

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

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

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

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

The assistant legislative clerk read as follows:

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

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

AMENDMENT NO. 1951 TO AMENDMENT NO. 1676
(Purpose: To make additional allocations, and in offset)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendment numbered 1951 to amendment No. 1676.

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

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

The amendment is as follows:

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

(g) ADDITIONAL ALLOCATIONS.—

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

- (A) Arizona: \$7,016,000.
- (B) Indiana: \$9,290,000.
- (C) Michigan: \$11,158,000.
- (D) Oklahoma: \$6,924,000.
- (E) South Carolina: \$7,109,000.
- (F) Texas: \$20,804,000.
- (G) Wisconsin: \$7,699,000.

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

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

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

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

(4) LIMITATIONS.—

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

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

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

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

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

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

The proposal is to take \$70 million per year for 5 years—1999 through

2003—from the Federal research program and distribute that amount among the seven States. Thirty percent of the new funds would be distributed equally among the States—\$3 million per State—and 70 percent would be distributed according to the share of payments to the trust fund in 1996.

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

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1951) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1952

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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

(a) FINDINGS.—Congress finds that—

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

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

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

(B) the difficulty in making lane changes; and

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

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

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

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

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

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

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

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

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

As a Senator representing a State with the second and third largest rail hubs in the country, I can tell you railroads hate triples. As a Senator representing a State that allows triples on a small portion of roadways in the

Kansas City and southwest Missouri areas, as home of the third largest trucking center in the country, I can tell you that trucking companies love them.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

WALTER B. McCORMICK, JR.,

President and
Chief Executive Officer.

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

Six years ago, Congress recognized the need to stop the growing presence of big rig trucks on our roads. We included in ISTEA a provision I authored that froze the lawful operation of LCVs to only those routes where they had

been operating up until that time. It was the right thing to do then and it's the right thing to do now.

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

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

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

LCVs pose extraordinary safety risks to other motorists.

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

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

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

Clearly these big rig trucks are a deadly menace.

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

I yield the floor.

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

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

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

I thank the Senator for his amendment.

The PRESIDING OFFICER. Is there further debate?

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

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

I urge Senators to agree to this amendment.

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

The amendment (No. 1952) was agreed to.

Mr. BOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1953

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

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

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

(a) Section 5117 is amended—

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

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

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

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

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

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

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

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

"(B) a farm to another farm;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1953) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1726

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 41, line 11, insert "(excluding demonstration projects)" after "programs".

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

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

date of enactment of this subparagraph).

“(3) DEMONSTRATION PROJECTS.—

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

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

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

“(ii) the ratio that—

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

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

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

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

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

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

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

The yeas and nays were agreed to.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This is offensive. And I'll do everything in my power to make sure that such outlandish action is not condoned by the Senate. However, in the event my efforts to entirely stop all new

demo-type funding projects are not fully accepted by the conferees, we must ensure a safety valve is in place. The McCain/Mack/Graham/Thurmond/Coats/Brownback/Kyl amendment is one such safety valve.

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. That's correct.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1951

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

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

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

AMENDMENT NO. 1380 TO AMENDMENT NO. 1676

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

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

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

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

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

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

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

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

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

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

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

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

It will also deny the most secure funding source for maintenance, oper-

ations, and future capital improvements to the bridge.

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

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

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

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

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

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

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

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

Mr. ABRAHAM. I thank the Senator.

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

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

AMENDMENT NO. 1955 TO AMENDMENT NO. 1676
(Purpose: To improve the provisions relating to credit for acquired lands)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 139, strike lines 22 through 24 and insert the following:

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

“(B) is incorporated into the project;

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

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

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

“(ii) the consideration of alternatives; and

“(iii) the selection of a specific location.

On page 140, strike line 15 and insert the following:
(3) in paragraph (3), by striking “agency of a Federal, State, or local government” and inserting “agency of the Federal Government”;

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

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

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

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

“§ 323. Donations and credits.”.

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

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

“108. Advance acquisition of real property.”;

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

“323. Donations and credits.”.

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

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

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

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

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

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

An example may better illustrate this point.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This amendment, which is very beneficial to States, and particularly local governments, frankly, is an extension of the provision in the National High-

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

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

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

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

The amendment (No. 1955) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1956 TO AMENDMENT NO. 1676

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

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

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

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

"(2) Consistent with the terms and conditions imposed under paragraph (1), the Surface Transportation Board shall approve a

proposal for interim trail use of a railroad right-of-way unless—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The Senator from New York.

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

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

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

The Senator from Montana.

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

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

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Kansas.

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

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

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I congratulate the Senator from Kansas. He has been very, very patient. I think it was about last week I said to him, "You are next up." Then problems arose and problems arose and we could not get to it. Each time I had to go to him and say, "We have to slip you back a little bit here." But he was very patient and helpful al-

though, indeed, tenacious. I congratulate him for his theory, which is a good one. The local folks should be consulted on these matters. He has worked it out. I am confident all the problems are taken care of.

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

Mr. BROWNBACK. Yes.

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

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

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

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

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

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

For example, I believe we must carefully consider any implementing difficulties likely to result with this

amendment. How will it impact the work load of the Surface Transportation Board, the agency which holds jurisdiction over rail abandonment and rail banking matters? How is the STB to know what constitutes the majority of local governments? Further, how is this new process carried forward when only one community is along a proposed trail? Would that one local government have veto authority over a new trail?

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

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

AMENDMENT NO. 1911 TO AMENDMENT NO. 1676

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

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

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

The legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(3) add at the end the following:

“(b) CHILD OCCUPANT PROTECTION EDUCATION GRANTS.—

“(1) DEFINITIONS.—In this subsection:

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

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

“(2) CHILD PASSENGER EDUCATION.—

“(A) GRANTS.—

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

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

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

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

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

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

“(ii) educate the public concerning—

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

“(II)(a) appropriate child restraint design selection and placement and; and

“(b) harness threading and harness adjustment; and

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

“(C) REPORTS.—

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

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

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

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

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

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

In the heading for section 410 of title 23, United States Code, as amended by section

3101(g)(2), strike “program” and insert “programs”.

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

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

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

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

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

Mr. President, as the parents of three small children, my wife Jane and I have struggled with making sure that each of our children is properly positioned and safely secured while riding in vehicles. This is an issue that is near and dear to our hearts. That is why

Jane and I have joined with the SAFE KIDS coalition back in our state of Michigan, to work on this problem. What we've learned is this: understanding which seat is age- and size-appropriate for your child and knowing how to install that seat—and how to properly secure the child in that seat—can be very confusing for parents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This past June, Senator ABRAHAM and I sponsored a resolution that allowed the National SAFE KIDS Campaign to use a small portion of the Capitol Hill grounds to conduct a car seat check-up event and launch a new national safety campaign. The initiative, SAFE KIDS BUCKLE-UP, was a joint project of the National SAFE KIDS Campaign and the General Motors Corporation. Its purpose was to educate families about the importance of buckling up on every ride. This event and

this initiative have been a success, but we need to do more to educate parents and public safety officials, not only on Capitol Hill, but in our communities.

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

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

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

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

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

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

Mr. BAUCUS. Mr. President, I have some good news and some bad news. The good news is that the amendment offered by the Senator from Kansas has been cleared. The bad news is we have not yet checked with Commerce to make sure the amendment offered by the Senator from Michigan is cleared. We have not yet heard from the Commerce Committee, the committee of jurisdiction. So I suggest to the manager of the bill, and to the proponent of the amendment, if he could withhold and

have his set aside, we could take up the Brownback amendment and agree to it. I expect Senator HOLLINGS and his staff will clear the Senator's amendment.

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

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

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

AMENDMENT NO. 1956

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

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

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

The amendment (No. 1956) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, we are moving along and making good progress.

AMENDMENT NO. 1957 TO AMENDMENT NO. 1676

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 73, strike line 18 and insert the following:

"nance of the system.

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

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

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

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

Mr. WARNER. I thank my distinguished colleague.

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

The amendment (No. 1957) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1958 TO AMENDMENT NO. 1676

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

Insert at the appropriate place:

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

23 U.S.C. Section 133(b)(1) is amended by inserting after "magnesium acetate" the fol-

lowing: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

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

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

The amendment (No. 1958) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1769 TO AMENDMENT NO. 1676

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

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

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 269, line 2, insert "(a) IN GENERAL.—" before "Section".

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

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

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

(2) STREAMLINING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1769) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1838 TO AMENDMENT NO. 1676
(Purpose: To improve the magnetic levitation transportation technology deployment program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 115, strike lines 12 through 16 and insert the following:

“(f) PROJECT SELECTION.—

“(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

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

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

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

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

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

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

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

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

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

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

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

Section 1119 of the pending bill reflects the provisions of the maglev funding bill introduced by Senator MOYNIHAN, which I cosponsored, and would fund the capital costs associated with 1 maglev project chosen by the Secretary of Transportation. The bill includes \$30 million in contract author-

ity and more than \$900 million in authorizations of appropriations for the outyears. However, in the absence of our amendment, the bill does not provide specific financial assistance for pre-construction planning activities.

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

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

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

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

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

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

The amendment (No. 1838) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1959 TO AMENDMENT NO. 1676

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

SEC. . LIMITATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, motorcyclists are not diseased, and they should not be treated as though they are. The issue is not

whether motorcycle riders ought to wear helmets. Of course they should.

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1959) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1838

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

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

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

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

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

The Germans are now in the process of building a route from Hamburg to Berlin, which will be open in 2005 and make the trip in 55, 58 minutes. The Japanese have much the same technology. We have nothing. In ISTEA I we authorized \$1 billion for this newest mode of transportation since the airplane. It is an extraordinary phenomenon. It travels easily at 270 miles an

hour, will go to 350—no friction, no exhaust. We invented it; the Germans and the Japanese are building it.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1960 TO AMENDMENT NO. 1676

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

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. CHAFEE and Mr. BAUCUS, proposes an amendment numbered 1960 to amendment No. 1676.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WARNER. My understanding is it is acceptable.

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

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

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

The amendment (No. 1960) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1961 TO AMENDMENT NO. 1676
(Purpose: To provide that a State with respect to which certain conditions are met shall be eligible for the funds made available to carry out the high density transportation program that remain after each State that meets the primary eligibility criteria for the program has received the minimum amount of funds)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:
The Senator from Virginia [Mr. WARNER], for Mr. LEVIN, for himself and Mr. ABRAHAM, proposes an amendment numbered 1961.

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

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

The amendment is as follows:

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

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

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

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

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

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

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

is greater than or equal to 0.26.

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

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

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

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

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

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

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

Mr. BAUCUS. It has been cleared.

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

The amendment (No. 1961) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

AMENDMENT NO. 1962 TO AMENDMENT NO. 1676

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DASCHLE, for himself, Mr. THOMAS and Mr. ENZI, proposes an amendment numbered 1962 to amendment No. 1676.

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

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

The amendment is as follows:

At the end of the title entitled “Revenue”, add the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First, it allows use of our funds for rural and public transportation projects that are eligible for funding under Sections 5309, discretionary transit-urban areas, 5310, transit capital for the elderly and handicapped, and 5311, rural transit capital and operations. Rural public transportation, a portion of which is inter-city in nature in transporting elderly and disabled from small towns to larger cities for medical care, shopping and other purposes, as well as providing local nutritional needs and mobility, is extremely important and needed in South Dakota in order to deal with the vast aging population in a sparsely populated area. During FY 1996 in my state, rural public transportation operators provided 1,114,672 rides and traveled 2,102,414 miles transporting the elderly and disabled of which over 50% of the rides

were for medical, employment and nutritional needs. However, only about two-thirds of the state currently has access to limited public transportation, and over half of the existing transit vehicles in the providers' fleets are older than 7 years or have over 100,000 miles. Therefore this funding would address significant public transit needs.

