking member. I advise them I have an amendment which is at the desk. Everything has been worked out with the minority, majority, EPA. In a very few minutes I would like to set aside any business to take that up. It should be a very short amendment and should be voice voted.

Mr. CHAFEE. I agree with the Senator from Oklahoma. He has worked with us, starting last night. I just finished a conversation with the Administrator of EPA. The Senator and the Administrator have worked out their problems. Certainly it is something I can accept, and I will have an opportunity to discuss it with the ranking member, and I am confident he will find it acceptable, too. That's what we want to do. Let's get on with these things. The Senator from Oklahoma has been over here.

I just want to say to the Senator from Oklahoma, as soon as we get his worked out then we will move to set aside this and see if we can't dispose of his amendment quickly.

The Senator from Florida?

Mr. MACK. I just want to address myself to comments that were made by Senator LEVIN a little earlier with respect to, frankly, those of us who are considered donor States. We are still looking for more information. I understand from your point of view we have all the information that there is to have, and we ought to have sufficient data to make decisions about where we are on this amendment.

I would say to the distinguished Senator that last evening several of us met with our staffs, going over, asking questions about what the impact of the amendment would be to our individual States. There was no clarity last night. We called and asked for a meeting this morning with individuals from the highway department, to come down and go over the data with us. They did so this morning. We asked for additional information. They are working on getting that information back to us. We hope sometime this afternoon that information would be available to us. We will then be in a better position to evaluate just exactly where we are.

I must say, maybe it is because I am dealing from a position of real extreme frustration, representing a State that we believe under the old proposal had about 77 cents back for what we had contributed in the past, in the last year. I remember the debates and the discussions that we had 5 years ago, kind of saying, "This is never going to happen to us again," that is being a donor State to the extent that we have been.

So we are concerned and we do not feel that we have enough data to make a decision. We think it is unfair to say, let's just go ahead and move this amendment at this time. We do not have, and have not had, the time that you all have had over these last several months to be working on this bill. We have this opportunity now to try to

evaluate what the amendment does. We are making a reasonable request. We are not trying to delay the bill. So, I ask the amendment be set aside until we have an opportunity to get this information and we can then discuss how we proceed.

Mr. CHAFEE. I say to the distinguished Senator from Florida, I would be very reluctant to set this aside. It has been my experience in this place, once you set it aside, if we had 10 problems now, we will have 30 problems by tomorrow as everybody's staff gins up more problems in response to the legislation before us.

I don't know—

Mr. BAUCUS. Will the chairman yield?

Mr. CHAFEE. Yes.

Mr. BAUCUS. Maybe one solution here—there is no perfect solution. Maybe one solution might be to vote on this amendment, and Senators who have concerns about this amendment can state them, that is, they are voting for it kind of on reservation or something like that, pending information that they get, and reserve the opportunity to offer amendments at a later time. I say that because this amendment, I suspect, is going to pass. Therefore, that will have passed and we will be done with it. Then we can still address the concerns that the Senator from Florida may or may not have, and having passed this amendment doesn't put him in a disadvantageous position.

Mr. WARNER. I think in our discussions you intended a voice vote.

Mr. BAUCUS. A voice vote would be more helpful to the Senators who do not know.

Mr. WARNER. I think the senior managers of the bill would be willing to accept that.

Mr. CHAFEE. You guessed it right.

Mr. WARNER. Then the bill is open for amendments throughout the course of further deliberations.

Mr. MACK. Again, I appreciate the response. I understand. Each of us has had the opportunity to manage a bill. We know how we want to keep that bill moving. The longer it lays out there, the more difficulties it attracts. So I understand the concerns of the managers.

Give us a few moments, those of us who are the donor States, an opportunity to take a look at this and see how we might proceed.

Mr. CHAFEE. If the distinguished Senator from Florida is talking about a few moments, he is stirring my heart.

Mr. MACK. We might have a several-hour debate on what the definition of "moment" is.

Mr. CHAFEE. We all know what "moment" means. If you want several moments, you go to it. As of now, I'm saying everybody come on over here with their amendments, all individuals come with their amendments, and hopefully we would like to have a vote by a quarter of 3. But because of the urging of the Senator from Florida, a few moments will get us along for a while.

Please, all I would say to the Senator from Florida, a few moments really doesn't mean a meeting at 6 o'clock tonight.

Mr. MACK. I understand.

Mr. LEVIN. Will the Senator from Rhode Island yield for a moment?

Mr. CHAFEE. Yes.

Mr. LEVIN. I think what the Senator from Florida is saying—I concur—is we would be able in a few moments to know whether the suggestion of the Senator from Montana would be acceptable to us, and that could literally be in a few moments, and then we could have a voice vote promptly, and then, with the understanding set forth and the suggestions set forth by the Senator from Montana, be able to consider the data which we expect later on today at a later time.

Mr. CHAFEE. You have a few moments. Come on back and see us in a few moments. Let's all agree that a few moments isn't very long.

Mr. BAUCUS. I would like to, if I could, quantify a little bit what a few moments means. Can the Senators tell us that a few moments means no more than 15 minutes?

Mr. MACK. We might debate this issue for an hour or two—

Mr. BAUCUS. At least let us know in 15 minutes whether you can accept.

Mr. MACK. It was indicated a little earlier that there would be maybe 25 minutes. I think our definition of "moment" would fit within that range.

Mr. BAUCUS. We have used up about 10 minutes of it.

Mr. CHAFEE. All right.

Mr. BAUCUS. OK; 25. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, as I previously announced, we want to get on with this legislation. It is my intention that at 3 o'clock, I will ask unanimous consent that amendment No. 1684 be agreed to, the motion to reconsider be laid upon the table, and the amendment be considered as original text for the purpose of further amendment.

I ask unanimous consent that Senators WYDEN and SESSIONS be added as cosponsors of this amendment.

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

Mr. WARNER. Mr. President, it is the intention to seek a voice vote; we want to make that clear.

Mr. CHAFEE. Yes, it will be my intention, as I say, at 3 o'clock to proceed with a voice vote on the amendment.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. In the interim, if Senators wish to talk on this subject or others, I will reserve the time at 3

o'clock to proceed with this unanimous consent request.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. LEVIN. I want to say to the Senator that this is acceptable to this Senator as a way of proceeding, so we can preserve our rights after we get the material we have been waiting for to determine whether or not we wish at that time to offer amendments relating to the subject we discussed this morning. I thank my good friend from Rhode Island.

Mr. CHAFEE. We, obviously, hope the Senator will not have an amendment, but should he have one, we shall be delighted to receive it.

Mr. WARNER. Mr. President, if I might, Senator MACK wishes to associate himself with the remarks of the Senator from Michigan. He was very active in the discussions on this, as was the Senator from Michigan. So we thank them as a group speaking on behalf of the donor States. I have been one of the major spokesmen for donor States, and I am glad to have the assistance of my colleagues.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senators on the floor who are concerned about protecting their rights, and I thank them for being so accommodating. We have worked out an arrangement where we can move forward with this bill and, yet, they can still protect their rights and offer amendments if they so choose. I thank them.

It is my understanding, Mr. President, the Senator from Michigan would like to have a colloquy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to have a colloquy, if my good friend from Montana is able to do it at this time.

Is it the intent of this bill, assuming this amendment is adopted, to return to the States 91 percent of their share of contributions to the trust fund or 91 cents of each gas tax dollar sent to the highway trust fund?

Mr. BAUCUS. I say to my friend, of the amounts apportioned to the States, the goal is to give States 91 percent of their percent share of contributions to the highway trust fund.

Mr. LEVIN. So, it is not true, then, because of various administrative, research and special funds set aside and not distributed to all the States, that the total dollars returned to each State would be less than 91 percent of its contributions to the highway trust fund highway account?

Mr. BAUCUS. The Senator is correct. However, let me make an important point. In the underlying bill, 10 percent of the money is used for things such as research, emergency relief for natural disasters and administrative costs. That 10 percent is not counted in the calculation of the State's share. But

this is not a new concept. These are national programs. It is the approach that has been taken in the previous ISTEA program as well. It is not new. In the amendment, I say to the Senator, we have given Michigan actually a better deal.

In this amendment, we calculate the dollars needed to give you a 91-percent share. This calculation, for the first time, includes other programs. Included in the calculation under the amendment are the additional amounts apportioned to the States, that is \$18.9 billion, plus the \$1.8 billion in the new density program and the \$1.89 billion in the Appalachian highway program. The result is that 91 percent is now calculated on a larger universe of funds than in the underlying bill.

Mr. LEVIN. I thank my friend. Just to be clear, the 91-percent share does not assure a minimum 91 cents back on each dollar sent to the trust fund; in terms of cents on the dollar guaranteed, a 91-percent share is going to be less for each State, as it always has been, than 91 cents on the dollar.

