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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

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

Gracious Father, You have created us to love You. The words of the Bible admonish us to love You by giving thanks. Thanksgiving is the memory of our hearts. Today, our hearts overflow with memories of Your goodness to our Nation, Your grace to each of us, and Your guidance in the decision-making challenges of leadership. When we review our nation's brief history, we have been not only a Nation under God but a Nation under Your watchful, providential care. We renew our trust in You as the Sovereign of our Nation and the generous benefactor of the prosperity and blessings of our land.

As individuals, we think of all You have done for us. You are the source of our gifts, the One who has opened doors of opportunity for us and given us exactly what we have needed to live faithfully and obediently for Your glory.

Thanks be to You, Lord, for this Senate and for the powers You have entrusted to it for the progress of our Nation toward Your goals. Engender in the Senators a renewed sense of profound gratitude for Your call to serve, through the voice of the people. We join with the Senators in thanksgiving for the privilege of serving. May gratitude be our controlling attitude as we receive a new aptitude to work today with joy and delight. Through our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUTCHINSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. D'AMATO. Mr. President, this morning the Senate will resume consideration of the pending transit amendment to S. 1173, the highway bill. It is hoped that the Senate will be able to make considerable progress on the numerous amendments that have been offered and filed in regard to the highway legislation throughout today's session.

As earlier announced, the majority leader, after consultation with the Democratic leader, will announce when the previously filed cloture vote on a modified substitute amendment to S. 1173 will occur. By unanimous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Members should anticipate a busy voting day with votes continuing into the evening as the Senate attempts to make progress on this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

D'Amato amendment No. 1931 (to amendment No. 1676) to reauthorize the mass transit programs of the Federal Government.

AMENDMENT NO. 1931

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of amendment No. 1931.

Mr. D'AMATO. Mr. President, the pending amendment, the mass transit portion of the highway bill, is one that has been carefully crafted, one that has increased transit in proportion to the needs of our country. I can say quite candidly that there are not sufficient funds to meet all of those needs. Indeed, that is one of the problems that we have attempted to deal with, recognizing the budget constraints that we have.

Now, let me say we have pending before the Senate from our colleagues on both sides of the aisle well over \$15 billion in requests for new transit starts. They come from all over the country. They come from California, they come from Colorado, they come from Utah,

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



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they come from Texas, they come from the Carolinas, and they come from the traditional large transit States such as New Jersey, New York, Pennsylvania and Illinois. It will be impossible for us to do justice to all of these. We will have to be selective and mindful of getting the greatest dollar value invested in moving people. That is what we are attempting to do.

So it was that we have increased substantially the allocations in this area. We have provided some \$2.5 billion more for new starts over the life of the bill.

Now, having said that, notwithstanding this increase, we are talking about providing, in terms of budget authority for these programs, approximately \$4 billion to \$5 billion, and we have well in excess of \$15 billion worth of requests. That does not take into consideration requests that will be coming for desperately needed projects to help unclog the various urban-suburban areas, to move people in the best methodology, getting them off the road where it is possible into a light rail system or into a bus transit system. That does not take into consideration the requests that will be flowing from the House of Representatives. I imagine that they, too, will be numerous.

Now, in terms of where the greatest increases have been as they relate to resources, I want to point out we have increased, by way of percentage over and above the 1991 figures, 38 percent more for rural America, recognizing their needs. Is that enough? No, absolutely not. But can we accommodate all of the needs of mass transit, given the budget constraints? No, we can't. So we have to attempt to prioritize. That is what we have done. They have received the largest increase as it relates to any particular section of America—38 percent—recognizing that traditionally they have not used mass transit and that it is now becoming something that rural America, suburban America, is turning to more and more.

Now, whenever my colleagues have suggested there be some departures and radical formula changes that would provide \$1.5 billion more for rural America, would this Senator like to do that? Certainly, but where do we get the money? Now, let's be honest with this; if we are going to get into a game of taking from those who have a demonstrated need to increase disproportionately the dollars allocated under this bill, we are going to have trouble having a bill. I suggest that is not why we are here. Ours should not be a game of saying how do I enrich or how do I get extra for my State.

I suggest, when it comes to the highway transportation bill, this Senator said, "Look, we recognize that there have been a number of States that have had incrementally faster growth, have greater needs, have not gotten back a percentage which can be defended in terms of the revenues they send to Washington from the gasoline tax, and

they should get a higher benefit from the additional funds that are provided for transportation." That is why the formula as it relates to distribution is one that I will support, notwithstanding the percentage that my State gets goes down, goes down because we are talking about fairness.

If we are going to operate in terms of meeting all of the needs, then we can't simply say, "Oh, no, I can't have any less a percentage, I have to have more or the same." I think we have to look at basic fairness. So I am really putting forth an appeal here to suggest that we not attempt to come up with a formula that is going to give a few dollars more to a majority of the States, to build a coalition on that basis as opposed to what is fair.

Now, if this bill did not provide 38 percent more for rural America, then I could see the Senators from the rural districts coming in and saying, "Where is our fair share?" But 38 percent more has been provided. That is more than any other—if you want to say particularly large State, small State, rural State—has received. It is in total proportion because as it relates to the new starts, our smaller urban areas will be getting them. That is open to all of America based on a competitive form there, and it fits within the budget caps because those moneys spend out slower.

So I say to my friends here, in all due honesty, this Senator wants to be accommodating, and will be. We didn't get to this position now where we have, I believe, a well-crafted bill—I am willing to entertain any suggestion for improvement, but I have to start out saying, to come to this Senator with a \$1.5 billion request, which has come from staff to staff, for more in one area, simply because you can line up the votes on the basis of pure numbers, is not what we should be about. It is wrong. It is counterproductive. While I respect meeting legitimate requests and needs of the Members and of communities and to demonstrate one's concern for his or her constituency, certainly that is to be applauded. But let's look at the constraints of the budget and what we are operating under. I would like to give to rural America \$5 billion of the \$5 billion that we have allocated, but then how do we meet the needs of the rest of the country?

I hope we will not get into pity for the so-called rural States because some ingenious staff members have developed a program whereby they can count and figure that we can put 30 some odd States together and we are going to get each State a few dollars more, and then don't they come down here and say "We will vote for our State because, after all, I have to vote for my State." That is not what this bill should be about. That is not what this body should be about. I really dislike having to call that to the attention of our Members. And this is a Senator who has supported those programs and policies that are important to the

regional interests of my colleagues and their States. I have never come down here and said, "Well, what do we get?" I am asking now for a little bit of equity here. If my colleagues are going to attempt to go forth on this—and I must say to you that I have held out until my staff could meet with some coalition. But when we met, we were told they want \$300 million a year more. Where does it come from?

I say to my friends, my colleagues, you are not going to get it under the budget authority. Even if I went along with that, the Budget Committee is not going to be able to find that money because it spends out faster.

Secondly, there is the question of fairness. To say we are going to increase an allocation and say that we want an 85-plus percent increase—that is what people are saying. My gosh, if you want to say let's look and see if we can do somewhat better, that is one thing. But to come in and say you want an 85 percent increase, that is horrendous. It is not reasonable.