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1962) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair.

That was important on behalf of Members.

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

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

Mr. WARNER. I thank the Chair.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1911, AS MODIFIED

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

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

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

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

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

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

Mr. ABRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

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

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

AMENDMENT NO. 1726

Mr. REID. Mr. President, I rise in opposition to an amendment offered by

my friend, the senior Senator from the State of Arizona, concerning what he refers to as "demonstration projects."

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

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

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

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

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

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

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

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

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

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

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

As I have indicated, at some time, perhaps, these projects would have been funded. But what tragedies would have occurred had these projects not gone forward? In a State that is experiencing growth like Nevada or California, we have been able to move ahead on some of these projects more rapidly than we would have normally. Deliver-

ing critical needs and services promptly is what the people of this country expect. It has nothing to do with glorified pork.

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

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

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

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

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

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

I suggest this amendment should not be something we just accept. I think we should vote against it. I know people are going to say, Why should I vote this way? Usually we knock it out in conference anyway. But I do not think we should be doing that. I think we should recognize this is not a good

amendment. It is something unrealistic, for the points I mentioned, and they are that conference committee members will do their best to come up with a good bill, demonstration projects, by definition, are very difficult to come by—for example, the Hoover Dam Bridge and the Woodrow Wilson Bridge are two good examples—and, last, the House is never going to agree to this. So I think we should vote the right way and vote against this amendment.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1963 TO AMENDMENT NO. 1676

(Purpose: To provide for a committee amendment)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

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

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

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

The Finance Committee amendment clarifies a provision relating to the

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

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

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

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

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

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

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

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I rise in the spirit of the chair-

man's wish and the Senate's clear interest that we move ahead and get this work done. It is almost finished. This is an absolutely indispensable title. It provides the money for the programs that have been authorized so far.

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

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

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

I thank the Chair, and I yield the floor.

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

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

EXPANSION OF COMMUTER CHOICE BENEFITS

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

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

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

The Finance Committee amendment extends this flexibility to transit and vanpool benefits. Under this change, an

employee now can choose between taxable cash compensation and tax-free transit or vanpool benefits. This puts transit benefits on a level playing field with employer-provided parking.

EXPAND TAX-FREE TRANSIT BENEFITS

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

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

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

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

HIGHWAY INFRASTRUCTURE PRIVATIZATION ACT

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

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

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

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

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

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

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

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

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

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

TO CORRECT THE FLOW OF TAX REVENUES

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

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

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

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

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

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

AMENDMENT TO CORRECT THE FLOW OF TAX REVENUES

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

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

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

Switching revenue from one year to another could affect the highway program because the State apportionment formulas use revenues collected from each of the States as the key factor. Senators may remember the conten-

tious debate this body had in 1996 during consideration of the fiscal year 1997 Transportation appropriations bill when we attempted to correct an error made by the Department of Transportation in interpreting Treasury excise tax collection data. My amendment would have attempted to avoid a similar problem that may be caused by this excise tax deposit shift.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1906 TO AMENDMENT NO. 1963
(Purpose: To repeal the 4.3-cent transportation motor fuels excise tax transferred to the Highway Trust Fund by the Taxpayer Relief Act of 1997, effective on the date of enactment of this Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the end of the amendment, add the following:

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

(a) REPEAL.—

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

amended by adding at the end the following new subsection:

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

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

“(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

“(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

“(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

“(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

“(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

“(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

“(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

“(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

“(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

“(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.”

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of sec-

tion 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the “Director”) certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The PRESIDING OFFICER. Under the unanimous consent agreement, the

Senator is recognized for 1 hour. There is also a Senator recognized for 1 hour in opposition.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, this amendment is straightforward. It calls for repealing the 4.3-cent gas tax, while ensuring deficit-neutrality through a corresponding reduction in overall spending caps. So the first point I want to make to my colleagues is that this is, in essence, budget neutral.

In 1993, when President Clinton and a Democratic Congress raised the gas tax 4.3 cents, they did so for deficit reduction purposes. Again, I do not think I have to remind my colleagues it was a pretty contentious debate. The underlying bill ended up passing, I believe, by one vote. However, it seems clear now that this tax is no longer needed. All the estimates that we are receiving from many, many different sources would indicate that we are going to see surpluses out for many years to come. However, rather than to return this tax, the Congress is on the verge of retaining this tax for increased transportation spending, having succumbed to a multiyear campaign by the transportation industry.

The industry vehemently maintains that the gas tax's user fee is paid by a consumer who believes gas taxes will be used for transportation purposes. However, this is simply not the case. Gas taxes being used for deficit reduction is not a unique event. What many do not know, or simply will not acknowledge, is that the gas tax was created for deficit reduction purposes, and for the first 20 years had been used for that purpose. It was for the same purpose that the 4.3-cent gas tax was enacted in 1993. However, this Congress is one that is committed to fiscal restraint and providing tax relief to America's working men and women. It is much different than the Congresses of the last several decades, which were all too willing to commit and spend taxpayers' dollars. It seems to me that this Congress ought to return to the taxpayer this now unnecessary deficit reduction gas tax, and, in so doing, we can provide tax relief directly to the men and women who need it most—America's working class who drive on our Nation's roads every day.

This tax should be repealed. The American people were asked to contribute more money at the pump so that we might achieve a balanced budget. And we did. But nobody has gone back to the American people and asked them if their money can be kept for increased spending. It seems to me this is a question which ought to be asked. I am confident that almost all of us have heard from our States claiming that they need more transportation dollars. They have asked for more flexibility in spending their transportation dollars, and they have complained about the bureaucratic red tape which accompanies gas tax dollars funneled through Washington.

Repeal of the 4.3 cents offers the Congress a way of meeting all of these goals. First, it keeps the faith with the taxpaying public by returning a deficit reduction tax which is no longer needed. Again, I remind everyone, there was a very strong debate about this, passing a 4.3-cent gasoline tax for the purpose of deficit reduction. It was almost implied—in fact, I guess if I went back and pulled up the various speeches, I am sure that there were those who said, when there is, in fact, no longer a deficit, this tax will be repealed and returned to the taxpayer.

Secondly, it gives States the opportunity to replace this tax with one of their own. This gives the taxpaying public ample opportunity to have their voices heard on the issue of whether this gas tax should be lowered again or kept in place for increased transportation spending.

Finally, should the States and the respective taxpayers support using the gas tax for increased transportation spending, it would be free from Federal strings and available for the States' priorities, not Washington's. Estimates from transportation economists and several State secretaries of transportation suggest that without Federal interference, mandates, and restrictions, a State could get as much as 20 to 40 percent more for their gas tax dollars.

As a final point, according to data compiled by the Congressional Research Service, since 1990, two-thirds of all States have increased their own gas taxes. This clearly indicates that our Nation's States have the will and the ability to increase their own gas taxes should they need them and should their citizens choose to do so.

So I say to my colleagues, let us repeal this 4.3-cent gas tax which we told the American people would be used to achieve a balanced budget. Let us give them a chance to consider, with their State legislators, whether they are willing to see this tax used for increased transportation spending.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as—

The PRESIDING OFFICER. Is the Senator rising in opposition?

Mr. WARNER. I do rise in opposition.

The PRESIDING OFFICER. The Senator is recognized for 1 hour.

Mr. WARNER. Mr. President, as an author of the underlying bill, before we had done such valuable work in the Senate to amend it, I would have to say, with the greatest respect to my colleague, while philosophically I align myself with his view of giving the States and the people of those States the greatest say over their tax dollars and the wisdom of having those dollars at their discretion—and if several States do go through the legislative process, putting a replacement tax on the books, there is a question and doubt about that, I am sure the Sen-

ator will agree with me—but with due respect, this amendment, were it to be adopted by the Senate, would be literally destructive of this bill and the work that the committee, under the leadership of the distinguished chairman and ranking member and myself, have provided these many, many months to get where we are.

I think we have at long last, Mr. President, reconciled many, many differences to try and bring back a feeling of credibility in the principle of equity of distribution among the several States.

The needs for the highway system are clearly in the minds of all Senators, as well as, I am sure, the Senator from Florida. There is no dispute there. So we are down here in the final hours of this bill now faced with an amendment which would, in my judgment, simply be destructive and would result in the unraveling of the bill as it presently is before the Senate.

At this point I am perfectly willing to yield the floor if other Senators wish to speak to the issue. I see the distinguished chairman of the Finance Committee and my distinguished chairman of the Environment Committee.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have the greatest respect for the author of this amendment. But as the distinguished Senator from Virginia has so ably stated, this amendment, if adopted, would be a killer amendment. So I rise in opposition to this amendment. Under current law, the 4.3-cent tax is transferred to the highway trust fund. And that tax is being proposed to be used to fund important highway programs.

I point out, as the Senator from Virginia has already mentioned, months of hard work have gone into the development of this legislation. The bill has been considered for several days on the Senate floor. I think it is important that we move forward as expeditiously as possible.

As I said, this amendment, if adopted, would have the effect of killing the ISTEA legislation. It would be most regrettable to have that happen. It is time, in my judgment, to pass the legislation and give States the necessary highway funding without further delay.

I yield the floor.

Mr. WARNER. I yield such time as the Senator may consume.

Mr. BAUCUS. Mr. President, this sounds good, repeal the 4.3-cent gasoline tax. Nobody likes paying taxes. We all know that. We also know we want our highways.

If this amendment were to pass, we would be going backwards. Why do I say that? I say that, first, because it would, as the Senator from Delaware said, kill this bill. This is a killer amendment. This amendment would take about \$6 billion a year away from the highway bill, \$6 billion that would not be spent on highway construction, maintenance, et cetera.

In addition, it is inadvisable because we are now at this point, with the passage of this bill and the defeat of this amendment, spending the money that comes into the highway trust fund back out on to highways. That is, the revenue coming in as a consequence of this bill will be used to finance spending on our roads and our highways.

I might say, Mr. President, that polls confirm that Americans support the gas tax so long as the funds are being used on our highways. That is what this bill does. This amendment says, sorry, folks, we are not going to repair the roads and highways, not to the degree we should, and we are going to be derelict and not live up to our responsibilities.

Today, all levels of government spending on highways and roads and bridges is about \$34 billion a year. The Department of Transportation says we need more than that. It says we need \$54 billion just to maintain current conditions, just to maintain. We need about \$74 billion a year to improve. If this amendment passes, we are going to take \$6 billion a year away from what we otherwise would be spending. That is, today I say we spend \$34 billion, and it is true with the passage of this bill we spend more than \$34 billion, but I might say I think it is obvious to Senators who are listening to this that it sounds good but it is a bad idea. I urge Members to yield back time and get on with the vote. We all know where the votes are in this, and we are just wasting our time by debating this further.

Mr. WARNER. I simply say, philosophically I agree with my colleague, but I think it is an important amendment, one deserving such attention as the distinguished Senator from Florida desires. I will make a motion at an appropriate time here on the Budget Act, just to inform Senators, but I remind Senators we are ready to move on this amendment. If any Senator desires to speak, he or she should make that known to the managers of the bill.

I agree with my colleague from Montana. I am prepared to yield back the time in opposition.