Mr. BAUCUS. The Senator is correct.

Mr. LEVIN. I thank my good friend and yield the floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). 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.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment No. 1684 be laid aside until 4:10, at which time it would then come up under the prior arrangement that we had.

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

Mr. CHAFEE. Madam President, the Senator from Oklahoma has an amendment.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1687

(Purpose: To ensure that the States have the necessary flexibility to implement the new standards for ozone and particulate matter)

Mr. INHOFE. Madam President, I have an amendment at the desk, and I ask for its consideration.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE), for himself and Mr. BREAUX, proposes an amendment numbered 1687.

Mr. INHOFE. 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 the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS
FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as PM_{2.5}, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any PM_{2.5} national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as PM_{2.5} and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any PM_{2.5} national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a PM_{2.5} monitoring network necessary to implement the national ambient air quality standards for PM_{2.5} under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for PM_{2.5} monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the PM_{2.5} monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 PM_{2.5} national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method PM_{2.5} monitors shall be considered for such designations. In reviewing the State Implementation Plans the Administrator shall

consider all relevant monitoring data regarding transport of PM_{2.5}.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Notwithstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the PM_{2.5} Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) the Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1-3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or PM_{2.5} standards.

Mr. INHOFE. Madam President, we have had an amendment and actually have had a bill to address a problem that many of us are concerned with having to do with a change that was proposed by the Administrator of the EPA in November 2 years ago. This made dramatic changes in the standards for particulate matter and for ozone.

We held extensive hearings. As chairman of the Clean Air Subcommittee, we had seven hearings on this bill. It has become very controversial. The Administrator of the EPA has set the standards. After having gone through the process of the hearings and the process of the comment periods, it is now set. However, in the memorandum of implementation by the President, we have a time guideline for the implementation of these standards. Let me repeat that. The standards are set in both particulate matter and in ozone but not yet implemented. The implementation period provides for certain periods of time for establishing a PM monitoring network for collecting data for Governors to recommend areas of designation for the EPA to designate new nonattainment areas, and then for the States to submit State implementation plans. That would be true on both ozone and particulate matter.

What we are attempting to do with this bill is to take these guidelines to make sure that they are in order and that everyone has ample time to carry out what has to be done in order to implement these standards. That would require a period of time.

So what I have done with this amendment is take the memorandum of implementation from President Clinton and put that down into periods of time as he recommends, and we are adding

that as an amendment. Obviously, this is germane to this bill because if we are to find ourselves out of attainment, it would dramatically affect the ability of the States to be able to have their transportation funds.

So with the following three exceptions, this amendment only puts into the bill the time guidelines that we have all agreed to. It has been signed off on by the minority and the majority and the EPA.

The first one is an area that does not affect time lines. It has to do with fully funding. This is a conscientious concern. However, the States have talked to us through the Governors associations, U.S. Conference of Mayors, the counties, and the rest of them saying that what they don't want to have is an unfunded mandate whereby they would have all of these obligations to monitor the PM and go through all of this and not have it funded. This portion of the amendment, section (2)(a), requires that the EPA absorb all of these costs.

The next area is one that meets a problem that mostly concerns the agricultural community throughout America; that is, their concern with how they will be treated. Section 2(e) says that this study would take place that would address the concerns of farmers who believe that they will be targeted for PM 2.5. And we talked about PM 2.5. We are talking about 2.5 micrograms as opposed to the current 10 and emissions larger than 2.5.

This is their concern. Everyone has agreed that this is a legitimate concern that the farmers of America have, and we are accommodating them.

The last section that does not affect just the timeline is section 4 where it says:

Nothing in section 1-3 above shall be construed by the Administrator of the Environmental Protection Agency or any court, State, or person to affect any pending legislation.

There is some pending legislation.

I would like to add that I had a conversation with Administrator Browner, and we have had many nice conversations. While we have occasionally disagreed philosophically on some things, I did agree with her that if this amendment passes and survives the conference, passes and then is signed into law, I have no intention of bringing up any other legislation or amendments affecting the national ambient air quality standards; that is, barring anything totally unforeseen. I can't imagine what that would be.

Mr. President, my amendment today addresses the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. As you know, I have been a vocal critic of the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. My subcommittee has held extensive hearings on both standards, and I am convinced, based on the record developed in those hearings, that those standards are not needed to

protect the health of our citizens, or our environment, and that the implementation of these standards will impose huge costs on the country, that are completely unjustified. For these reasons, I have sponsored legislation that would require EPA to reconsider these standards, before they are implemented.

I rise today to pursue a narrower objective. The administration has announced an implementation plan for both standards. However, a number of concerns have been raised about EPA's ability to implement this plan under the Clean Air Act. One key concern has been whether EPA can hold off on designation areas as not meeting the new standards—i.e., as nonattainment areas.

With regard to PM 2.5 (the new Particulate Matter standard), three years of federal reference method monitoring data are necessary to designate areas, and a monitoring network—funded by EPA, not the states—needs to be put in place to generate these data.

With regard to the ozone standard, EPA needs to develop guidance on nonattainment boundaries, before the designation process can even begin. EPA says that this guidance will be available in 1999, but, the states still must submit their recommended designations to EPA this July unless something is done.

The amendment I have offered is designed to address these concerns by giving the Agency clear authority to proceed with the schedule announced by the President last July. I am offering it because I believe it would be unacceptable for the Congress to allow a situation to develop where uncertainty about EPA's legal authority could result in confusion and chaos.

I caution, however, that this legislation does not affirm the standards. Whether those standards are lawful, appropriate, and necessary is still an open question that is being considered by the Courts. We can't realistically expect this question to be answered in a year or more. This legislation is designed to assure that the agency has clear authority to proceed with its implementation schedule, while the very important questions about the legitimacy of these standards are still debated.

This legislation addresses only the timing of attainment designation under the President's implementation plan for these standards. EPA recently proposed to order the states to develop plans, that, among other things, would require reductions in inter-state emissions that might be contributing to exceedances of the 8-hour ozone standard. A number of legal and factual objections to this proposal have been raised by states, industry, and others. Since this is only a proposal, I have not addressed in this legislation EPA's authority under the Act to require any reductions before state plans are developed after areas have been designated.

I thank very much Senator BAUCUS, Senator CHAFEE, and Administrator

Browner, as well as some of the staff: Chris Hessler, Jimmie Powell, with whom I worked closely, Barbara Roberts, and Tom Sliter. They have been very cooperative and very helpful in bringing this to the point where we are today.

At this point I yield for questions.

Mr. CHAFEE. Madam President, I rise in support of the amendment which has been offered by my colleague who is the chairman of the Clean Air Subcommittee of the Environment Committee. He has identified some important concerns about the implementation of the recently revised so-called National Ambient Air Quality Standards.

This is a very complicated area. The Senator from Oklahoma has invested a good deal of time and energy studying this and educating our committee about it. His subcommittee, as he mentioned, held seven hearings on the subject here in Washington and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to, as he noted, a successful conclusion.

I want to applaud the Senator from Oklahoma for his efforts both on this amendment and on the larger issue of the NAAQS rule. He has invested a great deal of energy and time in studying this complicated matter and educating the Environment and Public Works Committee about it. His subcommittee held seven hearings on the issue here in Washington, and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to a successful conclusion. His efforts and patience have served us all well because the amendment before us will improve the implementation of the NAAQS.

This amendment seeks to ensure that commitments made last year about how the standards would be implemented are upheld. The Environmental Protection Agency said it would cover 100 percent of the costs associated with installing and operating the new monitors needed to measure fine particulate matter. Having made the promise, the federal government must ensure that it is kept. This amendment would do that.

The amendment would also require three years of data collection before planning starts for additional pollution controls. The EPA has decided that it needs three years of data to ensure that chronic sources of particulate matter are accurately identified. Complete data will enable states to develop appropriate control strategies. Reducing PM 2.5 is important to the public health but we must be sure that new controls are used where they are needed. Without sufficient monitoring data, we will not be certain the right sources are targeted for controls, and we may not achieve the improved air quality or the health benefits that we are seeking.

Along the same lines, we need to be sure we can chemically distinguish one

type of particulate from another. That is the only way State air officials will know if they need to reduce pollution from wood stoves or power plants. This amendment requires a field study of the monitors to ensure that they are serving this purpose effectively.

The EPA promised the States that they would have both the resources and the information necessary to implement the NAAQS rule. Through this amendment, the Senator from Oklahoma is attempting to enforce those commitments.

All of the goals of this amendment are worthy and reasonable and I urge everyone to support it.