If we want a bill—and this Senator wants a bill—then I say to those colleagues who have every right to lobby for the interests and to work for the interests of the people of their State, let's do so with some reasonableness so we can have an accommodation. I don't want to be opposing friends and colleagues simply because I say that we have the best way. We have a limited amount of resources. I think we have been fortunate enough to get to the point that we have, where we have stretched the resources of both our committee and the Budget Committee.

This isn't a situation where we can just open it up. By the way, we can use money for buses as fast as anybody else. But that spends out quicker. The Budget Committee isn't going to be able to find the money if we do that. I say to my colleagues, if you are on the floor, let's have a little balance. When I have staffers sitting down with our staff, when we say let's look and see, and they say we need \$1.5 billion more or \$300 million more, that is not being reasonable. That is going beyond. To say we want \$1.5 billion, and to jigger the formulas around so we are not doing it on a per capita basis—but we are changing that also—that is not going to work.

Mr. President, I say let's go forward in the spirit of attempting to ascertain whether there are methodologies available to provide additional resources. That is fine. But to come forward in this manner and say, well, we have a coalition of X number of States—I have done that before. We have had to defend against formula changes. I don't like it. It's not conducive to working together for the best interests of our States, our region and, more importantly, the people of our country as a whole.

I yield the floor.

Mr. SARBANES addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am pleased to join with Chairman D'AMATO in introducing the Federal Transit Act of 1997 and the Transportation Equity Act as part of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991, what is characterized as ISTEA II. I want to commend Senator D'AMATO for his leadership on this bill and urge my colleagues to support this important legislation.

The Federal Transit Act of 1997 continues for another 6 years the program structure established in ISTEA in 1991. It takes the total funding for Federal transit programs, all Federal transit programs, up from \$31.5 billion for the 6 years under ISTEA I to \$41.3 billion over the next 6 years.

Adoption of the budget agreement for transit continues the important 4-to-1 funding relationship between highways and transit that was incorporated in ISTEA. Actually, that ratio has existed now since the early 1980s, during the administration of President Ronald Reagan, when we raised the gas tax 5 cents. Four cents went to highways and 1 cent went to mass transit. We have managed, subsequently, to maintain that 80/20 ratio with respect to the allocation of the gasoline tax.

The additional funding provided for in this legislation is critical to address the demand for transit in all regions of the country. The Department of Transportation reports in the newly released 1997 Conditions and Performance Status Report on the Nation's surface transportation system that we need to spend almost \$10 billion every year just to maintain existing transit conditions.

Enactment of this bill will at least take us a good part of the way toward meeting the goal of maintaining current conditions on transit systems nationwide. It doesn't really take us far enough out to address the question of improving the conditions and performance of the transit systems.

The bill and the budget agreement increase the authorization levels for discretionary capital grants of formula programs to new levels. Funding for urbanized areas, for rural areas, for the elderly and persons with disabilities, the bus capital program, the fixed guideway program, and new starts are all covered under this legislation.

The new levels should, hopefully, provide an important boost to much-needed transportation services in all parts of our country. Transit investment is critical to achieving the full implementation of the Americans With Disabilities Act. Enactment of this legislation strengthens the important Federal commitment to a national transit program.

Building on the flexibility in ISTEA, the bill ensures that local decision-makers continue to have the necessary tools to make balanced transportation decisions based on local needs. There is a new emphasis in this bill on giving transit operators greater flexibility to use transit formula funds.

The definition of capital is expanded to include preventive maintenance activities. These changes help ensure that the Federal investment is properly maintained and encourages the development and deployment of new transit technologies. In this legislation, small urbanized areas, those between 50,000 and 200,000 population, will gain the flexibility that rural areas already have. This is a flexibility that is already provided to rural areas of the country; namely, to use their formula funds flexibly for either capital or operating assistance. In other words, they won't be divided into categories in this respect. This change should help to offset the reductions in the operating assistance that various areas of the country have faced over the past 3 years.

In combination with the expanded definition of capital, which I referred to above—expansion includes preventive maintenance activities—this new flexibility will benefit all transit operators in those communities.

The transit bill also includes an additional \$600 million over 6 years for a new access-to-jobs program that is designed to improve transit services for welfare and low-income individuals to get to and from jobs. Actually, one of the greatest obstacles welfare recipients face in getting jobs is getting to the job. Making public transportation more accessible ensures that people can move from welfare to work.

This legislation follows the path broken by ISTEA in placing emphasis on regional planning and flexibility to allow each area of the country, whether rural or urban, east or west, north or south, to use Federal transportation dollars, along with matching State and local resources, to develop the best mix of highway and transit systems to meet local infrastructure needs. It seeks to level the playing field so that local decisionmakers can make those choices, in effect, on an equal basis.

ISTEA gave us a balanced, multimodal approach to designing and constructing transportation systems, quality systems that reduce congestion, reduce air pollution, conserve fuel, improve efficiency in the movement of people and goods, contribute to the economic well-being of our country nationally, and help us compete more effectively in the global economy.

The legislation that is now before us continues that balanced approach to the development of an integrated and intermodal transportation system. Now, I don't think there is much argument that transit is critical to our overall economy. It's especially essential to our ability to sustain and revitalize the great metropolitan areas of the country.

In many areas, transit systems provide basic mobility for people of all ages and abilities. As an increasingly larger proportion of our population ages, we need to ensure mobility for active seniors who can no longer drive. I really want to stress that point. This is

a very important matter. Various senior groups have actually been to us underscoring how essential transit is in terms of meeting the needs of our senior citizens.

Clearly, transit systems link people to jobs, to medical care, to shopping and other essential services. They are particularly crucial to lower income Americans who have no other alternative to reach their jobs. Making public transportation more accessible ensures that people can move from welfare to work.

Now, let me turn for a moment to the interrelationship between effective transit systems and the environment and dealing with the challenges we confront with respect to our environment. Congestion and air pollution are two major headaches that we confront every single day, whether or not we drive. Increased use of public transit is critical if we are to reach Clean Air Act goals in areas with significant non-compliance. In fact, many of the gains that have been already achieved under the Clean Air Act are now in jeopardy unless there are viable transportation alternatives. Air pollution constitutes a major public health threat, and careful scientific study has shown that the danger posed by air pollution to health is more pervasive than scientists previously thought. In fact, the American Lung Association estimates that the national health care bill for air-pollution-related illness is \$40 billion a year.

In many areas of the country, transportation actually is a major creator of air pollution for both ozone smog and particulate matter pollutions. Whether it be diesel trucks or gasoline-powered vehicles, they contribute to that problem. One way, of course, of reducing this problem is for people to make greater use of our mass transit systems.

Secondly, congestion is imposing significant costs to the economy and wasted time and fuel as drivers are simply stuck in traffic. If we did not have public transit, there would be a minimum estimate of 5 million more cars on the Nation's roads, requiring 27,000 more land miles of roads. Last year, the Texas Transportation Institute released its 10th annual report on congestion in 50 urban areas. Research showed that commuters in one-third of the Nation's largest cities spend more than 40 hours a year in traffic jams, and they estimate that the gridlock costs the Nation over \$50 billion a year.