Mr. MACK. Mr. President, let me say to my colleagues, I have nothing but the greatest of respect for each of you as well. We all know that we come to the floor with different interests in this debate. I suspect if the addition of the 4.3 cents that I believe Senator CHAFEE added during this debate on the underlying bill, that probably, if that 4.3 cents had gone back to each individual State as the money was contributed, it would be much harder for me to be here today offering an amendment to repeal it.

But I think it is fair to say from the perspective of a donor State—and I might add, a donor State for the past 41 years—that we are just kind of saying the time has arrived in which we think there ought to be greater equity in the allocation of funds and we believe that our States, and again the 29 donor States, would be better off with

the 4.3 cents coming back to their individual States for them to make a determination about how it should be spent.

I just happen to believe, and many transportation economists support it, that the dollars spent in States themselves are more efficiently used, more effectively used, the purchasing power is much greater. Again, I respect the perspective that my colleagues on the other side of this issue raise, but I have a totally different viewpoint.

The second point I raise is that the comment was made a few moments ago that somehow or another if I were to be successful in this amendment—and I think we all know before we have a vote what the outcome is going to be. I make a point that if we were to repeal this, to then assume that all of these funds would then not be spent for highway construction is fundamentally flawed.

I indicated in my opening comments that State after State has raised their own gasoline taxes to be spent at home, and I say those States—and I suspect mine would be one of them because we do have tremendous needs with respect to transportation, whether that be mass transit or whether that be highway construction—have tremendous needs and I am confident that the State legislatures would, in fact, address the issue of the 4.3-cent repeal.

Again, the budget's bottom line is the 29 donor States would be much better off if, in fact, they were able to collect this money and set their own priorities. So that is, again, one of the reasons that I have offered this amendment.

The last point I make before I yield to others is that the original bill had been crafted without this new funding. Any funding attributable to the 4.3 cents has been provided as a totally separate section of the committee's original bill.

I don't think we are destroying the underlying work. I say to my colleagues, I look at this in a sense as two different packages. One, there is the underlying bill; and then the other has to do with how the 4.3 cents is divided up.

Again, my intention here is not to destroy the work that the committee has so diligently done, and in no way do I mean to imply by the offering of this amendment that I don't appreciate the work you have done to try to accommodate us. Each of us knows there is a point at which we have to stand up for our own beliefs, and the time has arrived with respect to this issue.

I yield the floor.

Mr. WARNER. I might say we have a basic disagreement on the likelihood that the States would all enact the tax promptly, but that certainly is an issue to be understood by all Senators.

As to the funding, yes, the Senator is correct. The underlying bill which came out of the subcommittee, which I am privileged to chair, of which the distinguished Senator from Montana is

the ranking member, did not have these funds. I and, as a ranking member, Mr. BAUCUS, joined Senators BYRD and GRAMM, and the rest is history. This amendment was adopted very strongly in the Senate.

I have to say as to the bill as it has been amended under the leadership of the distinguished chairman, the Senator from Rhode Island, we have had to make some modifications to the allocation in the underlying bill as we placed on top the Chafee amendment which added the funds derived from the Byrd-Gramm-Warner-Baucus amendment.

I assure the Senator that with the funding profile in this bill of equity among the States, where we had a 90 percent return in the original bill out of subcommittee and now we have achieved, I think, in many instances a 91 percent return in the combination of the underlying bill and the Chafee amendment, such amendments as we put on, some today, are—I use the word not “killer” but “destructive,” out of my respect for my good friend.

Mr. BAUCUS. If I could very briefly say to my good friend from Florida, I think it is important for us to look at our national motto: *E pluribus unum*. We are different States. Florida is a very densely populated State. Western States are very thinly populated. There are large expanses. Western States have high State gasoline taxes to match the Federal funds. I can't speak for all the western States, but I know my State of Montana has a 27-cents-a-gallon State gasoline tax. I don't know what it is in Florida.

The assumption that, with the passage of the amendment, States themselves can spend their own money that they otherwise send to Uncle Sam, that money would be spent on highways may work in more densely populated States where the present gasoline tax is a little lower and where those States can finance the spending of the additional highway dollars, but I say to my good friend, in the West that is much more difficult. In fact, if Montana were to spend the same dollars that it sends to Uncle Sam and spend it at home, the State of Montana would have to raise the gasoline tax 12 to 15 cents. So we would be up to about 42 cents a gallon State tax on top of Federal. That is typical of a lot of western States. It just can't be done.

So, it is the nature of the beast that the very densely populated States, the smaller, densely populated States similar to the State of Florida, are by definition going to have to probably pay a little more into the trust fund so that the very thinly populated States that already have very high State gasoline taxes trying to make their State match can have highways built in their States so we have a truly national system.

If you follow the logic of the amendment of the Senator, and I understand it, it is essentially moving toward 50 nations, 50 States. We had that argument about 200 years ago when we

scrapped the Articles of Confederation. We decided under the principles of federalism—it is complicated, I grant you—that we are a nation and we are 50 States—not 50 then but today 50.

It is not an easy matter. It is complex. We have to find some rough justice here. The effect of the amendment of the Senator, I submit with all graciousness, would have put an unfair burden on the thinly populated States because they couldn't raise the money, frankly, to have a truly national interstate highway or primary road system. It is for that reason, in addition, that I do not think the Senator's amendment is good for our country.

Mr. MACK. If I may take a couple of minutes to respond, and then I think my colleague, Senator GRAHAM, will seek recognition, I think it is fair to say that the so-called donor States, some of the more densely populated States, have recognized the needs of western States. I grant that there are unique situations that exist among the different States of our Nation.

I might just say I don't think in my wildest imagination that if this amendment would pass, we would have created, then, 50 nations, but I understand the point that my colleague is trying to make.

We understand and I think that, by our actions in the past, we recognize that. But the concept, when the Interstate Highway System was put into effect, in fact, was an interstate system. It was done for a national or Federal purpose. That is, in fact, why the formulas were initially created. But I again make the argument that—and I think most people would agree—for all intents and purposes, the Interstate System has been completed.

While I probably would go much further than this amendment, all I am suggesting is that we take the 4.3-cent gasoline tax, which was originally passed for the purpose of deficit reduction, and eliminate that. I think it is fair to say that we do have an interstate system that is in place. States like mine recognize the needs of other States around the Nation. We helped build those, pay for those, and maintain those. But now it's time to recognize that there is a new era, that things have in fact changed. The Interstate System is built. There is no longer a deficit—at least, we are being told that—and it is safe to assume that, for as far as we can see, there will be surpluses. There ought to be a repeal of the tax.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Rhode Island may require.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, I have the greatest respect for my distinguished colleague from Florida, and I would like to point out several things,

if I might, in connection with the repeal of the 4.3-cent gasoline tax.

It seems to me that this is an amendment that is about 2 weeks late. As we have had pointed out here, about 10 days ago, maybe a little bit more, we were in a jam on this floor in connection with this so-called ISTEAA II legislation. State after State was asking for more, and so, thus, then came the freeing up, if you would, through negotiations with the majority leader, the leader of the Budget Committee and others from both sides of the aisle, of this money, which started out at \$18 billion and worked its way up to \$25 billion. Because we had that extra money, we were able to achieve peace on the floor here, and we have adopted an amendment, which we just did a couple of hours ago, which we call the donor States amendment. As a result, the money has been spent. At least it has been allocated on the floor.

If this amendment should pass, it then would unravel everything that we have accomplished in the last 2 weeks in this body. It would unravel the agreement we reached because there aren't additional funds to substitute for the 4.3 cents that we allocated. So I think it would be very unfortunate. Maybe if the amendment had been brought up, as I say, some 2 weeks ago and we then could say to everybody that there is no more, that is all there is, perhaps an agreement would have been reached. But I doubt it because sides were dug in pretty hard around here, and it was necessary for the majority leader to become involved and the Budget Committee chairman in order to extricate ourselves from that difficult situation.

I want to raise one more point, Mr. President, and that is as follows. Every industrial nation in the world has far higher overall gasoline taxes than we have in this Nation. If you talk to any environmental group, they will say that gasoline taxes result in a reduction in miles traveled by automobiles. In other words, if somebody is encumbered by a gasoline tax, raising the cost of operating his or her vehicle, those people will be more cautious about using their vehicle, or else they will seek out vehicles that get far more miles per gallon than would otherwise be true. So a gasoline tax, no matter whether it's modest or very substantial, results in environmental improvements, lower emissions, obviously, and less global warming.

So in a strange way that many of us haven't thought about, a vote to repeal the 4.3 cents would really be a vote against the environment and our efforts to reduce emissions in this country and our efforts to curb the global warming that is occurring.

So, recognizing that both of my colleagues from Florida are very good environmentalists, I urge them to consider that measure when they rise to make their presentations.

I thank the Chair.

Mr. WARNER. Mr. President, to inform the Senate with regard to the sta-

tus of the timing on this amendment, of course, under the time agreement—I first ask the Chair to state the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia has 43 minutes. The Senator from Florida has 48 minutes.

Mr. WARNER. I thank the Chair. It is the intention of the Senator from Virginia, in my capacity of managing time for the opponents, to yield back my time at such time as the distinguished Senators from Florida indicate they are prepared to do so.

Just prior thereto, I shall make the following motion, which I do not make now but I state for the RECORD and for the information of all Senators:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment would result in a loss of Federal revenue of nearly \$6 billion for the first year and \$30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(b) of the Congressional Budget Act of 1974 against the pending amendment.

I will ask the Chair at the appropriate time that that be stated.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to repeat the admonition the Senator from Virginia made for all those who wish to speak either for or against this amendment. Please come to the floor. I am not sure what the proponents of the amendment will do with their time. But as has been pointed out, we are anxious to move on with this legislation.

Speaking just for our side, I hope that all those who wish to speak in opposition will come to the floor; here is your chance. The store is open for business. We are anxious to move on. If there are no speakers, the idea would be to close debate as soon as possible thereafter.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, controls the time.

Mr. MACK. Mr. President, I yield to my distinguished colleague such time as he may require.

The PRESIDING OFFICER. The Senator from Florida, Mr. GRAHAM, is recognized.

Mr. GRAHAM. Mr. President, I commend my friend and colleague, Senator MACK, for having brought this fundamental issue to the Senate at the earliest opportunity that was available to have this matter debated. It had been our understanding and advice that it was on the amendment offered by the Finance Committee that the amendment that Senator MACK brings to us today to repeal the 4.3-cent deficit reduction tax, which was adopted in

1993, would be germane and appropriate. So we offer it to our colleagues at this earliest opportunity.

Mr. President, I believe that there are a number of fundamental issues raised by this amendment. The first of those is the obvious, and that is that the United States is a federal system. We have the opportunities for the needs of our people to be met, as the Presiding Officer knows well as a former Governor of one of our States, by action at the State level, or by action at the national level where appropriate, and as illustrated by the transportation system, a merger of State and Federal initiatives. So the statement that is made that if we repeal these funds, it will have a serious adverse and continuous effect on our transportation system ignores the fact that (a) these funds were not levied for the purposes of transportation and, up until this proposal that is before us today, these funds have never been spent for transportation, and, third, that we are in essence returning to the States the fiscal capacity which they can decide to use for transportation.

So we are not, in this amendment, hostile to the needs of transportation. We are particularly aware of those needs in a rapidly growing State. Our position is, however, that this degree of capacity to meet transportation needs should be at the States' discretion. The States should decide whether they wish to use this amount of resources to expand their transportation needs, and we should not arrogate that decision to us to make by shifting a tax initially levied for one purpose, deficit reduction, to a new purpose, transportation spending.