Essentially what the amendment does is the following: There have to be monitors set up to measure particulate matter and ozone levels and other matter. The question is, Who is going to pay for these monitors? Is it going to be the Federal Government? The Administrator indicated it would be the Federal Government, but there seems to be some backing off from that.

The amendment of the Senator from Oklahoma says that the Environmental Protection Agency would cover 100 percent of the costs of installation. You have to install these things and operate them. You have to go out and check these new monitors to measure the fine particulate matter.

That is the first thing the Senator has accomplished in this amendment. That is a very welcome provision because the State budgets are having trouble keeping up with the requirements of the Clean Air Act.

The other part of his amendment would codify the requirement under the National Ambient Air Quality Standards. That calls for 3 years of data collection before there can be a designation of nonattainment for this particular part of so-called particulate matter. So, the EPA has decided that 3 years of data are necessary to ensure that chronic sources of particulate matter are accurately identified. As I understand the amendment of the Senator, it requires 3 years. Am I correct?

Mr. INHOFE. That is correct.

Mr. CHAFEE. So, this is a difficult area. The assurance that the Senator from Oklahoma has put in, dealing with both the period and also who is going to pay for these monitors, is a good one. We are glad to accept it on this side.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a happy day, because it was not too long ago here that, after the EPA announced new standards for ozone and small particulates, there was going to be a huge uproar in the Senate and there would be a big battle over whether or not the EPA should be allowed to go ahead with these new standards.

Frankly, however, as Senators have looked at this issue—and I take my hat off to the Senator from Oklahoma, Senator INHOFE, who has come up with this amendment—the effect of this

amendment is not to delay those standards and not to in any way impede those standards, but rather set up a procedure which helps, frankly, assure the process will continue on a fair basis; namely, that the monitoring costs—and they will be quite extensive; that is monitoring the air in various parts of the country, particularly non-attainment areas—will be paid for by the Environmental Protection Agency. That is not by States. The States will be fully reimbursed for their monitoring costs. So that helps establish a solid program because we know where the money is going to come from and it will be fully paid for.

A second major change here, at least a clarification, is that States will not be faced with new nonattainment designations under the Clean Air Act for PM 2.5—that is the small particulates—without 3 years of monitoring data. That at least makes sense, that we have 3 years of monitoring data. In fact, the EPA-proposed standard was based on a 3-year average anyway. So as a practical matter, this is a measure which will help assure that the standards will be addressed fairly, comprehensively, and also in a timely manner. So this version of this amendment, unlike earlier versions that had been filed, does not delay implementation of the new air quality standards.

This version also has no language in it which revokes the standards. There was some concern that these standards might be revoked. That is not in here. Also, there is no provision that proposes a moratorium on EPA.

In short, the new standards will go forward as envisioned. I might say to Senators, this is a long, involved process. It could take 10, 12 years before some of these standards actually ever go into effect, if they ever do. If they do go into effect, they are at the behest of and designation of States. That is, States, under what is called State implementation plans, would designate what actions various entities, whether they are powerplants or automobiles or what not, would have to do in order to qualify. And that would take a long time.

So I finish where I began. This is a happy day. This is a resolution. It is a compromise. And I think it is going to help people be more assured, on a more solid, fair basis, that our air will be cleaner in those parts of the country where it needs to be cleaned up. I think it is a good amendment, and I thank the Senator very much for his amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. I would like to extend the thanks of all of us to the Senator from Oklahoma, Senator INHOFE, because he was willing to compromise. He talked with the Administrator of EPA, Ms. Browner, several times. I did, too. He was willing to give. He did not demand it only be his way. It was a successful compromise. I congratulate the Senator.

Mr. INHOFE. I thank the Senator from Rhode Island. I further ask unanimous consent that Senator JEFF SESSIONS be added as an original cosponsor.

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

Mr. SANTORUM. Mr. President, if I may, I would like to briefly inquire with my colleague how his amendment will affect areas of my state.

It is my understanding that this amendment will not in any way interfere with or delay efforts currently underway by EPA and various states to address the issue of pollution transported across state lines. Is that correct?

Mr. INHOFE. Yes, that is correct. The amendment is simply designed to provide greater certainty for states, small businesses and consumers regarding control strategies for the new ozone and particulate matter standards.

Mr. SANTORUM. Mr. President, this amendment codifies a time line for the Administrator to promulgate final designations under the new ozone and PM standards. Is it the Senator's intention that areas in violation because they are heavily impacted by dirty air from other states should be "held harmless" in the interim period or not be penalized with more air-pollution controls by being "bumped up" to a higher non-attainment status?

Mr. INHOFE. That is my intention. Should this not be the case, we would have to revisit this issue legislatively.

Mr. SANTORUM. Mr. President, I rise in support of the amendment offered by my colleague from Oklahoma, Senator INHOFE.

The Senator's amendment will ensure that federal funding is available to construct and operate a nationwide monitoring system for fine particles, and it will allow future designation decisions to be based on three complete years of monitoring data. The amendment would also provide Governors with two years to consider regional transport issues prior to submitting new ozone redesignations.

This amendment will not, as some opponents may contend, roll back or delay the new standards. On the contrary, the amendment does not change the new standards and adheres to the President's own time table for achieving them. In fact, this amendment may actually strengthen the new standards by establishing a legally certain schedule for putting them into place. Moreover, this amendment is critically important because it will make sure that future Clean Air Act designations will be based on actual air quality data rather than guesswork and extrapolation. In view of the anticipated costs associated with meeting the new standards, we must take this very simple step.

Last summer, when the President announced new air quality standards for soot and smog, he also promised that the Federal Government would work

closely with states and local communities to implement these standards in a fair, flexible and cost-effective manner. For many communities in Pennsylvania, the imposition of new standards has been a very bitter pill to swallow, but the promised implementation plan has offered a spoonful of sugar to help the medicine go down. While the President's pledge has been appreciated, it is my view that this amendment is necessary in order to give states and communities reassurance that the promised implementation plan will be followed. Thank you, and I urge the adoption of this amendment.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of this amendment, and I wish to thank my colleague from Oklahoma, Mr. INHOFE, for his efforts in this regard. These new rules, which modify the ambient air quality standards for ozone and particulate matter, would severely impact West Virginia. Up to ten counties in my home state might be thrown into nonattainment under these rules, and a large number of industries might be adversely affected, including chemicals, construction, steel production, glass manufacturing, coal-fired utility power plants, pulp and paper mills, and commercial trucking.

On a national level, the impact of these rules is even greater, with early estimates from the President's Council of Economic Advisors that these rules might cost \$60 billion annually. Many major urban areas have not yet complied with the current ozone standard, and are not even close to being able to do so. These urban areas have not even completed their plans on how they will comply with the current standard. Basic logic would dictate that these states should first finish these plans, and enforce the current standard, before moving on to even more ambitious proposals. Instead, these states must constantly revise their air plans, even while never completing those plans. As I stated in an earlier letter to the Environmental Protection Agency (EPA), these states are trapped in the clean air version of the perpetual motion regulatory machine, where replanning becomes as important as actual implementation and enforcement.

In the area of particulates, there is almost no national monitoring data, and there is weak scientific and technical support for the rule. The EPA and the environmental community refer to a small number of studies that support the rule, but there is room for serious debate about whether a clear connection between PM 2.5 and health-related problems has been established.

The amendment before us is actually quite modest in its goals, and unfortunately does not address many of these broader problems with this air rule. The amendment codifies promises made by the Administration with regard to the time schedule to implement the new rules, and also codifies provisions for funding a nationwide network of monitoring stations for par-

ticulate matter. The Administration's proposed time schedule is not legally binding, and this amendment will ensure that the EPA cannot later alter the terms of the implementation package that it has offered to state governments.

Despite these modest goals, this amendment holds the EPA's feet to the fire, and will ensure that promises made to the states will be honored. I am pleased to cosponsor the amendment offered by Senator INHOFE, and ensure that promises made to West Virginia are promises kept by the EPA.

Mr. CHAFEE. We are prepared to vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might beg the indulgence of the chairman of the committee, I understand the Senator from California, Senator BOXER, might want to speak on this amendment. She is looking at it at the moment. I suggest if procedurally we can do that, we ask consent this be temporarily laid aside so Senator REID can speak. He may have an amendment here, too. I do not expect a problem, but I, in good faith, must tell the Senator I am informed Senator BOXER would like to have the opportunity to perhaps speak on this amendment.

Mr. CHAFEE. That is her privilege.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. INHOFE. Will the Senator yield? Would it be a good idea to go ahead, rather than set it aside, and recognize the Senator from Nevada? It may be ready at that time.