Use of mass transit systems is on the increase. In the third quarter of 1997, transit ridership increased by 2.6 percent over the same period in 1996. Actually, the total number of trips taken on all modes of public transportation from July through September of 1997 exceeded 2 billion. More than 50 million more trips were taken on transit during this period than during the same time the previous year.

Third, transit means mobility. According to the Federal Transit Administration, over 10 million Americans

use transit each working day, and another 25 million use it less frequently but on a regular basis. Public transit provides these commuters with an affordable and convenient transportation option. Mobility is important in all parts of the country in urban, rural and small town America. This legislation seeks to contribute to an improvement in transit in all parts of the country.

Finally, transit is an important contributor to economic development and job creation. Observers from across the political spectrum recognize that quality transit investment, whether bus or rail, makes good economic sense.

In "Conservatives and Mass Transit: Is It Time For A New Look?" Paul Weyrich and William Lind state that transit serves important conservative goals, "including economic development, moving people off welfare and into productive employment, and strengthening feelings of community."

Public transit is also about jobs—creating jobs and connecting people with jobs. Increasingly, employers see the benefits of locating their businesses near a transit line for employee access to work, for reduced need for parking facilities, and for the economic benefit from commercial development around transit stations.

Mr. President, a balanced, integrated national transportation network is essential to improve the economic productivity and quality of life of all Americans. Public transit is a vital part of our intermodal transportation system. We must continue to invest to both maintain existing transit and to build the necessary infrastructure to meet growing, unmet demands for quality transit systems.

ISTEA has worked well for transit, and that has brought many benefits to our States and to the country. Passage of the Federal Transit Act of 1997 will keep America moving forward well into the 21st century.

Therefore, I am very pleased to join with Chairman D'AMATO to continue a strong Federal transit program as we reauthorize ISTEA.

I urge my colleagues to support this very important legislation.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Loretta Garrison, of the Committee on Banking, Housing, and Urban Affairs, be permitted access to the floor during the consideration of S. 1173 and S. 1271.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I want to address very briefly the matter which my distinguished colleague from New York was addressing just before I took the floor, because apparently it now appears, unfortunately, that we are going to have a squabble over regional allocations of transit money. The transit program has always been based on need. We have tried to structure the program in such a way that it responds to need, whether it is in the

urban areas, the small metropolitan areas, or in the rural areas of the country. If we get into a sort of, "well, I need to get back what I put in" mentality, this can be carried to an extreme.

My State, for example, is a high taxpayer to the Federal Government with a high per capita income. On any chart we put in, we are right up in the top handful in terms of what we put into the Federal Treasury. We don't get, to use an example, much from the agricultural subsidy program—from the various stabilization programs for agriculture. I, in fact, have supported those programs in this body, responding to the appeal of my colleagues from the farm States that it is essential to the economies of their States and, indeed, essential to the economy of the Nation.

I think a strong agricultural program is essential for America's strength, just as I think a strong transit system program is essential to America's strength. But I have not approached that issue on the basis that I should get out of the agriculture subsidy program a relationship to the money we are putting into the Federal Treasury. I am willing to take that issue on its own in terms of the need to have the program. I think if you are going to have a united nation, you have to have a certain amount of that attitude.

We have already been through a revision of the highway formula that has markedly shifted the percentage shares distributed under that formula to the Western and Southern States, and we recognize the arguments that are made for that. That change is taking place in other sections of this legislation.

I, for one, would be very much opposed to departing from the needs criteria in addressing the transit systems. We are trying to meet, in effect, national transportation needs. The extent of that, of course, varies in different parts of the country. We structured legislation to try to ensure that a reasonable amount of resources go into each part of the country. But we have not structured it on the basis of, in effect, you get back something that is related to what you put in. As I said, if we go down that path, there are any number of programs that we are supportive of that are not done on that basis. And I think Members, if they stopped and thought about it for a bit, would reach the conclusion that it would not be advisable to have that approach.

So I hope these matters can be dealt with in a spirit that recognizes the national interest that is involved in these transit system programs and that maintains some sense of equity as between highway and transit moneys, which I think is essential—that sense of equity is essential—if we are going to develop a balanced and integrated national transportation network.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I would like to commend the chairman of the Banking Committee, Chairman D'AMATO, for all of his hard work on the issue of mass transit and the authorization legislation.

I have listened with interest to some of the comments both of my colleagues have made here on the floor, and what they say is true in many regards—that we have some real needs in urban metropolitan areas; we have real needs in regard to congestion; we have real needs in trying to deal with the problems of air pollution; we have real needs in trying to deal with the elderly and how they are going to get back and forth to meet their needs of everyday living.

I have been working with Senator ROD GRAMS for an amendment on six guideways and the new-start amendment. All it is dealing with is new dollars that will be going to fix guideway systems. We are talking in this amendment about a third of the dollars that actually go into mass transit.

The State that I come from, Colorado, maybe falls into the classification of a rural State, but the fact remains that many States like Colorado are experiencing tremendous growth. We are not having a rural problem; we are having urban problems. We are having problems with air pollution. We are having problems with congestion and how people are going to get back and forth to work in a timely manner.

So those problems that many of the larger communities of our country have experienced for many years we are now beginning to experience while moving into a new century. People are looking to the West, and they are looking to the South to retire. They are becoming used to using a lot of these fixed guideway systems. So they are moving to States like Colorado. Maybe they are moving to Arizona, California, Florida, Southern States because it is warmer weather, it is a good place to retire. Consequently, many of the communities that were small are now experiencing growth problems and are experiencing traffic problems in trying to meet the needs of their citizens.

I have many communities on the front range area of Colorado. That is the area that is just east of the Rockies. The Denver metro area runs all the way from Pueblo, CO, and Colorado Springs, there is a Denver metro area, then north to Boulder and Longmont and Fort Collins. This is an area that extends for about 120 miles. There is a lot of growth occurring in these areas. These communities are looking at ways of how they begin to move traffic off of roads where there is a lot of congestion and where they are dealing with some serious air pollution problems. They want to clean up the air in Colorado. We are privileged that we live in a beautiful State. We want to see it remain that way.

If we can have a fair option, at least, of trying to tap in on some of the money for new fixed guideway systems

and new starts, then it gives these communities an opportunity to begin to plan and to begin to become a part of the formula so that mass transit dollars can become available for those communities.

As a member of the Banking Committee, I would like to recognize that the chairman has fought hard for more dollars for mass transit. Because of his effort, obviously, we are all going to benefit from it.

I would also like to thank ROD GRAMS, who is also a member of the committee, who has been working with me, who is from Minnesota and who is cosponsoring my amendment, for fighting hard to try to get the committee and get the Senate to recognize that as we move into the next century things are changing, that there are States that are beginning to experience urban problems, and they need to have some solutions that may be available through new mass transit projects and need to have an opportunity to access these dollars.

I have worked hard to see that Colorado and similar States get a fair return on their gas contributions to the highway trust fund. Now I am going to work hard to make sure that there is a fair return as far as mass transit dollars because we are moving into a new century. Many of these States that in the past have not had a need for these dollars now find the need to resolve some of their urban problems that are developing. These efforts, I think, become particularly important in the context of additional funding that appears to have been secured for mass transit.