Second is the enormity of the decision that we are about to make. The Interstate Highway System and the current Federal highway trust fund both came into being in the mid 1950s during the administration of President Dwight Eisenhower. President Eisenhower had a great vision for this Nation, which was that it would be linked by a system of the most modern highways. The Nation accepted that vision and, in 1957, we launched this goal.

In that year, 1957, as we were starting the National Interstate Highway System, this Congress determined that the appropriate level of funding to commence the project was \$2.1 billion. That is what was spent in the first year of the Interstate Highway System. Fifteen years later, in 1973, the system was well underway. Its tentacles were beginning to reach across America. Suburbs were being united by modern highway systems with major cities. Cities were being connected. Regions were being brought together in a national interstate highway system upon which we spent, in the 1973 Highway Act, \$5.9 billion a year, for a total under that act of \$17.8 billion for 3 years.

In 1976, as the system continued to expand, in my State, as it was reaching down the east coast, what is now Interstate 95, we were spending \$8.7 billion a

year on the Interstate Highway System. In 1978, as we were beginning to complete some of the major systems within our largest cities, we were spending \$12.8 billion on the Interstate Highway System. Those numbers continued to grow until, by 1987, we were spending \$14 billion a year on the Interstate Highway System, and I am pleased to announce that we brought it to completion.

In fact, the last segment of the original Interstate Highway System that was completed was I-595 in Broward County, FL. A celebration should be held at that site where the last bit of asphalt and concrete were poured to complete a half century of America's effort to build the Interstate Highway System. When we passed ISTEA I in 1991, we declared this to be the first post-Interstate Highway System bill. Our actions were not quite consistent with the rhetoric because, in the first year after completion of the Interstate Highway System, we spent \$20.4 billion a year on highways—more than \$6 billion more than we were spending in the last year when we were completing the Interstate Highway System.

Now, today, we are proposing to pass a bill, which started at \$145 billion over a 6-year period, which has now reached \$173 billion over a 6-year period, for an average over that time of \$28.8 billion. So we are going to be spending, in the period that is now almost 10 years after the completion of the system, approximately \$14 billion, more than 100 percent more per year than we were spending in the last year of completing the Interstate Highway System.

(Ms. COLLINS assumed the Chair.)

Mr. GRAHAM. Madam President, I say enough is enough. We have finished our task. We have built the Interstate Highway System that was President Dwight Eisenhower's vision. This is the time to begin to ask the question: What is the Federal role in transportation? What is our next step in terms of meeting the transportation needs of the American citizen?

I do not believe it is appropriate at this time to be doubling the amount of Federal expenditures over what we were spending as we were completing the very purpose for the Federal highway trust fund, which was the Interstate Highway System.

Third, there is the issue of: Is this a fair tax? The Senate has considered that issue at great length. We considered it in 1993 when the tax was imposed as part of the deficit reduction program. This tax was not passed to add to the spending on the transportation system. Rather it was to reduce the Federal deficit.

In 1996, recognizing that fact and recognizing that we were moving rapidly toward an elimination of the deficit, and at a time when there was a spike in gasoline taxes, our then colleague, Senator Bob Dole, offered an amendment to repeal the 4.3 cents. On the 14th of May of 1996, we had a vote on a cloture motion to close down debate

and to proceed to vote on Senator Dole's proposal to repeal the 4.3 cents.

I might say that I opposed the repeal of the 4.3 cents because I felt we needed to retain those funds in the General Treasury until such time as we had in fact achieved the objective of eliminating the Federal deficit. But 54 of our 100 Members on the 14th of May of 1996 voted to invoke cloture and bring to a vote the proposal to repeal the 4.3 cents tax. There were many arguments made at that time in favor of that repeal.

I will quote from one of those, which was given by the senior Senator from Texas which related to the issue of the fundamental unfairness of this 4.3 cents tax. The Senator stated on the 14th of May of 1996:

We, therefore, created through this gasoline tax an incredible redistribution of income and wealth. The Clinton gasoline tax imposed a new burden on people who drive to work for a living in order to subsidize people who, by and large, do not go to work. We have an opportunity in this pending amendment to solve this problem by repealing this gasoline tax, thereby eliminating this burden on people who have to drive their cars and trucks great distances to earn a living. In my State it is not uncommon for someone to drive 40 miles from where they work, and, as a result, a gasoline tax imposes a very heavy burden on them. We have an opportunity to eliminate this inequity by repealing the 4.3-cents-a-gallon tax on gasoline—a permanent gas tax that for the first time ever went into the general revenue to fund social programs instead of paying for highway construction.

Madam President, we have that same opportunity again today to repeal this 4.3-cents tax, which is imposing this very heavy burden on many of our people.

Finally, Madam President, on the issue of a national system or a parochial transportation system at the original recommended authorization level of \$145 billion, which is the level recommended by the Senate Committee on Environment and Public Works, we would have been spending approximately \$23 billion more on the highway system under ISTEA II than we spent on the highway system under ISTEA I since 1991. So there was a substantial increase in highway spending already recommended. On top of that, we have added an additional almost \$29 billion of highway spending.

How have we chosen to distribute this money? I come from a State which, since the inception of the highway system, the Interstate Highway System in 1957, has been a donor State; that is, we have contributed more each year into the fund than we have received back from the fund. This was to be the year in which we would make a major breakthrough in terms of equity in the distribution of funds.

I will say in commendation to the Senator from Virginia, the Senator from Rhode Island, and the Senator from Montana that we have made substantial progress in ISTEA II in terms of that goal of equity.

Mr. WARNER. Madam President, if the Senator will yield, I wish to credit

the Senator from Florida, and I will have further comments about his contribution all the way since 1991 on behalf of the donor States.

Mr. GRAHAM. Madam President, I appreciate that generous comment, which is typical of my friend from Virginia, with whom I was pleased to join as an original cosponsor of what we call step 21. Step 21 had as a central goal to provide that, of those funds which came into the Federal highway trust fund, 95 percent of those funds would be returned to the contributing States, thus leaving 5 percent of the total to be available to meet national needs as determined by this Congress. When we were debating step 21 and the various alternatives for the Federal highway program, it was determined that there was not an adequate amount of money left to meet national needs, if 95 percent was returned to the contributing State. So two changes were made.

One change was to lower the percentage from 95 percent to 90 percent, and the second was to change the base upon which the percentage was applied from the amount that each State contributed to the fund to the amount which each State received from the fund for formula programs, which now is that approximately 91 to 92 percent of all of the funds which will be distributed will come through one of these formula programs.

The rationale for stepping back from that original goal of equity of 95 percent of contributions into the fund was that there were insufficient dollars in order to be able to achieve that level of equity. The concern of many today is that we have now added almost \$29 billion to the original \$145 billion of highway funds, and, yet, we have made only marginal progress towards that original goal of equity. We still are going to utilize not a percentage of the money going into the fund but rather a percentage of money coming out of the fund under the formula programs. And we have increased the percentage from 90 to 91 percent, albeit even that is going to be subject to a variety of factors that will occur over the next 6 years as to whether a true 91 percent is established as the floor.

Madam President, I believe we missed a major opportunity, if these new funds were going to be available, to use them, first, to achieve the goal of equity, which was established as a principal objective, and then to use the balance for those things that we considered to be of a national priority.

So, with that history, I conclude that the best course of action for the additional funds which were adopted in 1993 as a deficit reduction measure, not a transportation measure, and which we have failed to use in the way to maximize the achievement of equity, is to say the appropriate thing to do is to follow the advice of our colleagues who spoke with such eloquence in 1993 and 1996 and terminate this tax at the Federal level.

Let us give our citizens tax relief. It would represent tax relief of approximately \$6 billion a year to the American motorist by repealing this tax at the Federal level. I would not suggest that the American motorist should immediately begin putting those dollars in their wallets, because we are essentially releasing that capacity to the States so the States can decide whether they wish to utilize these funds by levying part or all of this as a State gasoline tax, therefore using those funds to meet needs which people in the States and communities of America identify to be of the greatest priority.

I believe that is in the spirit of this new Congress and its emphasis on placing authority and responsibility as close to the people as possible. I believe we can say that we are able to meet our national transportation responsibilities with approximately an additional \$23 billion above what we are spending in the current transportation bill without having to utilize this 4.3 cents.

I believe that we would come closer to our goal of equity by allowing the States, unencumbered by all of the Federal constraints and regulatory requirements and the sheer expense of shipping people's money from Maine to Washington and then back to Maine—let it stay in Maine and not be subjected to any of the transactional costs of coming through Washington. Let the people of Florida, let the people of North Dakota, California, West Virginia, Virginia, Montana, and every other State decide what they want to do with the 4.3 cents if they choose to levy it for their transportation needs.

So I commend my colleague for his tenacity in raising this opportunity to provide tax relief, enhance federalism, and to truly recognize that we have celebrated the victory of completion of the Interstate System, that we are in a new era, and that we should recognize and act as if we are in that new era.

Thank you, Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I will take about 2 minutes, and then I will yield the floor.

First, I say to our distinguished colleague from Florida that, while we, first, disagree on this issue, he, indeed, has been a partner. He is a very valued member of the Environment and Public Works Committee. He has been in the forefront of this legislation beginning back in 1991 when there was a recognition that the donor States were simply not getting an equitable allocation. Under his leadership, we put together step 21, which was the coalition of the various highway officials in the several States that were donor States who worked for years on procedures by which to correct the inequities that were placed on the donor States in 1991. We should always remember, it was

that group that was the foundation group of the legislation that we now are considering here in the Senate. Eventually that was joined with a group under the leadership of the distinguished Senator from Montana, Mr. BAUCUS, Stars 2000, and it was that coalition that began to move this legislation. I shall always be grateful. Also, the Senator from Florida was very helpful, drawing on his experience as Governor, in streamlining this procedure so the various highway projects, once authorized, funds appropriated through the States, were started, and you could expedite the Federal Highway Administration and the like to get them done on time.

We shall always remember with great respect the contributions of the distinguished Senator from Florida. I point out both Senators from Florida. I notice that under ISTEA I, since 1991, you received 81 cents on the dollar. Under this bill before the Senate, Florida will receive a 52 percent increase, approximately. That is quite an achievement which the two Senators from Florida have made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I yield 10 minutes to my distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I thank the Senator from Florida for yielding to me and for sponsoring this amendment, which I am proud to cosponsor, and heartily urge my colleagues to support, and I also thank the other Senator from Florida, who has just made an eloquent argument in favor of this amendment as well.

Madam President, there are three primary points I would like to make in support of the Mack amendment. First of all, this represents the first opportunity that we have had to repeal a portion of the 1993 tax increase that virtually every Republican—maybe every Republican; I will have to go back and look to be sure—voted against. I was a Member of the House at the time and I recall that after the so-called Clinton tax increase of 1993 there was a great uprising in the State of Arizona, especially over the 4.3-cent gas tax increase that was a part of that. I introduced a bill immediately to repeal that 4.3-cent gas tax increase.

I remember a radio station asked me to go to a service station and talk to people who came by to gas up their cars and trucks. I was amazed at the reaction of the people as they drove up and heard about this increase in the gas tax. They were irate. They were very supportive of my effort to get it repealed which has, up to now, been unsuccessful. Perhaps with the sponsorship of the Senator from Florida, now it will be successful.