Mr. BAUCUS. That's probably a better alternative, that we keep talking on the amendment and Senator REID can keep talking, too.

The PRESIDING OFFICER. (Mr. FAIRCLOTH). The Senator from Nevada is recognized.

Mr. REID. I say to the two managers of the bill, I do have an amendment. I understand it has been reviewed thoroughly over the last several days by the staff and it is acceptable. If there is adequate time, I would be happy to speak on the bill also now.

Mr. BAUCUS. I might suggest you speak on the bill and/or your amendment. Once this amendment is disposed of, then we can vote on your amendment. Either way.

Mr. REID. Mr. President, I have an amendment. I will send it to the desk. Is there an amendment pending that needs to be set aside?

The PRESIDING OFFICER. There is an amendment pending.

Mr. REID. I ask unanimous consent that that be the case.

Mr. BAUCUS. I ask consent the Senator speak on his amendment. The Senator from Oklahoma—speak on your own amendment. We will dispose of the Inhofe amendment, and then—

Mr. REID. If we set aside the amendment of the Senator from Oklahoma my statement on my amendment will only take a minute.

Mr. INHOFE. Will the Senator from Nevada yield? Is it the Senator's intention to have an amendment on my amendment or speak on my amendment?

Mr. REID. I want to speak on my amendment. Your amendment is acceptable. I have nothing to say about your very fine amendment.

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Oklahoma.

Mr. REID. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

AMENDMENT NO. 1688 TO AMENDMENT NO. 1676
(Purpose: To provide support for Federal, State, and local efforts to carry out transportation planning for the Tahoe National Forest, the Toiyabe National Forest, the Eldorado National Forest, and the areas owned by States and local governments that surround Lake Tahoe and protect the environment and serve transportation)

Mr. REID. 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 Nevada [Mr. REID], for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN, proposes an amendment numbered 1688 to amendment No. 1676.

Mr. REID. 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 253, between lines 15 and 16, insert the following:

“(3) LAKE TAHOE REGION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

“(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

“(B) INTERSTATE COMPACT.—

“(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

“(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

“(II) FUNDING.—In addition to funds made available to the metropolitan planning orga-

nization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

“(C) ACTIVITIES.—

“(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

“(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

“(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

“(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

“(I) capital project funding, in order to accelerate completion of the transit projects; and

“(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

Mr. REID. Mr. President, this amendment is offered on my behalf and that of Senators BRYAN, BOXER and FEINSTEIN. It has the support of the State governments of both California and Nevada, and it is an amendment that is very simple. It grants Metropolitan Planning Organization status for the Lake Tahoe basin on the border between California and Nevada.

Not only is Lake Tahoe the most beautiful place on the Earth, and it has been deemed to be such since the time Mark Twain first looked at it and said it was the “fairest place on all the Earth,” locals within the basin, the Washoe Indian Tribe, and the State governments of Nevada and California, have long recognized the unique status of Lake Tahoe. But, in addition to its beauty, it is certainly one of the most fragile environments anyplace in the world. For many years the competing interests in the basin have found ways to work together to protect the famed water quality of the lake. These partnerships have been developed and are unique and have proved the notion that it is not necessary to harm the economy to improve the environment.

Mr. President, last summer President Clinton convened a Summit. He and Vice President GORE AND five Cabinet officers came to Lake Tahoe and spent 2 days. They addressed the related transportation, forest health and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements in infrastructure could also yield key environmental benefits. MPO status recognizes the unique bi-State nature of the Tahoe basin and enhances the ability of local residents to compete for transportation planning funding.

I appreciate very much the consideration of both sides and would ask that this amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, this amendment is satisfactory to this side. It is my understanding—I have talked with the distinguished ranking member—the amendment is acceptable to the minority side likewise.

We are prepared to accept it, and I congratulate the Senator from Nevada for his amendment.

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

The amendment (No. 1688) to amendment No. 1676 was agreed to.

Mr. REID. 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. REID. Mr. President, with the permission of the manager of the bill—if the manager of the bill would rather I speak at a later time, I will be happy to do that. I just wanted to speak on the bill if there is nothing going on in here on the floor.

Mr. CHAFEE. Well, we are waiting for the Senator from California.

Mr. REID. As soon as she shows—

Mr. CHAFEE. We want to be sure she is going to show. The Senator from Oklahoma has been very patient.

Mr. REID. Whenever you learn she is not going to come or she does come, I will be happy, with a wave of the hand, to sit down.

Mr. CHAFEE. Why don't we say you go ahead for 10 minutes and let's see what happens, with the understanding you will yield if she comes over so she can say her piece.

Mr. REID. Or if for any other reason the manager of the bill wants to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise as an original cosponsor and very strong supporter of S. 1173, the Intermodal Surface Transportation Efficiency Act. Both S. 1173 and the amendment adding an additional \$26 billion to the bill passed unanimously out of the Committee on Environment and Public Works, a committee I have served on very proudly for my years in the U.S. Senate.

I want to also say, and spread across the Record of this Senate, what a tremendously fine job has been done by the chairman of this committee and the ranking member of this committee to allow this bill to be where it is today. It has been very hard work. Frankly, it would have been nice if we had done it last year, but we didn't. The reason we are where we are today is because of the work of the chairman of the full committee and the work of the ranking member of the committee. The States of Rhode Island and Montana have many reasons to be proud of the two Senators who are managing this bill, but for no reason should they be more proud of their Senators than the work they have done on this bill.

Their committee work has been outstanding and is certainly something that everybody in this country, not only the people from the States of Rhode Island and Montana, should feel very good about, what is happening on this floor.

Every person who is a Member of the U.S. Senate or the House of Representatives has a stake in a national transportation system that is second to none, one that meets the present and future needs of the American people. This bill is not perfect, but it is a tremendously strong bill. Moving people and goods quickly and efficiently throughout the Nation is one of the most important things we can do to maintain a strong economy. Far too much time and productivity is lost waiting in traffic.

I give an example to all. People in southern California are connected with the people of southern Nevada by I-15. I-15 is a tremendously burdened road. The chairman of the committee came to Nevada and heard testimony regarding the importance of this legislation. He heard firsthand about the tremendous difficulty we have moving people to and from southern Nevada and southern California.

Mr. President, it is no longer a question of having people come to Las Vegas for purposes of tourism. The problem is that the road is clogging interstate commerce. Vehicles, trucks moving produce, cannot move on this road. It is too crowded. This is only an example of what is happening in other parts of the country, although the problem of I-15 is magnified because of how old it is and how much repair needs to be done on it.

The original ISTEA legislation in 1991 was really the brain child of the committee chair at that time, Senator PAT MOYNIHAN from the State of New York. He did very good work. He was visionary in this bill. It changed the thrust of legislation dealing with surface transportation that had been in effect since the Second World War. The legislation in 1991 was one of the most far-reaching and innovative pieces of legislation ever produced by Congress. It laid out a road map for transportation for the entire 21st century.

Rather than focusing upon the completion of the Interstate System, ISTEA focused on connecting different modes of transportation to meet the needs of the future. I enjoyed very much working on that legislation as a Member of this committee, and I think it is some of the most rewarding work that I have done since I have been a Member of Congress.

With the exception of the Department of Defense authorization bill, ISTEA is going to be the largest money bill that Congress will take up this year. I also say, although I do not see him on the floor of the Senate today, the subcommittee chair of the Transportation Subcommittee, Senator JOHN WARNER, is a fine Senator.

I had the pleasure of serving with him when I was chairman of a sub-

committee and he was ranking member. Coincidentally, I was talking with someone this morning who is a friend of Senator WARNER. We talked with some affection about the work that the Senator from Virginia does generally, but especially in this committee and this subcommittee. I commend and applaud the work of Senator WARNER in this legislation.

We have to recognize, with the exception of the defense authorization bill this year, ISTEA II is going to be the largest money bill Congress will take up this year. As such, we have a tremendous responsibility to get it right. Our economy is utterly dependent upon having a strong and vital system of transportation. The creation of this intermodal system will require all the innovative and creative thinking we can muster at the Federal, State, regional and, yes, local levels. The State of Nevada has a tremendous need for adequate highways, I say second to none.

The State of Nevada is the most mountainous State in the Union, except for the State of Alaska. We have 314 mountain ranges. We have 32 mountains that are over 11,000 feet high. We have tremendous growth in the State of Nevada. Just to give you one illustration, in Clark County, where Las Vegas is located, we need to build more than one elementary school each month to keep up with the growth of students in that area. So we have real problems.

Also, we have a State that is extremely large. Within its borders, you could place the States of New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Delaware, and then still have some left over. None of these States would touch one another, and there would still be, as I have indicated, plenty of room to cut up Virginia and use it to fill in the gaps joining all these States.