The obvious question is which States are going to get this additional money? Is the money going to be distributed under the same formulas in place up to now, or will there be a fair allocation of new funds?

I would like to talk a little bit about the Allard-Grans amendment, which I think is a very straightforward amendment. It simply states that any new money in the Fixed Guideway Modernization Formula, and the New Starts Program, will go to new transit systems. We are only talking about a third of the mass transit dollars. This is not a minimum allocation amendment. It does not require any set allocation to any State. This amendment would specifically address two of the mass transit programs and requires that new funds go to new systems. All of these transit projects would have to meet the criteria that are currently in law for funding under these programs.

Mass transit is funded with both gas tax funds and general funds. Currently, 2 cents of the gas tax is allocated to mass transit, and under the recently approved budget agreement that is going to rise to nearly 3 cents. Obviously, there is a lot at stake here for the future.

Certain areas of the country have done very well under the current system, but some of the disparities, I

think, are very striking. From 1992 through 1997, my State received only 50 percent of the return on its gas contributions to mass transit, and many States get far less. This current year, 1998, was actually the first year that my State did well in the program. While I am obviously hopeful that this will continue, it is very important to lay the groundwork to make this happen.

The funding disparities are striking in some of the mass transit programs. One of the two programs that this amendment addresses is the Fixed Guideway Modernization Formula. Up to this point, 90 percent of the funds, that is, under current law, 90 percent of the funds have gone to 11 cities that are specifically designated in the formula. While the committee bill alters this somewhat, it ensures that the lion's share of the Fixed Guideway Modernization Formula funds will continue to go to 11 statutory cities.

This is an authorization bill for the 21st century. It takes us through 2003. It is, therefore, very important to recognize that the urban growth in this country is occurring in the West and in the South. If Federal programs are going to be effective, they need to shift with the times, and the high-growth regions of the country are going to have the greatest justification for new mass transit dollars. The Allard-Grans amendment would afford the Senate the opportunity to look at how a portion of the mass transit money is being distributed.

As noted, the amendment addresses the Fixed Guideway Modernization Formula and the New Starts Program. We selected these two programs because they have, up to this point, been funded entirely by gas tax revenues. These two programs combined constitute about one-third of the mass transit dollars—only one-third of the mass transit dollars. I make this point for a simple reason: This amendment is not an attempt to reallocate the entire mass transit funding system; this amendment is only a modest first step towards equity for those areas of the Nation that are experiencing the greatest degree of population growth. Even with the changes proposed by this amendment, a small number of cities will continue to do very well when it comes to mass transit funding. Our amendment simply requires that new money, money above the 1997 funding levels, will go to new transit systems. Old transit systems will continue to receive what they received in 1997. The difference is they will not continue with such a large, disproportionate share of new funding.

The problem is most glaring in the Fixed Guideway Modernization Program. This formula program funds everything from underground rail to light rail to bus shuttles and even HOV lanes. While 45 cities currently receive some funding under the program, it has historically allocated 90 percent of funds to 11 cities. I would like to ask

the Members of the Senate here to view a chart with me that demonstrates the unfairness of the formula up to now. This is under current law. In this formula, we have 11 statutory cities that are getting 90 percent of the dollars in the Fixed Guideway Modernization Formula. The other 34 cities are getting 10 percent. That is current law.

I would like to recognize the chairman's efforts. Realizing that there is a problem there, he has tried to do something in this bill. We should not forget that all transit systems have modernization needs. In fact, when we refer to the 34 new systems we are speaking only in relative terms. Before any system even qualifies for Fixed Guideway Modernization Formula funds, it first must be in operation for at least 7 years. In our part of the country, that is getting out of the realm of a new system, if they have been there for 7 years. Many parts of the so-called new transit systems are even much older than that.

Obviously, the 11 cities have the largest systems, and generally the oldest systems. One would expect them to get a large portion of the money. I concede that. However, I think most would agree with me that 90 percent is excessive. The committee bill does begin to address this past disparity. I bring up a chart to show where we are as far as the committee bill is concerned. Again, I compliment the committee and our chairman for his work in this regard.

This is, again, the Fixed Guideway Modernization Formula and what happens at \$1 billion of total funding. Eleven of the statutory cities in this one program, under the Fixed Guideway Modernization Formula, will get 83 percent of the dollars; 17 percent is then divided among these 34 other cities. Even with the committee bill, we see there is a split of 83 percent for the old and 17 percent for the new at the \$1 billion funding level. If it is less than that, obviously the 11-cities' statutory amount is going to be protected and there will be even fewer dollars available for these 34 cities as we move below the \$1 billion level.

Let me explain how our amendment would change the way it is now, in the current bill. First, we leave the current Fixed Guideway Modernization Formula in place up to the 1997 funding level. So 90 percent of those funds would continue to go to the 11 statutory systems that receive these funds now. This would continue in each and every year; however, the amendment provides any amounts above the current funding levels would go to new systems.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. ALLARD. I yield to the Senator from New York.

Mr. D'AMATO. I want the Senator to know that I absolutely understand the equity and the justice which the Senator seeks. There is no denying it, under the old formula as it related to rail modernization, fixed rail modernization, that those communities

that heretofore did not have a system would not have moneys allocated to them. That is why we attempted to structure—and this gets a little complex, but I think the Senator knows this, and probably even to a far greater degree than the Senator from New York. I commend the Senator from Colorado for a thoughtful approach to dealing with this inequity. What the Senator is saying to these 11 cities is: Look, you have been drawing down, traditionally, X dollars. Let the program operate that way and let those additional funds over and above be allocated to the other areas of the country which have not been drawing those funds. That is the essence of the Senator's amendment. Is that a fair characterization?

Mr. ALLARD. With only one little modification I would make to that, as far as new starts are concerned. We are talking about new, the new part of the formula, where communities are trying to get started into mass transit. Because we see the solution for some of their community problems. Yes.

Mr. D'AMATO. Certainly. So now I have to say to my colleague that that would appear unfair, and I think there is something to be said for recognizing a basic situation that should not continue as we have new growth throughout the regions of our country. I think the Senator's State is one that goes right to that. There is tremendous growth in the Denver area and other areas where heretofore mass transit was never looked upon as a necessity, or something that was on the minds of people. Now, moving college students or senior citizens or others from the suburban region into the business districts, back and forth, becomes important, whether it be by way of bus, light rail, et cetera. That is why the committee attempted to deal with this, and I commend the Senator for a balanced presentation of his amendment, because he took time out to recognize that the committee attempted to deal with this by making available those funds over and above the previously allocated level, \$760 million annually, available to the communities that heretofore have not shared in that.

It may be that in that distribution of funds the Senator from Colorado could differ with us, because what we have done is recognize that these systems that are in existence need continual refurbishment, and there are billions of dollars being poured in from the State and local governments. Indeed, my State allocates at least 50 cents for every 50 cents that comes from Washington. It matches it. Indeed, in many projects it overmatches, it puts much more than that in because they have allocated, by way of the transit box and local revenues, these funds. It becomes so critical.