But I must say that Republicans who voted against that tax increase in 1993 but who vote against its repeal today have some answering to do to their

constituents. I think this is a symptom of Potomac fever. We oppose a tax increase, especially when it is the agenda of the opposing party, and we go back home and we rail against it. But then too many of our colleagues fail to follow up their rhetoric with action to repeal the tax.

Now is our opportunity. Where will Republicans stand? I know a lot of my Democratic colleagues will continue to support the tax. They are not about to vote for this repeal, except for certain enlightened Democrats such as the Senator who has just spoken. But where will my Republican colleagues stand, those who opposed the gas tax when it was put into effect, who argued against it, who voted against it, and now have an opportunity to repeal it? Ah, but now they have an opportunity to divide up the money. The longer you are here, the more accustomed you get to spending American taxpayer dollars. After all, you get to go home and show the folks what a wonderful, magnanimous, generous person you are by giving them back some of their money.

As the good Senator from Virginia just said, States like Arizona and Florida got increases in their percentage in this bill. Yes, that is true. When you start from a very low percentage and you get a good increase in the total dollars, it represents a big increase percentage-wise. But, like my colleagues from Florida, I represent a State, Arizona, which is still a donor State. Something mysterious happens. Arizonans send a dollar to Washington in gas taxes and Federal highway taxes and we get 89 cents back. Something happens to the other 11 cents.

Here in Washington, DC, it's not so bad. The round trip actually earns them \$2 on the \$1 they send. Maybe that is because they do not send it so far. We have colleagues from other States, I will not mention them, but some colleagues are here representing constituents who send \$1 and they get \$2 back, or more than \$2 back, and they ask us to be grateful for the fact that we get 90 cents instead of 89 cents, "We gave you an increase." Madam President, it is not fair. That is the second reason I suggest we repeal this 4.3-cent gas tax.

We have a policy now in the Congress called devolution. It's a fancy word for "let's give the power back to the States and the local government and to the people." The Federal Government has gotten too big and too powerful. One way we could do that is by repealing this 4.3-cent gas tax. My colleagues who want to spend the money on highways, all they have to do is go back to their State legislatures and say, Folks, we just repealed the 4.3-cent Federal tax. If you want to tax the people of Montana, Virginia, New York, whatever, 4.3 cents, they will never notice the difference at the gas pump. They will be paying exactly the same for a gallon of gas today as yesterday and tomorrow. Then we can spend the 4.3 cents in Montana or New York or Virginia or whatever the State is.

Actually, a lot of us would be better off because we do not lose any of that money as it makes the trip to Washington and then comes back. If my State of Arizona wanted to immediately put on a 4.3-cent State gas tax, the State of Arizona would come out very well. We would get to spend that money on our Arizona roads, and maybe the State legislature would do that, but I would rather have them decide that rather than have people here in Washington decide that we are going to retain this tax with the result that my State gets back about 89 cents or 90 cents. So that is the second reason. It is the right thing to do in terms of returning the power back to the people at the lower levels of government so they can decide for themselves how much tax they want to impose upon themselves.

The third reason is that America is already an overtaxed nation. This last year the taxes, the total tax burden has now gone up well over 38 percent. It is the highest level since 1945: \$6,047 for every man, woman, and child in the country. That is over \$27,000 for a family of four. We are an overtaxed nation. We do not need this money. We are now in a budget surplus situation. This tax increase was designed to reduce the deficit. The deficit has been reduced and our surplus is going to be, I suggest, at least as much as the money that would be lost as a result of the imposition of this tax. In any event, it has been paid for in the sense that obligations of Government have been reduced correspondingly so it has a neutral budget effect.

Madam President, I think, since this is a tax that affects every American equally, its repeal would not be for the wealthy. It would have just as much of an effect on the wealthy or the poor or the modest-income or whatever. It would be a very fair way to return some of the hard-working American families' money to them so they could decide themselves how to spend it. I urge support for the Mack amendment to repeal the 4.3-cent Federal gas tax, because, first of all, it is unnecessary, second, because it is unfair; third, because it is contradictory to our policy to return power to the States and the people, and fourth, because it adds an unnecessary tax burden to the already overtaxed families of America.

I urge my colleagues to support the Mack amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, I would like to inquire as to the amount of time remaining?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes 42 seconds.

Mr. MACK. And those opposed?

The PRESIDING OFFICER. They have 38 minutes 38 seconds.

Mr. MACK. I would inform the Senate, to my knowledge, we have only one more speaker. Should there be no speakers on the other side, I will be prepared to yield back the remainder

of time at the conclusion of the comments of Senator NICKLES.

Mr. WARNER. Madam President, I thank the distinguished Senator—at which time, speaking on behalf of the opposition, I shall yield back the time, make the appropriate budget statement, and then the Senator will be recognized for the procedure he will follow thereafter.

Mr. MACK. I am of the opinion we will not have any more speakers, but I will reserve that judgment until that time arrives.

I yield 10 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I compliment my colleagues from Florida for this amendment. I wish to be made a cosponsor of this amendment and ask unanimous consent to be made a cosponsor.

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

Mr. NICKLES. Madam President, I also compliment my colleague, Senator WARNER from Virginia, for his leadership on this. Senator BAUCUS, Senator GRAHAM, Senator BYRD, Senator CHAFEE—a lot of people—worked a long time on this bill. I hope we can finish this bill today. If not today, certainly this week. This is an important piece of legislation.

The reason why I cosponsored the amendment of my colleague from Florida, Senator MACK, is because I happen to think he is right. I know a lot of work has been going into allocations. The Senators managing this bill have been bending over backwards to be fair to every Senator. I think they have been doing the best job they can and I compliment them on their work. But I happen to think Senator MACK is right. Should the gasoline tax be a prerogative of the State or the Federal Government? Should we all as colleagues have to bend and beg and plead? I do not really like doing that. I don't like asking for money in appropriations. I have done it on occasion. Senator BYRD has accommodated me on occasion when he was chairman of the Appropriations Committee. Sometimes Senator STEVENS has. I appreciate that. But I really do not enjoy that nor do I enjoy, when we have a highway bill, saying, "Oh, please, we need more money. We are not doing very well in this bill. We are not doing as well as I hoped."

We happen to be a donor State. I know Virginia has been. I know Florida has. I know a lot of States have. We don't like it. We don't like sending a dollar to Washington, DC, and getting 80 cents back in return. Unfortunately, that has happened year after year after year. We are talking about a lot more money.

I heard on the floor discussions: Senator WARNER is going to get 50 percent more, 52 percent. So is Oklahoma. It's a lot more money compared to the last 6 years, a lot more money to our States.

Every one of our contractors is going to be delighted with this bill. They have been knocking on my door: Please pass this bill. They maybe don't get involved in should we be donors or should we not. My thought, though, is this tax really should belong to the States. I do read the Constitution. The Constitution and the 10 amendments say all the rights and powers are reserved to the States and to the people. Shouldn't we allow the States to have the prerogative to have a gasoline tax and spend it the way they want? Then we don't have to fight and beg and plead and say, "Hey, wait, I want 90 cents of my dollar back." If I do really good, I will get 90 cents on the dollar back. You lose 10 percent off the top. Not all States lose 10 percent; some States do better than other States. I guess that is the way it is always going to be when you have a national program.

Our State does not qualify as a dense State. That applies to some big States. There is a dense State formula in here that helps some States. Our State doesn't qualify for the Appalachian Regional Commission. I know some States do. There is a bonus provision. Maybe we do—no, we didn't qualify for that. We get a little something.

My point being you have to beg, cajole, and plead. Maybe you come up with 90 cents, but that is 90 cents on 90 cents. My math is not always accurate, but sometimes it's fast, and 90 percent of 90 percent is about 81 cents. I have seen one chart that says we will come out with about 82 cents, maybe 83 cents. The point being, you send \$1 to Washington, DC, and in return you lose maybe 17, 18 percent before it gets back to the State.

Then, as Senator MACK mentioned, when it comes back, there are a lot of strings. It's not quite as simple as, "Here, States, you get your money back. You can have the 82 cents or 90 cents or whatever and you can spend it as you wish." That is not the case. There are lots of strings. You have little requirements like you have to meet Davis-Bacon. You have to meet a lot of other requirements, Federal highway standards and so on. Guess what. A lot of these roads are not Federal highway roads or they are not part of the interstate system. The interstate system is, by and large, complete. It needs a lot of maintenance, I guess, but certainly that could be maintained without this 4.3 cents per gallon.

In my State of Oklahoma, the legislature has already passed legislation, already the law of the land. If the Federal Government does not extend the 4.3 cents, or if we repeal it, that tax increase goes on automatically for our State. So there will not be any loss of income. The State is going to pick it up. Our State is going to be a lot better off.

Every once in a while you do vote your State interest around here, and my State interest is, let's repeal that 4.3 cents and we are going to get 100 percent of the money, not 90 cents, not

82 cents, we are going to get 100 percent of the money. And we don't get the Federal strings, and the Governor and the legislature can decide how they want to spend it. They don't have to spend it on this type of road—primary road, secondary road. They have all the flexibility they want because it's theirs. They have all the authority. They don't have to worry about the differences. Hey, wait a minute, budget authority/budget outlays, this is not easy. And we are going to allocate 100 percent of this money for contract authority, but the outlays won't hit for a number of years. We don't have to worry about that. If we repeal this, the States are going to have 100 percent of the money and they can let the contracts and they can make the decisions and, frankly, I think some of us should have some more confidence in our States. So I rise in support of this amendment.

I opposed the 1993 tax increase that was passed by President Clinton at that time. It didn't have a Republican vote, as I recall. I thought that was a mistake. That was a 4.3-cent-per-gallon gasoline tax increase that went into the general revenue. It did not go to highways. A lot of us said we thought that was a mistake. At least in this bill, and I compliment the sponsors, at least we are going to rectify that. Under this bill, assuming the amendment of Senator MACK and myself does not pass, this money at least will be spent for highways. I think that is a giant step in the right direction. I compliment the sponsors, and particularly Senator GRAHAM and Senator BYRD, who were very persistent—I started to say stubborn in their efforts. Because that helped make that happen. That doesn't mean our budget problems are over. We are going to have some challenging times to stay within the caps on the budget, but we will wrestle with that. Hopefully, we will stay on the caps in the budget and will still be able to put 100 percent of the moneys coming in into the highway program and the gasoline tax will stay in the highway program.

I think the better fix would be the fix that Senator MACK is proposing, and that is, let's allow the States to have this tax and let's give the States the option.

My guess is a strong majority of the States would continue the tax, because all States have very significant needs and demands on their highways for safety, for maintenance, for upgrades. Certainly my State does, and I know that is the action our State would take.

So I believe the best solution would be the solution proposed by my colleagues from Florida, and that would be to give the States the option. Let's repeal the 4.3-cent tax. I think it was a mistake in 1993; I still think it is a mistake in 1998. Let's allow that money to go back to the States, and if the States want to enact it, they can, or if they want to return it to the taxpayers,

they will have that option to do so as well.

With that, I urge my colleagues to vote in favor of the Mack amendment. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know how my distinguished leader wants to be accurate. In the course of his remarks, there might have been the inference, in support of the Mack amendment, that all the money would go back to the States, but, in fact, as you well understand, 14 and a fraction cents still go to the highway fund.

Mr. NICKLES. That is true.

Mr. WARNER. We are really talking about 4.3.

Mr. NICKLES. Yes, 4.3.