We have the additional problem that 87 percent of the State of Nevada is owned by the Federal Government. We lead the Nation in Federal ownership of land.

Nevada is also a bridge State. Hundreds of thousands of tons of goods travel across Nevada through Utah, Arizona, and to and from California. The CANAMEX route, one of the NAFTA corridors, traverses Nevada, crossing over the top of the Hoover Dam bridge. When I say the Hoover Dam bridge, that is really a misnomer. You cross right over Hoover Dam. One of the greatest bottlenecks in the country is over Hoover Dam. Traffic is lined up sometimes 5 to 10 miles trying to get over that dam, and to think of the safety involved in not having adequate transportation moving over that dam—it is unsafe. If there were an accident of some kind, it would really do extreme damage to the water supplies of southern California and the small areas below Hoover Dam. We have to do something about that also.

In southern Nevada, thousands and thousands of new people move in each

month. In fact, almost 300 people a day move into Las Vegas alone. So we have rapid growth. In 1970, there were fewer than 500,000 residents in the whole State of Nevada. By the year 2000, there will be 2 million. That is the growth that is taking place in Nevada.

In 1970, there were 2.2 billion vehicle miles traveled in Nevada. By the year 2000, there will be over 12.5 billion vehicle miles traveled in Nevada. Accommodation of such growth requires innovative thinking and creative planning on the part of the State and local transportation people.

Again, talking about the State of Nevada and all that growth, I have indicated that it takes a lot of innovative thinking on the part of the State to make sure that this all works out well. It also necessitates imposing one of the stiffest State and local taxes in the Nation. We have done that. We have done it willingly, because we recognize that if we are going to meet the demands of the traffic problems in Nevada, we cannot depend only on the Federal Government. We have done our share and more.

In spite of that, Nevada needs a strong, effective Federal level of effort, and that is what this bill does. As written, ISTEA II provides a total of \$173 billion for highways, highway safety, and other surface transportation programs over the next 5 1/2 years.

I hope that as soon as this bill passes out of this Chamber, the House of Representatives will take it up and get a bill back to us, so we can go to conference and get this very important bill worked out so that the departments of transportation in the 50 States know what is ahead of them. They can do their bidding, they can let their contracts prior to the bad weather happening, and go ahead and have a smooth transition. We badly need to do that.

Overall, this bill represents a 40-percent increase in funding over the original ISTEA bill some 6 years ago. With the completion of the Interstate Highway System, it is vital we turn our attention to developing multimodal transportation policies that will allow us to not only maintain the excellent infrastructure we have, but also to move forward to meet the demands of a new century.

In many ways, transportation issues of the future will be vastly more difficult than the ones of yesterday. We live in an increasingly diverse Nation, one that is no longer able to be solely dependent upon the automobile. Even in a State as vast as Nevada, a bridge State, where we desperately need more roads, we are also seriously looking at the role monorails, magnetic levitation, and other high-speed rail systems can play in our future transportation infrastructure.

I think one of the finest parts of this bill is something that Senator MOYNIHAN and I have worked on, and that is the part of the bill that deals with magnetic levitation. Yesterday, Senator MOYNIHAN brought a box that contained a model of a maglev train to the

committee. In his statement, he made a plea for funding to design and implement a magnetic levitation system. We need to do that.

Mr. President, our airports are clogged all over the country; our highways are clogged all over the country. We need a way of moving people for relatively short distances, up to 300 miles. The only way we can do that rapidly and efficiently with the technology we now have is with magnetic levitation.

In the 1960s, two scientists were stuck in traffic in New York. They were MIT professors. They said, "This is ridiculous that we are stuck in traffic; let's do something about it." They went back to the laboratories and invented magnetic levitation.

We, as a country, helped at the Federal level. We provided moneys for research and development of this very unique mode of transportation. We did it for a few years and dropped it. As soon as we dropped it, Germany and Japan picked it up, and they are now way ahead of us with this. It is too bad. We are the ones who should be in the forefront of developing this mode of transportation. We need to get on board.

This bill contains an authorization of \$1 billion for magnetic levitation, and it actually provides funds, up to \$30 million, for some grants that will get this program going. This is very, very important, and I express my appreciation to Senator MOYNIHAN for his good work in this area.

The money that is in the bill is a modest amount to move this project forward, but it is an amount; it is more than we have ever done. There is tremendous funding in the bill for all our individual States and other areas, and I am happy we do have some for magnetic levitation. As I indicated before, this bill is not perfect. But I am proud of the progress we have made. The bill is good for all States. It is tremendously important. It is a great product for the country.

The bill before us does a fine job of balancing many of our Nation's competing priorities for transportation while giving the States the flexibility they need to expend dollars in ways that make sense, given the many regional differences we have in our country. I am supportive of the congestion mitigation and air quality improvement program and the transportation enhancement program. The additional money and increased flexibility are very positive developments. A national transportation system that does not address environmental issues is one that would not be living up to the expectations of the American people.

Other important programs, such as the intelligent transportation system program, have both a positive impact on the environment and also improve the efficiency of the highways. It is a dual track. I held, as I indicated earlier, a field hearing in Las Vegas last year focused on intelligent transpor-

tation systems, and the response was tremendous. Local governments around Las Vegas and Reno have all begun to put innovative high-tech transportation programs into place, and they are very pleased with the initial results.

I am also supportive of a strong Federal Lands Highway Program. As a Senator from a Western State—and remember, I said earlier 87 percent of the State of Nevada is owned by the Federal Government—so as a Senator from a Western State with a huge amount of public land, it is impossible to overstate how important is the vital lifeline that these road and highway funds provide to rural Americans.

I want to say a few words on safety. I support the efforts of my friend, Senator MCCAIN from Arizona, to develop a safety title for inclusion in the overall authorization. I have a strong record on safety, and in this legislation, I am very happy to support this title.

I want to spend a couple minutes discussing a safety issue that we are not addressing in nearly enough detail in this reauthorization. As the chairman and ranking member know, I have opposed triple-trailer trucks. I believe they are both intimidating and unsafe. I have, since offering my amendment on this issue—talking about moving forward on this—I have received scores and scores of letters from all over the country from people who are afraid of these trucks. I believe they are incompatible with our obligation to provide a safe network of roads and highways.

I do appreciate the input that I have received from the trucking industry. But my fear of these triple-trailer trucks is not something that I bear alone. I recognize that for a variety of reasons, though, this is not a majority view. I have been in the Congress long enough, I have served in legislative bodies long enough, to know when I have enough votes. I do not have enough votes to have my amendment adopted. I am not going to go forward with my amendment because, I repeat, I do not have the votes to pass it.

Many of my colleagues argue there is just not enough accurate data available to make an educated decision on this issue. Although I would counter that mere common sense should dictate that triple-trailer trucks do not belong on the same roads as a passenger car, I agree that there is an appalling lack of data available on this subject. Information given out by the trucking industry is unreliable and people cannot underscore the validity of it because it is put out by the trucking industry. What we need is the Department of Transportation to do some work on this and get some real facts to determine the accident rate and what these big trucks do to our roads and make a decision as to: Is the length of the truck an important element or is it how much these trucks weigh? We have to get more information on this. There is a lack of data available on this subject.

Mr. President, in an attempt to remedy this deficiency, I have been working with many, including the American Trucking Association, for months to try to forge an agreement that would allow us to better study the safety, environmental, and infrastructure impacts of all classes of longer-combination vehicles. I have been doing this since last fall when we first introduced this legislation.

Obviously, the American Trucking Association disagrees with me that triples and others of these long vehicles are unsafe, but they acknowledge that there is a public perception problem, and they have been willing to work with me, which I appreciate. Unfortunately, though, I found that there is little common ground between the safety community and the American Trucking Association on what are the acceptable bounds for a comprehensive study of size, weight, and other trucking issues. No matter what model we came up with, various parties certainly would not agree with what we should do. As a result, I am unable to come up with a compromise on this subject right now. I would ask the Secretary of Transportation to take a look at this issue. It is a very important issue in the 16 States where we have these triple-trailer trucks.

It is extremely frustrating to me and is a situation we, as a body, should not allow to continue. There is an overwhelming lack of useful data available to the U.S. Senate concerning longer-combination vehicles. So I call upon the trucking industry, all of the safety groups, and the U.S. Department of Transportation, to work it out, not in a combative fashion, but to sit down and work together to come up with valid information, which we do not have. It is not acceptable for the mistrust that exists between these groups to continue to stand in the way of a comprehensive, complete, and objective study of these longer-combination vehicles. As I have indicated, I am not offering my amendment today, but the Senate dialogue on the subject is just beginning.