I might say, and I am giving an approximation, 30 percent of all mass transit riders nationwide are in New York. We draw down considerably less in the way of all of the transit dollars.

We do not overdraw in terms of the numbers of people moved, nor do we put in the application of local tax dollars that go into these systems. In a minute I am going to give you the exact number.

We have the lowest subsidy in the Nation per rider; that is 34 cents. If we are going to take a nationwide average, it is 64 cents per rider.

I just say this so we get a balance. Why do we need a balance? Because if we are going to get into the situation of saying 11 cities draw 80-plus percent, or 90 percent of the funds, we have to look at what are the numbers of people being moved and what is the percentage in terms of people being moved and their contribution and moneys coming back from the Federal Government. I do not have the number yet but I think it will be an interesting one, and I should have it. We are looking to get it—in terms of how many people are being moved.

And I would venture to say that we are probably moving more than two-thirds of the Nation's mass transit riders in those 11 communities. Now, having said that, those are more than communities, they are regions—regions—because when we talk about New York, it is servicing Connecticut, it is servicing New Jersey, as well as all New Yorkers.

When you talk about the transit system of Chicago, for example, it takes in a huge expanse. It is not just the 3-and-a-half-plus million people in Chicago, but all of the outlying areas—that is, regions. So I think we have to think about this. And if you take the Philadelphia transit system, again, people from Delaware, people from New Jersey, as well as the Pennsylvania region come in.

In no way am I attempting to diminish the Senator's argument—or not even argument but presentation—to say, look, as it relates to the newer funds, we want those over and above what have been traditionally put forth, and an opportunity to have a more significant sharing of the revenues. The Senator did point out that in this bill, for the first time, we have provided that—maybe not to the Senator's standards or to that which you would think would be fair, but we have provided that new-starts funds over \$1 billion, above what we have provided, will be shared on a 50-50 basis, recognizing that these 11 areas that now serve—I will get that number; but let us use a number—at least 70 percent of the Nation's transit riders. And I think that is a number that is fairly accurate. They will continue to have a need to modernize. They will continue to have a need to make the kinds of improvements that are so desperately necessary.

Some of these transit systems are 100 years old. So, consequently, if we do not provide additional revenues to these starts, we are going to have great difficulties in the maintaining of these older systems.

So while my colleague makes a good point—and I notice the Senator from Minnesota is here, Senator GRAMS; and I know he is working with you on this—while there is every reason to logically say, you have to provide for our needs, we started to do this. I take great pride in that. And our bill prior to your coming to the floor and prior to our markup last year, we did provide for a fairer, better allocation. It may be that it is not enough.

But let me simply say this to my colleague, that it would be, in this Senator's opinion, unacceptable—and this is important because it goes to the heart of where I am coming from—it would be absolutely unacceptable to say to 70 percent of the mass transit riders, to the communities that carry 70 percent of the mass transit riders, that as it relates to additional funds, you cannot have any more. Now, just as it would be unreasonable for us to cling to the old formula, it would be unreasonable to say, as it relates to additional funds, you cannot have any.

What I am saying to my friends and colleagues, to both of you, is, please, let us sit down, and make your presentations, because I do not argue against the thrust of what you are going to say, that you want some of these resources, and see if we cannot work on a system that will do fairness to your position and yet recognize the necessity of having an increasing dollar allocation to these old systems that are moving tens and tens of millions of people and do need these additional funds.

That is where this Senator is coming from, not coming from, "It has got to be my way or this way." But let us look at it in that way. If we can, I believe we would have the ability to serve the needs of our own communities. I recognize that. There is no one who fights harder and sometimes has been accused of parochialism for the people of his State than I, so I recognize when my colleagues have that interest and good intent for their States. But let us see if we cannot do it in that manner, where we really do the best we can with the limited resources. And I am very willing to sit down and talk to them.

Mr. ALLARD. Will the Senator yield?
Mr. D'AMATO. Certainly.

Mr. ALLARD. I appreciate your willingness to work with us on these issues. And like the Senator from New York, I am not inflexible; I want to recognize the problems we have in these areas and be sensitive to that. All I am asking is that the Senate and the chairman and everybody—and I believe you are doing this—think a little bit about what is happening demographically as we move into a new century, and what has happened to those populations in other parts of the country that are going to be facing some of these problems you have been dealing with for many years. In fact, people from my part of the country, I hope, would consult with people from your part of the country in dealing with

these problems, because these are new problems for us.

There is a tremendous amount of commitment from the local communities in Colorado. They are willing to make commitments to more than pay for their fair share of the mass transit programs. They are not looking for a lot of Federal dollars, but they would like to have a little bit of help. They are willing to commit a lot of local dollars to these programs, even despite the fact that, these are programs that are paid entirely by gas tax dollars. And so in a way, they feel that, well, we spent this money on these gas taxes with the use of our cars and trucks. They have been paying for these in some ways because they have been buying fuel for their vehicles. So they feel that they do not want to be left out of the system.

I would just like to show what our amendment does, the Allard-Grans amendment on the fixed guideway. It actually changed the formula for 68 percent for 11 statutory cities and then 32 percent for the other 34. And there is some difference of opinion as to where that fair level is. But, like I said, we are willing to be sensitive to your needs. I appreciate the chairman's willingness to be sensitive to our needs. But I would like to explain the second part of our amendment which addresses the New Starts Program.

Here our amendment, once again, addresses only new money, and we do not take any money from projects already receiving funds from fully funded grant agreements. And why is this amendment necessary?

Well, Mr. President, one might assume that the term "new starts" means that money allocated through this program must go to new transit program projects. Actually, new starts are currently defined very broadly, and much of the money goes to additions on the same old systems that receive most of the fixed guideway money. And the Senator from New York pointed out those needs.

Under the Allard-Grans amendment, all money above the 1997 funding level would be set aside for new projects. We define "new projects" as entirely new fixed guideway systems or additions to fixed guideway systems that have been in revenue operation for 15 years or less, which is different than current law which says that they have to be in operation at least 7 years.

Again, this change would not greatly alter the current system, but it would set some important benchmarks for where we would be heading in the 21st century. As I noted earlier, the amendment would not alter the process for selecting worthwhile projects. Both Congress and the Federal Transit Administration would continue to determine which projects have merit and fund them accordingly, and which projects the local communities would be most willing to contribute to to make sure it happens from locally raised funds.

Currently, there are dozens of potential new starts located in States throughout the Nation. Unless we more carefully earmark funds specifically for new systems, these projects will continue to wait for many years.

Now, this amendment is an important change, and its impact grows with each year. Those older systems will continue to get a very generous allocation, in my view. However, the new systems in the fastest growing regions of the Nation will be able to claim a growing portion of the funds.

Now, I have not moved my amendment at this time, and I am not going to at this time, because I want to continue to have this dialogue on the floor with the chairman of the Banking Committee. But there are some very important issues here that I think we need to begin to think about in getting this country ready to address problems that will be coming up in the next century.