Mr. WARNER. Madam President, I am prepared to make the following statement to the Senate:

The amendment offered by the Senator from Florida, Mr. MACK, repeals 4.3 cents of the Federal gasoline tax. This amendment will result in a loss of Federal revenues of nearly \$6 billion for the first year and \$30 billion over 5 years. The loss of revenue will cause a breach of the revenue floor established in the budget resolution. Therefore, I raise a point of order under section 311(a)(2)(B) of the Congressional Budget Act of 1974 against the pending amendment.

The PRESIDING OFFICER. All time has to be yielded back on the amendment before the point of order may be made.

Mr. WARNER. I understand. I am prepared to do that at such time as we yield back the time. I thought I stated that.

The PRESIDING OFFICER. The Chair will so acknowledge.

Mr. WARNER. I thank you.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. WARNER. Does the Senator yield back his time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Who controls the time?

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I control the time in opposition. We will accommodate the Senator. Are his remarks generic to the bill?

Mr. STEVENS. They are on this amendment. I am in opposition to it.

Mr. WARNER. I yield such time as the Senator may use.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I am constrained to come here in two roles. One is as chairman of the Appropriations Committee. And I am certain everyone will understand that problem. This is, obviously, a situation in which we negotiated a very tightly wrapped package, and it will eventually come to our committee. The distinguished Senator from West Virginia and I will allocate money under it.

The real difficulty I see with the amendment of the Senator from Florida is, having reached an agreement of what to do with the 4.3 cents of the tax revenue, now that we have transferred it to the highway trust fund, it would be repealed. I just cannot understand an attempt to do that at this time, I say respectfully to my friend.

I do understand people who are insisting that the donor States ought to be totally recognized to get 100 percent of their money back, and this obviously would be one way to do that.

I am here in the second role as a Senator from the largest State in the Union, 20 percent of the landmass in the United States. I repeat for the Senate, we have a thousand miles more of roads now than when we became a State almost 40 years ago. We are completely locked out of this highway program.

I wonder what Dwight D. Eisenhower, the person I consider to be one of the greatest leaders of the 20th century, would feel about the concept that roads would only be built by those people who lived within the State. The national concept of highways was, in fact, the Eisenhower dream, and it has been fulfilled in the Interstate Highway System, but the difficulty is it does not reach our State.

Furthermore, this concept that people who drove from Florida to Alaska would suddenly stop at the border and be told, "Sorry, we don't have tax revenues, so we can't build you any roads," or you drove to Seattle and went to the dock where we currently maintain the ferries for citizens of the United States and others to come to Alaska by Alaskan-owned and operated ferries—you would find out they wouldn't be there any longer.

The concept of highways in this country has always been a national concept, and I have always thought, as I paid my gasoline taxes as I drove across the country—and I have driven across the country and up to my State many times—as we drive even into our neighboring country of Canada, we pay a Canadian gasoline tax. It never entered my mind that the Canadians somehow would think I was a Canadian citizen paying taxes in Canada.

Nor do I think that all the people who travel on the roads in Florida or any of the rest of these roads around the country are necessarily residents of that State. The States collect the taxes, but they certainly have no right to collect the taxes from people from outside their State who are traveling through that State to come to mine.

The idea of repealing this gas tax at this time is just completely abhorrent to this Senator's way of thinking. But beyond that, I am here, once again, to say to the sponsor of this amendment, the amendment is unfair, basically, to the States that do not have the highways totally constructed yet.

This is a bill to improve existing highways, not to continue the idea of making sure that there are highways in this country to reach every portion of this great continent that Americans who travel with their families, travel in RVs, travel in their personal automobiles want to go. I just can't believe we are going to abandon the concept that there is one national system of highways. And if there is a national system of highways, some of this highway money has to trickle into Alaska.

Somehow or another, we have to find some way—I see the Senator from Oklahoma smiling. I wonder what would have happened if I just returned from Philadelphia, and suppose we put in the Constitution that there would be no money spent coming from the original 13 States beyond the confines of the 13 States. That is what you are saying—you cannot spend money beyond our State if it was taken into the Treasury through our State.

Again, I say to the Senate advisably, we send 25 percent of the oil of the United States to the United States, to what we call the "south 48," every day—every day. It is the oil that is used to produce the gasoline that your States tax. The taxes are derived from that oil. They do not come back to our State.

How about we put in a provision that says 100 percent of the revenue of the United States from the development of any resource in any State comes back to that State? Would that be agreeable? Would the Senator from Florida like to see that? We have the storehouse of the United States as far as resources are concerned. We would be able to build roads then, Madam President.

As long as we base this concept that the money has to go back to the very State in which it was collected from any citizen of the United States traveling through the United States, no matter where they are from, it goes back to the State that collected the money, then we won't have a National Highway System.

I am against this concept of repealing this tax. I hope that the Senate will find that the point of order is well taken. I congratulate the Senator from Virginia for making it.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, before I yield back the remainder of my time and ask for a waiver of the Budget Act, I cannot help but respond to my delightful colleague from Alaska.

First of all, with respect to Eisenhower, if you go back and read the record, Eisenhower indicated that he

was in favor of repealing the gas tax when the interstate system was completed. So I think if he had the opportunity, we would know where he stood on this issue.

In respect to the comments made about Florida and Alaska and oil and so forth, I remind my colleagues, I am talking about 4.3 cents of the gasoline tax. That is point 1.

Point 2, we have supported the interstate system for 41 years, and there will be sufficient funds to, in fact, maintain the interstate system after the repeal of the 4.3 cents.

I just could not let those comments go without responding.

At this point, I am prepared to yield back the remainder of my time.

Mr. WARNER. Madam President, at this time I yield back the time in opposition and restate, which has been put in the RECORD twice, the budget point of order.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAUCUS. I ask the Senator from Virginia when he expects this vote to occur.

Mr. WARNER. Now.

Mr. BAUCUS. I say to the Senator, that's fine.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO WAIVE THE BUDGET ACT

Mr. MACK. Madam President, I move to waive the Budget Act for consideration of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Mack amendment No. 1906. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

The yeas and nays resulted—yeas 18, nays 80, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—18

Abraham	Gregg	Mack
Ashcroft	Hutchison	McCain
Brownback	Inhofe	Nickles
Coats	Kyl	Smith (NH)
Coverdell	Levin	Thompson
Graham	Lugar	Thurmond

NAYS—80

Akaka	Campbell	Durbin
Allard	Chafee	Enzi
Baucus	Cleland	Faircloth
Bennett	Cochran	Feingold
Biden	Collins	Feinstein
Bingaman	Conrad	Ford
Bond	Craig	Frist
Boxer	D'Amato	Glenn
Breaux	Daschle	Gorton
Bryan	DeWine	Gramm
Bumpers	Dodd	Grams
Burns	Domenici	Grassley
Byrd	Dorgan	Hagel

Harkin	Lautenberg	Rockefeller
Hatch	Leahy	Roth
Helms	Lieberman	Santorum
Hollings	Lott	Sarbanes
Hutchinson	McConnell	Smith (OR)
Inouye	Mikulski	Snowe
Jeffords	Moseley-Braun	Specter
Johnson	Moynihan	Stevens
Kempthorne	Murkowski	Thomas
Kennedy	Murray	Torricelli
Kerrey	Reed	Warner
Kerry	Reid	Wellstone
Kohl	Robb	Wyden
Landrieu	Roberts	

NOT VOTING—2

Sessions
Shelby

The PRESIDING OFFICER. On this vote the yeas are 18, the nays are 80. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment fails.

Mr. CHAFEE. Mr. President, we have a couple of quick colloquies and then it is my understanding that the Senator from Arizona has an amendment which he wishes to present. So let's proceed with these colloquies. Then when the Senator from Arizona completes his amendment, which I understood was going to be something like 10 minutes equally divided, I understand he was going to ask for a rollcall vote, but I don't see the Senator here.

Meanwhile, the Senator from Colorado has a colloquy.

AMENDMENT NO. 1328

Mr. ALLARD. I want to thank the chairman for yielding, and I will engage the chairman and the ranking member in a brief colloquy, if I may.

I had an amendment, 1328, filed and was prepared to offer it for a vote. The amendment would have added particulate matter and ozone as an equally weighted factor for funding from the Congestion Mitigation Air Quality Program (CMAQ).

My concern is that Colorado has problems from PM-10 in the Denver Metro Area that are transportation related that could be lessened from inclusion in the CMAQ program. My understanding is that high altitude states may have a problem with respect to this pollutant that low altitude states may not have. As the chairman and the ranking member of the Environment and Public Works Committee both know, my amendment would have an impact not only on the CMAQ program, but on the formula as a whole.

Out of respect to the hours of work put in by the Senator CHAFEE, WARNER, and BAUCUS, I'm not going to offer the amendment. However, H.R. 2400 which was reported out of the Transportation and Infrastructure Committee in the House of Representatives does make allowances for funding PM-10 in CMAQ.

It's my hope that the leadership of the EPW Committee would find a way to help areas like Colorado deal with their unique problems with respect to PM and carbon monoxide in conference and I will provide any assistance necessary in working toward that end. I will not be offering that amendment

with the assurances that you will continue to work with me.

Mr. CHAFEE. I say to the Senator from Colorado that we are happy to pledge to him that we will strive in our work during the conference with the House to address the issue the Senator has raised. The House bill includes the provision he would have offered, so the issue will be in conference. The PM factor will be considered.

The Senator from Colorado has raised a very good point. In some western cities transportation emissions are a principal source of fine particulates in the air. EPA has recently issued new standards for particulate matter that may require these cities to adopt transportation strategies to reach attainment. The CMAQ program in this highway bill is intended to help cities solve their transportation-related air quality problems. So I am happy to pledge to the Senator from Colorado that we will strive in our work during the conference with the House to address the issue he has raised. The House bill includes the provision he would have offered, so the issue will be in the conference and the PM factor could be included in the final formula for CMAQ funding. I want to stress though that we should only move in that direction where the particulate pollution problem is caused by transportation as opposed to stationary sources such as power plants.

Mr. BAUCUS. Mr. President, I supplement what the chairman of the committee said. This has been a matter with the Senator from Colorado and is a matter that relates to CMAQ funding. I can assure the Senator from Colorado that, as I think the Senator from Rhode Island said, we will work with the Senator, work it out in conference, and try to come up with a solution that is workable and agreeable with the Senator from Colorado.

Mr. ALLARD. I thank both the chairman and ranking member for their willingness to work with me on this very important issue.

I yield back the remainder of my time.

Mr. CHAFEE. I thank the Senator from Colorado for being able to work this out. He has been very patient and very helpful as we have tried to reach conclusion on this matter, something he cares deeply about. We will do in the conference exactly as I said and make an honest effort.

Now, Mr. President, the Senator from Arizona has an amendment, but that amendment, it is my understanding, was going to be opposed by the Senator from Iowa. I don't see him here. In fairness to him—

Mr. MCCAIN. Perhaps I could take a few minutes in describing it and by that time the Senator from Iowa would be here.

He is rather familiar with the issue, as the Senator knows.

Mr. CHAFEE. He certainly is. Why don't you go ahead, and we will try to round up the Senator from Iowa.

AMENDMENT NO. 1968 TO AMENDMENT NO. 1963

(Purpose: To prohibit extension of inequitable ethanol subsidies)

Mr. MCCAIN. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1968.

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

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

The amendment is as follows:

At the end of the amendment, add the following new section:

"SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act."