I want to also say, as I see in the Chamber today the ranking member of the Appropriations Committee, the former majority and minority leader of the Senate, that we are to the point on this bill where we are as a result of the work done by the Senator from West Virginia. Others of us joined in the original amendment, but I think everyone recognizes it has been the tenacious nature of the Senator from West Virginia to move forward on this legislation that has us at a point where we are today with a bill with \$26 billion more actual real dollars in it than we would have had. We have a bill that we are going to get out of this Senate within the next week or 10 days, and it is all, I believe, as a result of the work done by the Senator from West Virginia, which the Senator from Nevada very much appreciates.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. REID. Finally, although we are not yet discussing the transit title, let me say a few words about public transportation.

Las Vegas is the fastest growing city in the Nation. There is some debate as to whether it is Las Vegas or the suburb of Henderson, where I graduated from high school. But that area of the country is growing extremely rapidly, as I have already explained. Yet before 1992, it had, at best, a very weak mass transit system. In 1992, the Citizens Area Transit—we call it CAT—owned by the Regional Transportation Commission, and operated on a contract basis, began a fixed-route bus system for Las Vegas.

The response has been tremendous. The Las Vegas community has truly embraced CAT. In less than 5 years, ridership on CAT has grown from 14.9 million annual riders to over 35 million in 1996, a total ridership growth of 134 percent, and going up each day.

The fare box recovery ratio is high. Most of the system's costs are recovered without requiring a huge subsidy. The bus fleet is 100-percent compliant with the Americans With Disabilities Act.

So impressive has been CAT's ability to grow efficiently and effectively, that the American Public Transit Association last year awarded its Outstanding Achievement Award to CAT in the hardest-to-win midsize system category. This is a tremendous feat for such a young system. After all, Mr. President, this system does not rely on much in the way of Federal funds. The dollars that the Federal Transit Administration has provided has been very timely and useful to this bus system. For that reason, I would oppose efforts to change transit formulas to provide a minimum allocation to States without or with only minimal transportation systems.

Let me conclude today, Mr. President, by saying that I join with my colleagues on both sides of the aisle in saying that the fuels taxes paid into the highway trust fund each year will support significantly higher spending on transportation, and I am very happy that Congress is now moving in that direction.

These are trust fund moneys. Every time you go buy a tank of gas at the service station, the money that is collected there, a portion of it, goes into the highway trust fund. Those moneys should be used for that purpose, and that purpose only. To do otherwise would be a violation of the enormous trust the American people have sent us to Washington to uphold.

Our Nation's infrastructure represents the lifeline that fuels our economy. When we neglect to adequately provide for the health of this lifeline, all of us suffer. Whether it is unsafe and degraded roads or pollution caused from overcongestion, all of us are affected. The price is not only the inconvenience of traversing a dilapidated infrastructure. Indeed, the real price is

the increased costs all of us pay for goods and services because of the burdens placed on a steady flow of the stream of commerce. It is similar to a cholesterol buildup, I guess, in the arteries, Mr. President. Eventually there is a steep price to pay.

Again, I congratulate my colleagues, Senators CHAFEE, BAUCUS, WARNER, and BYRD, on a job well done. I look forward to working with all my fellow Senators in passing this strong, vital 6-year bill as quickly as possible, and then urging the House to move forward just as quickly so we can get the bill to the President for his signature.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Nevada for his kind comments. He has been a very valuable member of the Environment and Public Works Committee, I guess, ever since he came here to the Senate. We have worked closely together on a whole series of matters. He has particularly been involved with the Endangered Species Act, revisions of which I hope we can bring to a conclusion pretty soon. So I thank the Senator for all his very constructive work in our committee and on this legislation likewise.

AMENDMENT NO. 1687

Mr. CHAFEE. Mr. President, the Senator from California has no objection. So let us proceed with the approval on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1687.

The amendment (No. 1687) was agreed to.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from the National Governors Association, the U.S. Chamber of Commerce, and two other letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,

Washington, DC, March 3, 1998.

Senator JAMES INHOFE,
SROB, Washington, DC

DEAR SENATOR INHOFE: On behalf of the nation's Governors we are writing in support of a requirement that EPA pay one hundred percent of the cost of monitoring for the new fine particle air quality standard. We also urge Congress to codify the time frames in the President's directive for implementing the new federal standards for ozone and particulate matter.

As you realize, state face a heavy burden of performance under the federal air quality standards. The costs of new monitoring networks will be substantial. Moreover, while many states regard the EPA's implementing timeframe as unrealistic, we are concerned that we may be given even less time than

promised to monitor and submit data to the EPA. It would be self-defeating if states were shortchanged on the resources for monitoring and the time allowed for implementation of the new air quality standards. If states were not provided with adequate time and resources to carry out their responsibilities, the underlying purpose and objective of the federal requirements might not be realized. For that reason, it is important to codify the President's schedule for implementing the new air quality standards, and to ensure that EPA pays for all costs associated with the new monitoring requirements.

If you have any questions, please don't hesitate to contact us or Mr. Tom Curtis of NGA at 624-5389.

Sincerely,

GEORGE V. VOINOVICH,
Chairman.
TOM CARPER,
Vice Chairman.

NFIB,

Washington, DC, March 3, 1998.

JAMES INHOFE,
U.S. Senate,
Washington, DC

DEAR SENATOR INHOFE: On behalf of the 600,000 small business members of the National Federation of Independent Business (NFIB), I am writing to urge you to support the Inhofe Amendment to the Senate Highway bill (ISTEA).

Members of the Administration have stated that a nationwide monitoring system for PM2.5 is necessary to classify nonattainment areas under the new clean air standards. As states seek ways to comply with the new standards, it is critical that these decisions be based on sound data provided by this type of monitoring network.

By ensuring the construction and operation of a new nationwide PM2.5 monitoring system, the Inhofe Amendment provides a framework of reliable data and sound science to assist states with control strategies.

In a recent NFIB survey, a strong majority of small business owners favored requiring agencies to use sound science and valid evidence before issuing new rules.

The new stringent standards for ozone and particulate matter will undoubtedly result in expanded emissions controls on small businesses in areas of the country that have not been subject to prior regulation. Designation of nonattainment areas will bear heavily on those least able to shoulder the burden—small businesses. It is imperative that designations for the new standards be supported by sound, accurate data.

Thank you for your consideration of our request and your support for small business.

DAN DANNER,
Vice President,
Federal Government Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 3, 1998.

To Members of the United States Senate:

The U.S. Chamber of Commerce urges your support for the amendment to be offered by Senator Inhofe to S. 1173, the Intermodal Surface Transportation Efficiency Act. The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region.

From an economic standpoint, immediate implementation of the new standards would triple the number of communities out of compliance, at a time when continuing improvements are being made to the nation's air quality. The amendment will provide states, businesses and consumers greater certainty that control strategies for attaining compliance with both the new ozone and fine

particulate matter standards are based on reliable data. The amendment will provide the necessary funding to the Environmental Protection Agency (EPA) for establishing a nationwide monitoring network for PM_{2.5} and allows for the collection of three full years of monitoring data before EPA decides which areas of the country do not meet the new standard. The amendment is consistent with the timelines set forth in President Clinton's Memorandum on Implementation of the new National Ambient Air Quality Standards (NAAQS) for ozone and PM_{2.5}.

Accordingly, we urge your support for the Inhofe amendment to ensure that the new NAAQS are based on the best data possible. The U.S. Chamber will consider including the vote on this amendment to S. 1173 in its annual How They Voted ratings.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,
Government Affairs.*

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC, March 2, 1998.

Senator JAMES INHOFE,
*Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR INHOFE: It has come to my attention that you are considering an amendment to the Senate Highway bill, known as ISTEA, dealing with the Environmental Protection Agency's revised National Ambient Air Quality Standards for particulate matter. I commend you on addressing this important issue.

ALEC's members comprise over 3,000 state legislators in all fifty states. These new standards will seriously impact our state economies and divert scarce funds from other health and environment priorities. Thus, it is crucial that these standards not be imposed prematurely.

ALEC has adopted the Resolution on Ozone and particulate Matter NAAQS Revisions, (enclosed), a model resolution opposing the rapid implementation of these changes. In the resolution, ALEC notes that little monitoring information has been developed as to the beneficial health effects of new standards. ALEC believes more study is needed to ascertain if a causal link exists between particles of 2.5 microns and possible adverse health effects. Also, ALEC supports further study to determine the actual benefits and costs involved.

ALEC's model legislation has been considered by many state legislatures, and has already passed in seven states. I hope this information is helpful as you continue your deliberations on this issue. If you have any questions, I encourage you to call Scott Spendlove, Acting Director of ALEC's Energy, Environment, Natural Resources and Agriculture Task Force, at (202) 466-3800.