So I now yield to the Senator from Minnesota, Senator GRAMS, who is a cosponsor on this amendment with me. And I would like to recognize the contributions he has made both to the Senate and to this issue of transportation, particularly mass transit.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I am pleased to join my friend and colleague from Colorado in support of this amendment, the Mass Transit Capital Investment Grants and Loan Program of the ISTEA II bill. I am very pleased that dialogue has been going on recognizing the needs of the 11 core, or old, systems and also looking at the needs of the future of the 34 cities and others to come on line and how they are going to be able to receive the funding they are going to need to handle the mass transit needs they are facing today and in the very immediate future.

So I am very glad to see at least the dialogue is going on to begin the process of changing the current formula to take into consideration and into account both the needs of the existing systems but also the growing needs of growing systems as well. So I commend both Chairman D'AMATO and also Senator ALLARD for their work on this.

In recent years, Minnesota has received, Mr. President, less than a 20 percent return on its gas tax contributions to mass transit, and many States have received even less. Through the Allard-Grans amendment, I seek to ensure that Minnesota gets a fair and equitable return on its gas tax contribution.

Now, we do not have the ridership on mass transit because we do not have the mass transit. If we do not have the mass transit, we cannot move the number of people, we cannot get into the formula argument of how many—70 percent, et cetera—people move on these existing systems. So there has to be a formula to ensure an equitable re-

turn to make sure these cities, such as the Denver or the Minneapolis-St. Paul area, have the funds to be able to invest in their transit needs.

Now, section 5309 is entirely funded by the gas tax, and it provides nearly half of our Nation's mass transit dollars. We intend to amend this program to provide an equitable and fair distribution of transit dollars to new systems. These are systems in areas where the rising population dictates the need to resolve traffic congestion through mass transit options.

As the Senator from Colorado has indicated, the amendment consists of two program changes. First, we make a change in the Fixed Guideway Program, and second, an improvement in the New Starts Program. Now, unless the Senate bill is amended, the vast majority of section 5309 will go to existing transit systems only. If mass transit programs are to be effective, well, then, the funding needs to go to the cities in regions of our country that are the fastest growing and drastically need this transit funding.

In 1997, fixed guideway systems were funded at the level of \$760 million in modernization funds. This was distributed on the formula of 90 percent to the 11 "old" or "statutory" systems, and only 10 percent went to the 34 "new" systems. The committee title alters this somewhat, but most of the funding for fixed guideway funds will continue to go to the 11 statutory cities.

Now, let me make one very important point. This amendment does not alter the current level of funding for the 11 old systems. It merely requires that of all the new funding above the current funding levels of \$760 million for 1997 go to the new transit systems. These new systems include the 34 new systems that now receive funds and any additional systems that meet the threshold requirement of 7 years of revenue operation during the 1998 through the 2003 year period.

Just let me list the 34 new systems that would receive increased moneys from this amendment. They include Los Angeles, Washington, DC, Seattle, Atlanta, San Diego, San Jose, Providence, Dayton, Tacoma, Wilmington, Trenton, Lawrence-Haverhill, Chattanooga, Baltimore, Minneapolis-St. Paul, St. Louis, Denver, Norfolk, Honolulu, Hartford, Madison, San Juan, Detroit, Dallas, Sacramento, Houston, Buffalo, Portland, Miami, Phoenix, Jacksonville, West Palm Beach, Fort Lauderdale, and Tampa.

Of course, this list will continue to grow as other cities come on board in the future years once they meet the existing threshold requirement of 7 years of revenue operation. By the year 2000, the Allard-Grans amendment would direct 24 percent of fixed guideway modernization funds to go to these new cities. Even under our amendment, the vast majority of funds would continue to go, again, to the 11 "old" systems. And that is still a very generous allocation of these resources.

The New Starts set-aside for projects for new transit systems is defined as projects for completely new fixed guideway systems, or extensions to existing fixed guideway systems placed in revenue service for 15 years or less.

The amendment would ensure that growth in the New Starts program is directed at assisting new transit systems. Also, another important point to make is that this amendment would not alter the process for selecting worthwhile projects.

Both Congress and the Department of Transportation would continue to determine which projects have merit, and fund them accordingly. There are no earmarks or language that would direct the funds to our states. While there are additional monies that have been added to the new starts program, the Transportation Appropriations Committees would still need to decide which new start projects to fund and at what levels to fund these projects.

Keep in mind that both the Fixed Guideway Modernization and New Starts program combined constitute less than one-third of the mass transit dollars. Even with the changes proposed by the amendment this small number of cities will continue to do very well when it comes to mass transit funding. Our amendment is a small step toward ensuring a minimum degree of equity to regions in our nation that now have the greatest growth. I urge my colleagues to support our amendment.

Mr. President, I would like to take this opportunity to recognize the importance of the ISTEA II bill and thank the floor managers for their efforts to report out very comprehensive and difficult legislation that is vital to all our states. The Senate's ISTEA II bill represents the result of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I want to again thank them for the work they've done to bring this bill to the floor. The citizens of my home state of Minnesota strongly support a 6-year reauthorization bill funded at the highest levels we can. This must be one of our top priorities in this session, and I hope we can soon reach a time agreement to facilitate its passage. I know we have only considered a few of over 200 amendments, many of which are nongermane, to this bill.

As we are all painfully aware, the short-term ISTEA reauthorization bill expires March 31, 1998. After May 1, states will be prohibited from obligating any federal highway or transit funds at all. Although the money has been appropriated, it cannot be spent.

This makes it especially difficult for a cold-weather state such as Minnesota to fund construction projects for the summer and fall construction seasons. That is why we must pass a 6-year reauthorization bill, rather than merely extending it for another 6 months.

Again, on behalf of Minnesota constituents, I ask my colleagues to allow this bill to proceed rapidly. I am pleased that an agreement was reached on transportation spending in order to move this bill forward.

I'm glad that we will now be able to spend the 4.3 cents per gallon federal gas tax that was moved from the general budget to the Highway Trust Fund in the Balanced Budget Act of 1997. I was pleased to be a supporter of the effort to use the 4.3 cents for its intended purpose of fulfilling our nation's transportation infrastructure needs and obligations. This will mean that federal highway spending will be increased by some \$26 billion over the next few years.

With these extra funds, the bill's authorizations for roads and bridges jumps from \$145 billion to about \$173 billion. We will now be able to guarantee states at least a 91 percent return on their gas tax payments to Washington. For Minnesota, this additional spending will result in an average increase of \$47 million per year. The bill would also increase Minnesota's average share by over \$129 million per year above the 1991 authorization.

But most importantly, I want to commend Chairman DOMENICI for his commitment to find real offsets to this new spending so we do not break the spending caps in the 1998 balanced budget agreement. Mr. President, while I was pleased with the spending agreement, I am concerned about the additional spending for new programs that was negotiated as part of this agreement.

As one who has supported an amendment in the past to reduce the level of funding for the Appalachian Regional Commission, and require that the Commission provide a specific plan for future downsizing, I am particularly concerned about the extra \$1.89 billion for the Appalachian highway system. I was disappointed that some Senators would seek to add earmarks for their own states, when all states would benefit from the additional funding. The earmarks have increased the total funding amount—and expected and necessary offsets will undoubtedly hurt other states such as mine in unrelated areas, including possible tax increases.

Mr. President, the short-term extension of ISTEA is approaching its expiration. We need to go forward and approve a new highway reauthorization bill that is fair to states and consistent with our five-year balanced budget agreement as well.