Mr. MCCAIN. Mr. President, I say to the Senator from Rhode Island, the distinguished managers, I will take about 5 minutes and then I will have no more debate. This issue is very well known. I do not like to impede the progress of the Senate. While I am speaking, perhaps the Senator from Iowa will agree to that time agreement. I want to let him know I am agreeable to any time agreement.

Mr. President, the amendment prevents an extension of inequitable Government subsidies for the ethanol industry that would cost the American taxpayers \$3.8 billion.

The amendment is simple. It negates the effect of the Finance Committee amendment, which is No. 1759, to the ISTEA legislation, which would extend for an additional 7 years the tax credits for ethanol and methanol producers. The value of these ethanol subsidies is estimated by the Congressional Budget Office at \$3.8 billion in lost revenue.

Enough is enough. The American taxpayers have subsidized the ethanol industry, with guaranteed loans and tax credits for more than 20 years. Since 1980, government subsidies for ethanol have totaled more than \$10 billion. The Finance Committee amendment to ISTEA, if not stricken, would give another \$3.8 billion in tax breaks to ethanol producers.

Current law provides tax credits for ethanol producers which are estimated to cost the Treasury \$770 million a year in lost revenue, and the Congressional Research Service estimates that loss may increase to \$1 billion by the year 2000. These huge tax credits effectively increase the tax burden on other businesses and individual taxpayers.

The current tax subsidies for ethanol are scheduled to expire at the end of 2000. This amendment does not change current law; it allows the existing generous subsidies do continue until the turn of the century. The amendment merely ensures that the subsidies do expire and are not extended for another 7 years.

Mr. President, let me just take a moment and try to explain why we have such generous ethanol subsidies in law today. The rationale for ethanol subsidies has changed over the years, but unfortunately, ethanol has never lived up to the claims of any of its diverse proponents.

In the late 1970s, during the energy crisis, ethanol was supposed to help the U.S. lessen its reliance on oil. But ethanol use never took off, even when gasoline prices were highest and lines were longest.

Then, in the early 1980s, ethanol subsidies were used to prop up America's struggling corn farmers. Unfortunately, the usual "trickle down" effect of agricultural subsidies is clearly evident. Beef and dairy farmers, for example, have to pay a higher price for feed corn, which is then passed on in the form of higher prices for meat and milk. The average consumer ends up paying the cost of ethanol subsidies in the grocery store.

By the late 1980s, ethanol became the environmentally correct alternative fuel. Unfortunately, the Department of Energy has provided statistics showing that it takes more energy to produce a gallon of ethanol than the amount of energy that gallon of ethanol contains. In addition, the Congressional Research Service, the Congressional Budget Office, and the Department of Energy all acknowledge that the environmental benefits of ethanol use, at least in terms of smog reduction, are yet unproven.

In addition, ethanol is an inefficient, expensive fuel. Just look at the 3- to 5-cent-per-gallon increase in gasoline prices during the winter months in the Washington, D.C. area when ethanol is required to be added to the fuel.

Finally, let me quote Stephen Moore, of the CATO Institute, who puts it very succinctly in a recent paper:

... [V]irtually every independent assessment—by the U.S. Department of Agriculture, the General Accounting Office, the Congressional Budget Office, NBC News and several academic journals—has concluded that ethanol subsidies have been a costly boondoggle with almost no public benefit.

So why do we continue to subsidize the ethanol industry? I think James Bovard of the CATO Institute put it best in a 1995 policy paper:

... [O]ne would be hard-pressed to find another industry as artificially sustained as the ethanol industry. The economics of ethanol are such that, for the industry to survive at all, massive trade protection, tax loopholes, contrived mandates for use, and production subsidies are vitally necessary. Only by spooking the public with bogeymen such as foreign oil sheiks, toxic air pollution, and the threatened disappearance of the American farmer can attention be deflected from the real costs of the ethanol house of cards that consumes over a billion dollars annually.

Mr. President, last year, when the Congress was considering the Taxpayer Relief Act, the House Ways and Means Committee took a bold step and included in its version of the bill a phase-

out of ethanol subsidies. In the report accompanying the bill, the House Committee stated:

[Ethanol tax subsidies] were assumed to be temporary measures that would allow these fuels to become economical without permanent Federal subsidies. Nearly 20 years have passed since that enactment, and neither the projected prices of oil nor the ability of ethanol to be a viable fuel without Federal subsidies has been realized. The Committee determined, therefore, that enactment of an orderly termination of this Federal subsidy program is appropriate at this time.

The Senate Finance Committee took the opposite view, but fortunately, reason prevailed and the conference agreement on the Taxpayer Relief Bill made no change to current law, allowing this needless subsidy program to expire at the turn of the century.

Mr. President, we should end these subsidies. If ever there was a prime example of corporate pork, the unnecessary, inequitable ethanol subsidy program is it.

Mr. President, with today's booming economy, it is hard to justify continued government subsidies for programs that have not lived up to expectations after more than two decades of government assistance. It is even harder when those subsidies are given to an industry that makes over \$30 million a year producing ethanol.

Current law terminates ethanol subsidies after the year 2000. This amendment would avoid the \$3.8 billion cost of extending the ethanol subsidies through 2006. I urge my colleagues to oppose changing current law and adopt my amendment to prohibit extension of the ethanol subsidies.

Again, Mr. President, I am not without sympathy for the corn producers. I have less sympathy for the large corporations that produce it. But the fact is that I would be willing to agree to an orderly phaseout of this program. But for us to just permanently extend a program that has no viable benefit to consumer or environment doesn't make any sense.

Mr. President, how do we go to the American taxpayer and say, gee, we are cutting your taxes, trying to save you money, we are trying to have good Government here, when we have already spent some \$10 billion in subsidies over the last 20 years? And now we are going to go through a \$3.8 billion cost to the taxpayer as a result of the ISTEA bill.

Mr. President, we should not do that. We really should not do it. Again, I urge my colleague from Iowa, Senator GRASSLEY, who I respect enormously—I would be glad to talk about a phaseout. But a phaseout must take place.

Mr. President, I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, several months ago, during the debate on the Balanced Budget Act of 1997, some of my colleagues called upon

Congress to end its commitment to ethanol.

These lawmakers drew their daggers in professed horror, charging that federal support for ethanol was some sort of "deficit buster," or a conspiracy of "corporate welfare."

While I know that in recent years, this mantra has become popular and convenient for some, it falls far short of the facts in this instance.

Ethanol, as my colleagues are aware, is an alcohol-based motor fuel manufactured from corn. Over fifty facilities produce ethanol in more than twenty different states. By the year 2005, 640 million bushels of corn will be used to produce 1.6 billion gallons of ethanol.

Ethanol is good for the environment. Ethanol burns more cleanly than gasoline, and, according to the Environmental Protection Agency, diminishes dangerous fossil-based fumes, like carbon monoxide and sulfur, that choke the air of our congested urban areas.

Tankers will not spill ethanol into our oceans, killing wildlife. National parks and refuges will not be target for exploratory drilling. When ethanol supplies run low, you simply grow more corn.

Ethanol strengthens our national security. Ethanol flows not from oil wells in the Middle East, but from grain elevators in the Middle West, using American farmers, and creating American jobs. With each acre of corn, ten barrels of foreign oil are displaced—up to 70,000 barrels each day.

And for farmers, ethanol creates value-added markets, creating new jobs and boosting rural economic development. According to a recent study conducted by Northwestern University, the 1997 demand for ethanol is expected to create 195,000 new jobs nationwide.

Ethanol is the fuel of the future—and the future is here. Illinois drivers consumer almost five billion gallons of gasoline, one-third of which is blended with ethanol. Chicago automotive plants are assembling a new Ford Taurus that runs on 85 percent ethanol. More and more gas stations are offering ethanol as a choice at the pump.

Isn't it worth cultivating an industry that improves the environment and promotes energy independence? Isn't it the responsibility of Congress to foster an economic climate that creates jobs and strengthens domestic industry? Don't we have a commitment to rural America, and a responsibility for its economic future?

Mr. President, I think the answer to these questions is a resounding yes, and that's why I urge my colleagues to oppose this amendment.

Mr. GRASSLEY. Mr. President, I urge my Senate colleagues to vote against the anti-ethanol tax hike amendment offered by Senator McCAIN.

The good Senator from Arizona took us down this road last year, only to be turned back by a vote of 69-30.

I want to thank the 35 Republicans and 34 Democrats who joined in defending the Grassley/Moseley-Braun etha-

nol program extension, and urge that you join us again in defending one of our Nation's bright spots in our long battle to reduce our dependence upon foreign energy.

I want to thank Chairman ROTH for honoring the request from Senator LOTT, Senator MOSELEY-BRAUN, and me to include in the highway bill the same ethanol language that we defended in that 69-30 vote last year.

Mr. President, with increased frequency, we hear loosely tossed around the phrase "corporate welfare."

Unfortunately, by failing to establish and apply a consistent, workable definition, "corporate welfare" becomes as worn and arbitrary as the term "pork barrel."

Is it "corporate welfare" for an Arizona road construction company to take a government check to build roads?

Clearly, without the government money, it would not be building roads, so does that make it "corporate welfare?"

Is it "corporate welfare" for a defense contractor to take a government check to build aircraft? Clearly, without the government money, it would not be building military aircraft.

If the key factor in identifying corporate welfare is the receipt of a government check, then America has a lot of companies depending upon corporate welfare.

But what if the company receives no government check—not one thin dime from Uncle Sam?

What if America decides that because it has become increasingly and dangerously dependent upon foreign energy, that we must establish programs and incentives to develop domestic sources of energy and to conserve energy?

What if, instead of doling out government checks to specific corporations, we establish a program to lower the taxes of motorists who use gasoline blended with home-grown ethanol?

That's exactly how the ethanol program works! Not one thin dime from the government goes to ethanol producers such as ADM. We do not pick the winners and losers.

We do not influence, let alone decide or dictate who makes ethanol or who doesn't.

Ethanol is produced by 35 companies with plants in 22 states. Many of these are farmer owned and operated cooperatives that support small towns and small businesses.

Anybody under the sun in America can produce ethanol, and the fact is, one of the biggest growth areas in ethanol production is coming from cooperatives.

But no matter who makes ethanol, they will get absolutely no government funds from the ethanol program that my colleague from Arizona seeks to destroy through a tax hike.

The ethanol program doesn't even fit the criteria outlined by the corporate subsidy reform bill introduced by Senator McCAIN.

One key test under his bill is whether or not government spending benefits the public, as opposed to a narrow group of corporations. Numerous studies have demonstrated that ethanol incentives provide tremendous economic, energy, and environmental benefits to the public.

Those who oppose the ethanol program are not trying to eliminate a subsidy; they are attempting to impose a tax increase upon America's motorists.

And we all know that the power to tax is the power to destroy, and that is just exactly what will happen if the anti-ethanol forces win.

Ask the Society of Independent Gasoline Marketers of America what will happen. If you deny them the alternative of ethanol-blended gasoline as a supply option, many will no longer be able to compete with the major oil companies. Many independents will be forced out of business by big oil, and gasoline prices will rise.

And rise indeed: According to recent economic analysis, the termination of the ethanol program would force motorists to pay an extra \$3 billion for gasoline!

The Midwest Governors Conference analysis of the ethanol program found that it provides a 20-1 return on investment. It adds \$4.5 billion annually to farm income, it reduces our trade deficit by \$2 billion, and it generates \$4 billion in increased federal revenues.

Does the ethanol program promote the public interest? Absolutely.