Sincerely,

DUANE PARDE,
Executive Director.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the Inhofe amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 1705 are located in today's RECORD under "Introduction of Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. 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. 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.

Mr. ABRAHAM. Mr. President, I also would like to thank the Presiding Officer. This is actually my time to be in the Chair, and I appreciate his giving me the opportunity to speak on the ISTEA legislation before us. I will try to be brief in light of his willingness to stay a little extra today.

I just thought I would take a few minutes to review as I see it the progress that has been made really going all the way back to last year in the effort to try to address the problems of infrastructure and transportation in our country. Let me do that though, first, from my perspective as a Senator from the State of Michigan.

For quite a long time—in fact, longer than anybody around seems to be able to remember—our State has been one of the States which was referred to as a donor State. That means that when gas tax moneys are sent to Washington, more moneys get sent from Michigan than ever come back in the form of support for the highway system. We understand and I think have shown over the years a great deal of patience with the formulas that have been used and the return on investment that has taken place.

We understood, for example, when the Interstate Highway System was being built that a lot of States needed to have additional dollars beyond that which they could generate from their own gas tax revenues in order to build the system so that we could transport Michigan cars to the South or to the West and to the east coast, or Michigan agriculture products and take advantage of receiving in exchange the goods and services that other States were exporting. However, because we are sending more dollars to Washington than we have received back, it has meant that our State has not been able to do all that we would like to in order to prepare our own infrastructure for the 21st century.

We are especially beset by specific problems in Michigan. One is the fact that the weather in our State tends to be quite a bit colder than the average for the entire country. Particularly in the northern parts of Michigan we encounter winters that are very severe. And that has an effect on the road system.

We also, of course, confront problems that relate to the age of our system. The Interstate System in our State of Michigan on average is approximately 7 years older than the national average, which means that some of our roads are more in need of service and repair than might be the case in other parts of the country.

For this variety of reasons, it has been my view from the beginning of the discussion of transportation legislation, which really was initiated last year, that it is indispensable that Michigan receive more money back, more dollars back, than we have been receiving in previous years. To that end, our State legislature and our Governor addressed this issue very clearly in 1997. The Governor came forth with a very bold plan aimed at trying to provide adequate revenues and resources to put Michigan's roads on a path to being in good shape for the next century. Half of the plan essentially was a plan that basically relied on Michigan to assume a greater responsibility.

So the State legislature and the Governor signed into law legislation which increased our States' gas tax by a little over 4 cents to generate approximately \$200 million more per year to be available for our State department of transportation. The Governor also charged all of us who are Federal legislators with the job of bringing back more dollars to Michigan as part of the reauthorization of the ISTEA legislation. The target he set for us was \$200 million as well, and it was his view that, if the State could increase by \$200 million what it invested in roads and if the Federal Government's share could be increased by \$200 million, that \$400 million amount would give Michigan an excellent chance to address its repair needs, new roads needs, and a variety of other transportation needs.

We have been working on this, obviously, now for quite a long time. I think the progress to date has been good. The strategy that I have taken or tried to work on here as a Member of the Senate has really been a three-part strategy. Earlier this week, on Monday, we learned that the second of the three parts had been successfully completed. The first part was successfully completed in 1997, and we will soon work on the balance. But let me talk about that strategy briefly and why, at least from Michigan's point of view, things are much more positive today than they were just a few days ago.

The first part of the strategy was simple. It was to shift into the national highway transportation trust fund all the gas tax revenues being sent to Washington from Michigan and other States. As you know, in 1993, when we increased the Federal gas taxes by 4.3 cents, it was the first time those dollars didn't go into the highway trust fund; they went into the general fund. For a lot of us that didn't make sense. Several of us tried to have that 4.3 cents repealed. We didn't have enough

votes to get that job done. But what we did have was support this past year during the deliberations on the tax bill in the summer of 1997 to shift those tax dollars from the general fund to the transportation fund, to make those dollars now available, if we authorized it, to be spent on transportation. That was step one. It was a big victory for donor States.

Step two took place earlier this week. After a lengthy behind-the-scenes and public set of discussions and debates and negotiations, the decision was made to spend a considerably greater amount of money on transportation over the pendency of the ISTEA legislation than had been expected to be spent when the legislation was first brought to the Senate last year. Essentially, that amount will be approximately \$25 billion additional over this timeframe. This is good news. It means that the 4.3 cents we are transferring into to the trust fund will not be allowed to increase the trust fund surplus but instead be available to be spent on transportation so the donor States will have the opportunity to see more of their gas tax moneys coming back.

It has been estimated that the combination of the underlying legislation which was introduced here and the new dollars that are going to be made available will for Michigan put us at least at the \$200 million mark and perhaps considerably beyond that. That, of course, is the final step in the process.

What I wanted to do in my brief remarks today was to thank the chairman of the Environment and Public Works Committee and the ranking member and others who have been here working and will continue, I am sure, for the next several days to be working for the progress that has been made; to also thank those who were involved in these budget discussions, particularly Senator DOMENICI, with whom I had numerous meetings and discussions on this over the course of the last several months, for his willingness to work on the new budget resolution in such a way as to accommodate the additional spending on transportation. I think we are making progress in the right direction.

The final step, obviously, is to determine how the new dollars and all the money will be allocated. As a donor State, I have made it very clear to the ranking member, to the chairman, and others that we in Michigan would like to see donor States get as much equity as possible. We recognize in this Chamber that we are not the majority of States. We also recognize that there are unique needs in various regions of the country, which we will try to address.

For my part, I want to be as helpful to the process as possible, and at the same time I want to make it clear that as a Senator from Michigan I am going to do everything I can to try to make sure that our voice is heard and that we address to the degree we possibly

can in this Chamber the need for States that are donor States to get their fair share. I hope we can finish this process in a way, as I said, that allows us to not only hit but exceed the \$200 million per year increase that the Governor has set for us. I am more definitely on course for doing that, and I appreciate the progress that has taken place so far.

I look forward to working with everybody. I will keep my constituents apprised as further developments occur. But to those from Michigan who are tuned in or who will be following this debate, I do want to make it clear that we have succeeded, first, in shifting the gas tax revenues into the trust fund; second, we have now succeeded in making sure that those revenues coming into the trust fund will be spent. When you add those together you definitely see Michigan on the road to receiving a much greater number of dollars back from Washington than has been the case. That is the kind of direction I hope we can continue right through to the end of this legislation both here in the Senate and ultimately when we work with the House to finish this up later this year.

Mr. President, thank you.

I yield the floor.

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

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

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the pending amendment, which is the Chafee amendment.

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

Mr. CHAFEE. Mr. President, we have a series of amendments that have been agreed to by both sides.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1690 TO AMENDMENT NO. 1676

(Purpose: To modify State infrastructure bank matching requirements)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 1690 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 191, line 12, strike the semicolon at the end and insert “, except that if the State has a higher Federal share payable

under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;”.

Mr. CHAFEE. This amendment by the junior Senator from Alaska is in connection with State infrastructure banks. This amendment restores the so-called sliding scale matching rate for States having large amounts of federally owned land. Under the current State Infrastructure Bank Pilot Program, such States may provide a smaller non-Federal match for Federal contributions of capitalizing grants.

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

The amendment (No. 1690) was agreed to.

Mr. CHAFEE. 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.

AMENDMENT NO. 1691 TO AMENDMENT NO. 1676

(Purpose: To include as a goal of the innovative bridge research and construction program the development of new non-destructive bridge evaluation technologies and techniques)

Mr. CHAFEE. Mr. President, the second amendment which I have is by the senior Senator from New Mexico, Senator DOMENICI. I send it 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 Rhode Island [Mr. CHAFEE], for Mr. DOMENICI, proposes an amendment numbered 1691 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 371, line 6, strike “and” after the semicolon.

On page 371, line 10, strike the period and insert “; and”.

On page 371, between lines 10 and 11, insert the following:

“(6) the development of new non-destructive bridge evaluation technologies and techniques.”

Mr. CHAFEE. Mr. President, what this amendment does is deal with innovative bridge research and construction. There is such a program. This would include the development of non-destructive bridge evaluation technologies and techniques. This is an important part of bridge safety research.

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

The amendment (No. 1691) was agreed to.

Mr. CHAFEE. 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.

AMENDMENT NO. 1692 TO AMENDMENT NO. 1676

(Purpose: To refine the criteria of selection for Federal assistance for Trade Corridor and Border Infrastructure, Safety, and Congestion Relief projects)

Mr. BAUCUS. On behalf of Senator MOYNIHAN, 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 Montana [Mr. BAUCUS], for Mr. MOYNIHAN, proposes an amendment numbered 1692 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:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

Mr. BAUCUS. This amendment, as I mentioned, I am offering on behalf of Senator MOYNIHAN from New York. It clarifies that the Secretary shall consider the value of commodities traveling through a State in addition to the volume of the commodities when selecting proposals in the border infrastructure and trade corridor program.