I yield the floor.

Mr. ALLARD. I thank the Senator from Minnesota for his very fine statement. I have no further comments and 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. DOMENICI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Mr. President, let me address the question, because my colleague has been very persuasive. When you give a picture with 11 cities getting 90 percent of the transit moneys for mass transportation—about that, or 80 some-odd plus percent for the 11 regions; and I really think they are regions that receive most of the rail modernization, three quarters of the people—so where do you put the money? I don't say this to diminish my colleague's argument in terms of providing funds for those regions which are now developing needs because they have become high-growth, fast-growth and therefore they want to begin to have the people movers. They want to move people, get them off the roads. They want to partake of this program. That is not an issue.

We will come into conflict with people who say all additional moneys, all new moneys for rail modernization shall go to cities that heretofore have not participated. Then what you are saying is that those communities that are now moving hundreds of millions of people, 1 billion plus riders annually—that is a lot of people; a lot of people going to work—thereafter additional funds can't be used to modernize to keep these systems operational.

Now, are we saying they have a fixed cost and that their costs don't go up; that they don't have a need for additional funds over and above the levels they have been traditionally receiving? Of course not. That is like saying you can spend the same amount of money to maintain the Nation's highway systems and roads every year, and since you have been getting money, you don't need any additional money over and above. That is silly. The fact is that costs do go up and they are going up. The main thing, as these facilities become older, particularly where you have transit systems that go back 75, 80, 90, 100-plus years—that is why we call it rail modernization and fixed guideway systems—their needs will absolutely be greater than new systems coming in.

So to simply say that any moneys over and above what they have traditionally received should now go to those who heretofore have not participated is not something that this Senator could accept. I don't pretend to speak for my colleague, the ranking member, the senior Senator from Maryland, but I am quite sure that Senator SARBANES would have to take that same position, and all of my colleagues who represent these 11 regions would similarly find themselves in a position to say, "Are you saying that notwithstanding you are provided more money, new money for rail modernization, because we are an older system, we are not going to get any of that money?" It is on that basis that I have to oppose my colleague's amendment as put forth.

However, I want my colleague to know that I am not unwilling to look

at an alternative, to say, can we provide funding that will recognize the needs of these other communities that historically have not participated? That is the art, then, Mr. President, of attempting to deal with an issue that will provide equity and fairness for the present system and for those who wish to start systems.

I see my colleague and friend, the distinguished Senator from Maryland, rising, so I yield the floor.

Mr. SARBANES. Mr. President, I agree with the distinguished Senator from New York, the chairman of the committee.

There are just a few basic points I want to make. First of all, I think all of us owe a significant measure of appreciation to the chairman of the committee for his efforts interacting with the chairman of the Budget Committee to find additional money for transit programs.

In other words, a real effort was made here to get more money into the transit programs to help address the various needs of people.

Secondly, on the fixed guideways, the committee itself, in consultation with the public transit groups across the country, made an adjustment in the workings of that formula so it is not as though we are oblivious to some of the problems that have been raised here on the floor. We try to make adjustments to take care of them.

Thirdly, it is very important to understand that about three-quarters of the riders are in those cities. So there is a relationship between where you are putting the money and where the ridership is. This gets complicated because more and more cities now want to come on line with transit systems. The additional money that the chairman and those of us working with him have been able to gain for the transit programs will help to make that possible.

Now, the distinguished Senator from Colorado said that this last year, he thought his return had jumped significantly. As I understand it, there is a full-funding agreement for the transit system in the Denver area so that the payout is beginning on that system. One of the problems you have here—and people have to understand this—the transit systems have to be funded in discreet jumps. You can't do it just a little bit everywhere each year because that doesn't give you enough money to build your transit system. In order to build a transit system, the transit systems have to work with the Department of Transportation to get a full-funding agreement, and then there is a commitment. So you get a jump, a discreet jump, in the amount of money coming in to build your system. You have to do that with each system that is coming along. If you just give a few extra dollars in each place, you can't build a transit system with that little money.

Now, one of the problems, obviously, we will confront as we move along is more and more areas and regions rec-

ognize the desirability of a transit system, so they want to be part of the process. I am in favor of their being part of the process.

I fought very hard with the chairman to maintain the 80/20 allocation. If we had lost that allocation, I think our ability to have additional money for transit would have been very quickly on the downside.

We know there are lots of needs. Members come to us. We understand that. We are trying to work with Members in order to achieve that. You can't look at one segment of the transportation funding without relating it to the other segments, not just within mass transit, but highways as well.

Now, the chairman's State and my State take a sharp hit on our percentage share of the highway money in this bill. We take a sharp hit on the percentage share of the highway money. Many of those who are now coming to us who were seeking to rework the transit formulas, in fact, were among the States that benefit very significantly by the reworking of the highway formula.

I am trying to look at it with a broad point of view. I recognize some of the arguments that have been made about the highway formula, although I had counterarguments I could make if you want to talk about miles traveled, congestion and all the rest of it. I can bring up a list of figures. The second most congested area in the country on highway traffic is right here in Washington, DC, as most of my colleagues probably realize as they seek to move around the area. But in any event, those adjustments are getting made, and we are recognizing that those adjustments are getting made. Now, even within the transit scene, it's clear that the new-start money is moving to new areas. Now, that simply is happening. I don't think the old areas ought to be "frozen out" of new starts because often they have to, as it were, extend their systems to accommodate the movement of populations further out into suburban areas.

We are trying to build systems here that work, and we recognize the needs of new areas. I think we have tried to be very responsive, as a matter of fact, in the committee to try to address the needs of new areas.

So I say to my colleagues that I think it's very important to try to take a balanced view. I think it's important for the Senate to try to come out with a balanced bill that represents a reasonable accommodation amongst all the interests that are reflected in the Senate, because the nature of the political dynamic is quite different in the House, if one stops and thinks about it for a moment. I think that if we have a balanced bill, it can become a kind of magnet point in dealing with the House. If our bill is seen as unbalanced, it won't be that magnet point, and the House people, I think, will obviously be seeking to move it to a new balance. So I think it is very important

for us here to try to come with a new balance, and we are working hard to try to get that.

I made my point on the highway formula, and I don't intend to press it any further. But in terms of taking a broader view, I hope we can get a comparable response on the transit measures. But you have these older transit systems—actually, a system that is more than 15 years old may need modernization worse than any system in the country. You have to upgrade these systems. New York has upgraded its system, and it made an enormous difference in ridership and in the general acceptability of the transit system. So we understand the problem, and we are trying to work with our colleagues. We are trying to keep moving this process along. We really have worked overtime to try to get the additional resources to help ease the situation. And I think, having done that, although we have to carry it all the way through the appropriations process now, I think we are in a better position to respond to needs that Members have.