We have examined this amendment. I think it has also been cleared by the other side. I urge the adoption of the amendment.

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

The amendment (No. 1692) was agreed to.

Mr. BAUCUS. 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.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1676

(Purpose: To clarify the planning provisions of the bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senators MOSELEY-BRAUN and DURBIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN, proposes an amendment numbered 1693 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:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city

or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(i) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

Mr. BAUCUS. On behalf of Senator MOSELEY-BRAUN, this is an amendment to, frankly, correct an error that was made in the drafting of the Environment and Public Works Committee bill before us today. The effect of this amendment, therefore, would be to return to current law.

When the committee drafted the bill before us, that is ISTEA II, we did not make any major changes to the current ISTEA planning provisions. The language the Senator from Illinois is reinserting should not have been deleted from the bill.

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

The amendment (No. 1693) was agreed to.

Mr. BAUCUS. 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.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1676

(Purpose: To provide for research into the interactions between information technology and future travel demand)

Mr. BAUCUS. Mr. President, I have another amendment. This is on behalf of Senator Barbara BOXER.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1694 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:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

Mr. BAUCUS. This amendment on behalf of the Senator from California, Mrs. BOXER would expand the current research programs to include how telecommuting and other technological and economic changes can affect trav-

el. I believe this is a good amendment and will help fill the gap in our research programs. California certainly is a State with telecommuting and other technologies, and travel, and I urge the adoption of the amendment.

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

The amendment (No. 1694) was agreed to.

Mr. BAUCUS. 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, we are working to try to get another amendment up.

Mr. CHAFEE. Mr. President, I think perhaps this might be a time when we might do the best we could to alert our colleagues as to what is taking place.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. The major amendment we have been on since 10:30 this morning, what you might call the so-called Chafee amendment, has been tied up with some difficulties. We have not been able to move to a vote on that. We have set it aside to take up other matters. At this time, I would like very much if we could take up the Dorgan amendment, if that is possible. If that is not possible, and that will take an hour, we would soon be able to alert people whether we will be able to do that or not.

Absent that, and even in addition to that, there would be an amendment of about a half an hour by the junior Senator from New Mexico, Senator BINGAMAN. If the Dorgan amendment is not available to take up, then it would be my suggestion we go directly to the Bingaman amendment, which would take a half hour.

So it is possible that we would have some votes—a vote at somewhere around 6 o'clock. As you can note from my statement here, there are some "ifs" involved in all this. I am doing the best I can to keep our fellow Senators alerted to what the situation is.

Mr. BAUCUS. We are making every effort to locate both those Senators and we are urging them to come to the floor as quickly as possible. I am unable to report at this time whether they will be able to come to the floor, but we will certainly try.

Mr. CHAFEE. I say further, what we would like to do is to dispose of the underlying amendment, that is the amendment before us, the so-called Chafee amendment. If we cannot do it tonight—and I see problems with that—certainly do it the first thing in the morning. Then we would go to the McConnell amendment on disadvantaged business enterprises. He has indicated he would be ready. Actually, I told him we were going to do that this afternoon, so my predictions are not totally accurate on what we are taking up and what we might take up.

But we are doing the best we can. That is a major amendment and will take some time. We would certainly like to get to that amendment as soon as we can. The key thing is to dispose of the so-called Chafee amendment as soon as we can.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I fully concur with the agenda laid out by the distinguished chairman, and hope we accomplish it. Meanwhile, I ask unanimous consent Senator CAROL MOSELEY-BRAUN be added as a cosponsor of the underlying amendment.

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

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 (Ms. COLLINS). Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I am authorized to announce on behalf of the majority leader there will be no more votes this evening. We will announce shortly the schedule for tomorrow, what time we will be coming in, what votes will be coming up and when they will be coming up. We will be ready to announce that very, very shortly.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to the Chafee amendment.

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

Mr. CHAFEE. Madam President, we are waiting for the final arrangements for the schedule for early tomorrow, and pending that, 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.

Mr. CHAFEE. Madam President, before we start, I once again say to anybody who hasn't yet got the message, I have been authorized by the majority leader to announce that there will be no further rollcall votes this evening.

Madam President, I ask unanimous consent that at 9 a.m. on Thursday, immediately following the resumption of the highway bill, Senator BINGAMAN be recognized in order to offer an amendment regarding liquor drive-throughs. I further ask unanimous consent that there be 30 minutes for debate, equally divided in the usual form, on that amendment. I further ask consent that immediately following that debate, the amendment be set aside and Senator

DORGAN be recognized to offer an amendment regarding open containers. I ask consent that there be 60 minutes for debate, equally divided in the usual form, on that amendment. Finally, I ask consent that at the expiration of that time, at approximately 10:30 a.m. on Thursday, the Senate proceed to a vote on or in relation, first, to the Dorgan amendment, to be followed by a vote on or in relation to the Bingaman amendment. I also ask unanimous consent that no amendments be in order to the above-mentioned amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

THE BUDGET

Mr. DOMENICI. Madam President, shortly, the Congressional Budget Office—that is the official professional staff that has been in existence for many years that helps the Congress with budgeting—is going to issue—it is already prepared, it is ready for a formal issuance—an analysis of the President's budgetary proposals for the year 1999.

Before I tell the Senate what they are going to conclude, let me hearken back to when the President issued his budget. There were many Senators who asked me, "How can the President have so many new domestic programs when we have an agreed-upon limit for the year 1999 and the year 2000 and the year 2001, all the way to the year 2003, that doesn't permit any growth in the Federal domestic program?" As a matter of fact, to be accurate, it permits .5 percent growth, which the Congressional Budget Office has said, doing the arithmetic, it is even high; you cannot grow that much.

So I was being asked: Where can the President find money for his education initiative—whether you are for it or against it—for his child care proposal—whether you are for it or against it—and a long shopping list of programs? And I believe I said then, and said on the floor of the Senate, I do not believe he can. I believe he has tried to find a way to spend more than the agreement says we can spend, but says he isn't by transferring revenues and receipts to the Appropriations Committee so they can spend the money and take credit for the revenues and receipts and other matters like that.

Well, as a matter of fact, the Congressional Budget Office says that the President is \$68 billion in excess of the agreed-upon amounts we can spend for each of these 5 years—\$68 billion over the budget agreement caps on the do-

mestic discretionary programs, on the domestic program part of the appropriations process.

Now, that is very important, because to the extent that that is correct, then obviously, unless Senators want to go back and restrain and cut and eliminate domestic programs, they are clearly not going to be able to fund very much of the President's new domestic initiative list that was forthcoming and stated in his State of the Union address.

Now, frankly, I did not believe, as one who has worked on this for some time, that the President could exchange matters in that way, and what I said has now been vindicated by the professionals who do the work for the Congress. If you could do it that way, then obviously these agreed-upon caps would be meaningless, for all you would have to do is find revenues and receipts, and the Government could grow and grow in terms of the amount that we spend and still say that we are within the agreed-upon caps because you offset the receipts against the expenditures.

Apparently, the Congressional Budget Office said that is not possible and then found that some of the expenditures are going to spend out more than the President says. Now, that is interesting, because if you wonder where we are on surpluses, you know the President said we had a \$220 billion surplus over 5 years. The Congressional Budget Office, in its report, says the surplus for the 5 years, Mr. President, will be less than half of that, it will be \$108 billion—slightly less than one-half of what he predicted.

In addition to that fact, which should sober us up a bit, this professional evaluation done for us by an independent entity—not the economists who work for the President, and not the President's Office of Management and Budget, but an independent group—they also say that the budget, the way the President is spending it, goes out of kilter and that in the year 2000 we are in deficit again. In other words, we come out, have a little surplus—a little surplus—and then in 2000 we are in deficit again. We come out of it shortly afterwards. But it does put us in a very awkward position, as we speak of the accumulation of surpluses over time, to find that the numbers we are going to be forced to use are going to say there is no surplus in the year 2000.

Now, I wish that the President was right in his \$220 billion surplus over 5 years. I wondered about it, especially with all the new spending. But I was today to some extent—some sober language enters our discussions now, a little sobering-up with reference to where we are. And, I will insert in the RECORD the Congressional Budget Office's analysis in toto for everyone to read.

One last comment. The Congressional Budget Office has modified the annual surpluses also substantially so that there are no significant surpluses in the early years—maybe 4, 5, 6, 7 billion dollars, but nothing significant.