If we get into undoing all of these arrangements—it is a never-ending process—then I think we are going to confront a lot of difficulty. I appeal to all of my colleagues to recognize the complexity of it and recognize that the committee has been trying to deal with it. I think the chairman has bent over backwards to try to find ways to accommodate Members. But I certainly hope we don't make any sort of major, sweeping changes in the allocation because it's going to throw the balance completely off.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my friend and colleague, the ranking member, Senator SARBANES, for recognizing what we as a committee and our staffs have attempted to do in coming up with a bill that does not nearly meet the needs of all of our constituents because there are spending limitations. We are going to have a tough time. I can tell the Chair that we have a minimum of \$15 billion-plus worth of requests for new starts. And I think if you were to look at them, you could probably—and I am not attempting to rank them; that is not my job. There is a procedure which does that, and I think they should be ranked, but as it relates to cost-benefit, numbers of people moved—I know when you look at the city of Denver, where my colleague comes from, there is no doubt that the program being advanced by the city and metropolitan region will be probably one of the highest ranked. But they are going to have to earn that ranking. But you can't have that kind of development and not believe that it's not going to be there.

Demonstrated need is the key. In fairness to my colleague, I don't want to imply that he is arguing for any change on that. I am simply saying

that when we look at the numbers of applications that will be coming in, I have to tell you that there will not be nearly enough resources to do them all. I hope that, in the fullness of time, we will be able to get a better allocation for mass transit generally. I think we are being very, very myopic as it relates to the manner in which we are allocating resources nationwide. It is easy to put money in and justify for highways. It has a very strong base of support. That is undeniable. But something that is even more important, or equally as important, is when we look at our major urban centers throughout this country, we are going to begin to find in those fast-developing areas in the South and far West, as people migrate, you are going to have incredible problems, whether it be in Atlanta, Denver, Memphis, et cetera. As these areas build and develop, we are going to want to be able to move these people. Unless we provide the resources, it's not going to happen. So we have had a rather unbalanced—I think the last time we provided any moneys was in the legislation that I authored, and I had a tremendous battle, back in 1982. It authorized 1 penny out of the nickel to be set aside from gasoline for mass transit.

Let me say this to you. If it sounds like I am self-aggrandizing, I don't mean to. But, thank God, we were able to get those moneys set aside. I have heard more people complaining about that. What a myopic view. Where would some of the systems in their States be? They have come on rather recently, and they have applications for more, and I am talking about large States that have to move large numbers of people. Their representatives are complaining about that 1 penny set-aside. Well, what would you have then in terms of any type of new start or mass transportation? We would not be having this debate and we would not be having a mass transit bill.

Some people say, oh, we don't care, we don't need it, we don't want it. That is a rather narrow-minded point of view. So I have to say, thank God, we are at this point where at least we have limited resources that have been provided as a result of the 1 penny set-aside as opposed to no resources that we would have. We would not have any. So maybe we are lucky that the Senator, at this point in time, can come to the floor and say, "Listen, we want a better allocation on that." I don't fault him for that. I think he has real merit in his position of saying, "There is this need, so can't we do better?" I say to the Senator that I want to try to do better under these. I hope we can come to the floor some day, sooner rather than later, because the expressed, absolute need—by the way, we save lives. When you get people out of the automobiles in congested areas where sometimes they are stuck 30 minutes when coming through a bridge or tunnel, whatever, and put them on a modern system that moves them back and

forth, you take out tons and tons of pollution.

We have one project that we are looking at in terms of removing 1 million trucks a year off of the roads between New York and New Jersey. It is a tunnel project. It is not part of this bill. They estimate that we will be able, as a result of this one tunnel, to save in the New York City region 3,000 lives annually—3,000 people who otherwise would be dying. That is not to talk about the incredible hospital costs that go into it, the hundreds of millions of dollars in terms of asthmatics, et cetera. That is just one little project.

We are talking about another one for moving 100,000 people a day who now have to make a cross-town transfer. They come into New York City on one side of the city and then have to transfer and go all the way over to the other side to get to their job, and then come all the way over again. They are talking about eliminating 12,000 taxicab rides a day. They are talking about saving \$900 a year for 100,000 people who have to pay then to go back and forth. In terms of hours, it's about an hour a day for each one of these 100,000 people. So the man-hours can be saved.

The pollution that would result will be cut down, and the quality of life will be enhanced. These are the kinds of things that can and should be available to us. There is an underlying problem in this bill—a big one: we don't provide sufficient resources. We can't, unfortunately. There are the budget constraints. So, I think we all have to recognize that there has to be a little give and take on this thing. This is not going to be good for us if we have to make changes in terms of a parochial sense to take less. I think the Senator from Maryland stated it well. We get back a smaller percentage as it relates to the highway that we received previously. But we had to recognize that there are expanding areas and they need some money. I am willing to recognize that here. But I need some help in arriving at that, because there is an underlying deficiency. I might say to those colleagues who are going to say we need more, then help us and support us when it comes to providing additional resources for all of mass transit, so that we can see that rural America and urban America are not in conflict and we can make those needs.

Right now, our job becomes impossible to meet all of the needs, due to the lack of resources. That is a fact. And were it not for the incredible work of the Budget Committee, and particularly Senator DOMENICI, in finding available resources, we would not even be at this point, and the inequity and problems would be even greater.

So I thank my colleague, Senator SARBANES. Again, I want to commend the Senator from Colorado for coming forth in a way, hopefully, that will provide additional resources to the people not only in this region but in like regions throughout the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder if I may have 10 minutes to speak out of order.

Mr. D'AMATO. I have no objection.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Con. Res. 82 are located in today's RECORD under "Submission of concurrent and Senate Resolutions.")

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to move on and talk about one related matter for 5 additional minutes.

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

TIBETAN UPRISING DAY

Mr. WELLSTONE. Mr. President, today is the 39th anniversary of the Tibetan Uprising Day. On March 10, 1959, the Tibetans instigated a massive uprising against the Chinese in Lhasa, the Tibetan capital. It was ruthlessly suppressed by military force. An estimated 80,000 Tibetans were killed, and the Dalai Lama was forced to flee, seeking refuge in India. Every year, on March 10, the Tibetans in exile gather to commemorate the anniversary of this unfortunate day and to protest the continued occupation of Tibet.

Mr. President, there are demonstrations all across the country which commemorate this day, March 10, 1959. And I would like to bring to the attention of my colleagues the meaning of today to the people in Tibet and to make a linkage to what we are doing on the floor—again, with Senator MACK from Florida, with Senator HUTCHINSON from Arkansas, with Senator FEINGOLD from Wisconsin.

By the end of this week, because of the personal commitment of the majority leader, we will have an up-or-down vote on a resolution, or an amendment to a bill, which will call on the President to put the full force of the United States authority behind the resolution which will be critical of or condemn human rights violations in China before the International Commission on Human Rights, which is going to start meeting on March 16.

I have a letter which was translated into English—but I am going to keep this forever, because I think it is such a great thing—from Wei Jingsheng, which he wrote out in my office on Friday. This is an appeal by Wei, who spent 18 years in prison and had the courage to stand up for what he believes in. He will be nominated for the Nobel Peace Prize.

This is the request to the U.S. Senate to please go on record this week, before the International Commission on Human Rights meets, strongly behind a resolution calling on the President to do what the President has promised to do, calling on the administration to do what they promised to do, which is to move forward on a resolution at this Human Rights Commission in Geneva which will be critical of, or condemn,