Is the ethanol program "corporate welfare?" Absolutely not!

There is not one shred of credibility to accusations that the ethanol program is corporate welfare.

Unfortunately, many of us have been caught up with misinformation. Misinformation disseminated by big oil's massive brain washing-machine, with its hyper spin cycle that fuels the engines of tabloid journalism.

Again, it's a massive brain-washing-machine, with a hyper spin cycle. And you thought I was going to say it was a vast right wing conspiracy.

Mr. President, a year or so ago, Senator MCCAIN produced a white-paper which analyzed and critiqued our nation's current defense planning assumptions which require us to be prepared to go it alone simultaneously fighting wars in two regions of the world, and do so with a win-win objective. He concluded that our financial and military resources are stretched too thinly to meet the demands of such a defense plan.

We may not always agree, but Senator MCCAIN rightfully takes a back-seat to no one in his understanding of military affairs.

I hope, therefore, he will take to heart my following comments which touch directly upon stretched military resources as well as the question of corporate welfare.

Over 40 years ago, American oil producers convinced the federal government to impose oil import quotas and

tariffs with the argument that we faced a national security crisis because we were importing a mere 10 percent of our oil.

Today, our national security crisis is far more severe—we depend upon foreign energy for over 50 percent of our needs. I believe it's about 54 percent today.

In 1995, the administration reported, and I quote:

Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity . . . petroleum imports threaten to impair national security.

Now, Mr. President, what I am about to share, will shed light, not only upon Senator MCCAIN's concern about our military resources being spread too thin, but also upon the very reason our petroleum imports continue to grow and continue to jeopardize our national security.

In 1987, Secretary of Navy, John Lehman, stated that our total cost of protecting the Persian Gulf oil supply lines—forces, training, operations, bases and support—amounted to 20 percent of our total military budget.

That amounted to \$40 billion per year that taxpayers were being forced to pay to defend foreign oil.

By any definition, this \$40 billion, gold-plated military escort service is a subsidy directly benefiting the major oil companies and the Persian Gulf oil producing nations.

So I ask, isn't this \$40 billion military subsidy simply corporate welfare for an exclusive club of oil companies?

And doesn't the expenditure of 20 percent of our military budget to defend oil supply lines partly explain the reason for and suggest solutions to the problems detailed in Senator MCCAIN's white paper?

What would happen if the oil companies, or even the oil producing nations, were required to pay for this \$40 billion per year military escort service?

Well, I can hear the oil importers already saying, "You either pay me now, or pay me later. We'll just pass on the cost to the American consumer with high gasoline costs."

My answer to that is "maybe so, but let's take a look at all the trade-offs."

I ask my colleagues to think about this. One analysis concluded that this \$40 billion taxpayer subsidy put the real cost of imported Persian Gulf oil at \$140 per barrel, during a time that U.S. domestic producers were getting about \$18 per barrel.

Is it any wonder that thousands of American independent oil producers were forced out of business during the 1980's?

Isn't it just a little ironic that these taxing oil producers were being forced to subsidize the very foreign competition that was running them out of business?

And, if they were still producing today, would we be so reliant upon foreign oil?

Which, in turn, leads to the question of whether or not we would feel so com-

pelled to devote 20 percent of our military resources to the Persian Gulf in the first place.

Would it not make more sense to let the market place take over by requiring someone other than the taxpayer to pay for this military escort service?

Wouldn't this put Oklahoma and Texas producers back in business?

And to cap it all off, think of this: Most of this subsidized Persian Gulf oil goes not to the United States, but to our economic competitors in Europe and Japan! So here we are, subsidizing the energy of our foreign manufacturing competitors so that they can better undercut American manufacturers.

I'm not sure what we have here: Corporate welfare? Foreign aid? Or is it Foreign corporate welfare?

Picking up on John Lehman's admission that we must devote 20 percent of our military budget to protect Persian Gulf oil supply lines, it goes without saying that we are also talking about the lives of our sons and daughters who bravely, and honorably serve in our military.

And as inflammatory as this may sound to some, the truth is not one of our sons and daughters have ever been asked to sacrifice life or limb to defend the supply lines and production of America's home-grown domestic fuel—ethanol.

Isn't that worth something? Isn't that worth a mere 5.4 cent exemption from highway taxes?

Or is your thirst of tax increases too great to resist?

Are we that blind? Just a few months ago, officials of a Persian Gulf nation admitted publicly that they wanted American oil companies to establish operations in their country. Why? Because they knew the U.S. military would then most definitely come to the rescue if that country faced aggressive military action from a neighboring country.

A few months ago, four of our nation's top national security experts wrote to congressional leaders calling for increased support for ethanol.

They warned, and I quote:

The domestic ethanol industry provides fuels that reduce imports . . . We implore Congress of the United States to continue and indeed strengthen tax incentives for the ethanol industry.

To do otherwise would threaten America's national and economic security, weaken its plans to improve the environment and relinquish U.S. world-wide leadership in the biofuels area.

This letter was signed by: General Lee Butler USAF (Ret.) Former Commander, Strategic Air Command, Desert Storm; R. James Woolsey, Former Director of the CIA; Robert McFarland, Former National Security Advisor to the President; and Admiral Thomas Moorer USN (Ret.), Former Chairman, Joint Chiefs of Staff.

Mr. President, by using ethanol, Americans reduce by 98,000 barrels a day, the amount of oil and MTBE that must be imported.

But the ethanol program is just one of many government programs implemented to reduce our dependence upon

foreign energy. Others include: Mass transit subsidies, energy efficiency and conservation programs, alternative fuel vehicle incentives, subsidies to help oil and gas producers to develop advanced technologies for exploration and extraction, programs to promote natural gas use, and the Strategic Petroleum Reserve.

Let's face it, no single government program can eliminate dependence upon foreign oil entirely, but these various initiatives, taken together as a whole, can help reduce our vulnerability.

I ask my friends from oil and gas states:

Is your problem the farmer and ethanol producer from the middle west?

Or is it OPEC and the oil sheiks from the Middle East?

Isn't it time we started pulling together, instead of pulling apart?

Or do you propose giving up and surrendering to the OPEC oil sheiks by eliminating all energy and conservation programs?

If so, be prepared to face the termination of the 14 cent highway excise tax exemption for natural gas.

Be prepared for the termination of the highway tax brake for propane, liquefied natural gas, and methanol which now only pay 13.6 cents, 11.9 cents and 9.15 cents respectively, instead of the full 18.3 cents per gallon.

Be prepared for the termination of the percentage depletion allowance for domestic producers, which drains the treasury to the tune of \$900 million per year.

And while my colleagues from oil and gas states think about this, could they please tell us, are these tax breaks and subsidies programs to promote energy independence, or are they merely forms of corporate welfare?

What about mass transit subsidies. I have seen figures that show some mass transit taxpayer subsidies, for capital and operations, can run as high as \$15 per rider. If you assume a 20 mile ride, that comes out to a government subsidy of 75 cents per rider/mile.

Compare the ethanol investment. Ethanol has transported people 200 billion miles at a cost to taxpayers of about 2.5 cents per mile. It's even less if you subtract the savings to our farm programs.

So, which does a better job of reducing our dependence on foreign energy?

Ethanol at 2.5 cents a mile, or mass transit that can cost as high as 75 cents a mile?

We could terminate all these programs aimed at reducing our dependence upon foreign oil.

Are we that short-sighted? Are we that parochial? I think not.

I know we're not, because 35 Republican and 34 Democratic Senators voted to save the ethanol program extension. Senate Republican Leader LOTT and Democratic Leader DASCHLE are both committed to extending this program. House Speaker GINGRICH and Minority Leader GEPHARDT have both pledged to support the ethanol program.

And I know first hand, that both President Clinton and Vice President GORE support the ethanol extension because they both called me at my farm last year to pledge their support.

It would be true folly to destroy one of the few bright spots in our fight for energy independence.

Ethanol production has become highly energy efficient. Today, it takes 100 Btu's to yield 135 Btu's of ethanol. In sharp contrast, it takes 100 Btu's to produce 85 Btu's of gasoline or 55 Btu's of methanol.

And ethanol helps reduce every mobile source pollutant that EPA regulates. It reduces carbon monoxide, ozone, NO_x and toxic emissions.

Furthermore, the Department of Energy and the Argonne National Laboratory recently finished a study entitled, "Fuel-Cycle Fossil Energy Use and Greenhouse Gas Emissions of Fuel Ethanol Produced from Midwest Corn." This study reported that ethanol use results in a 50-60 percent reduction in fossil energy use and a 35-46 percent reduction in greenhouse gas emissions.

Mr. President, I ask my colleagues to join with me and voting against the McCain tax hike amendment.

Ethanol is good for national security. It is good for the environment. It is good for America's motorists. It is good for our balance of trade. It is good for our farm economy.

I have said it before, but it bears repeating. Ethanol is just plain good, good, good.

Mr. DASCHLE. Mr. President, I strongly oppose the amendment to strike extension of the ethanol tax incentive from the federal highway bill. This program has proven its value to the nation in the past, and its continuation is important not only to the economic vitality of rural America, but also to the national goals of improving air quality and weaning the country from its dangerous dependence on foreign oil.

Over the last 20 years, ethanol has grown from a good idea to a serious alternative fuel for American motorists. Its use today—over a billion gallons per year—significantly reduces our need to import foreign oil. As General Lee Butler has pointed out, every barrel of oil we import from the Middle East costs us, in real terms, more than \$100. The cost Americans pay at the pump for gasoline is not reflective of this extraordinary investment, which underscores the need to do even more to reduce our consumption of imported oil.

In addition, clean-burning ethanol helps cities throughout the country achieve clean air standards inexpensively and easily, while reducing emissions of greenhouse gases. And, in rural America, it provides jobs at a time when family farms are struggling to survive.

Mr. President, less than a year ago, this body made clear its overwhelming support for renewable fuels when it defeated a similar amendment to the

budget bill by a vote of 69 to 30. The Senate should reaffirm its support for this program just as resoundingly today.

The only difference between last year and today is that today we are debating this tax incentive in the context of the transportation bill. In the past, some have raised the specter that this tax incentive could reduce the federal investment in our transportation infrastructure. I would like to dispel that argument once and for all.

Last week, Transportation Secretary Rodney Slater wrote me that, "The Administration believes that the ethanol tax exemption does not reduce needed investments in roads, bridges, and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects." I ask unanimous consent that the entire letter from Secretary Slater be printed in the RECORD.

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

SECRETARY OF TRANSPORTATION,
Washington, DC, March 6, 1998.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The Administration strongly supports the use of alternate fuels as a meaningful way to address some of the Nation's air quality, energy conservation and balance of payment problems. The future of U.S. transportation will depend heavily on alternative fuels. For these reasons, the Administration is firmly in favor of continuing an ethanol excise tax exemption.

The Administration believes that the ethanol exemption does not reduce needed investments in roads, bridges and transit. Furthermore, given the current balances in the Highway Trust Fund and projected revenues, continuation of the exemption will not affect future Federal spending on transportation projects.

The extension of the tax exemption for ethanol use as a highway motor fuel is part of the Administration's surface transportation reauthorization proposal, S. 468, the National Economic Crossroads Transportation Efficiency Act (NEXTEA). Our proposal would extend the current exemption provision through September 30, 2006, because of the many benefits that domestic ethanol production provides to the Nation.

Sincerely,

RODNEY E. SLATER.

Mr. DASCHLE. Given the clear benefits of the ethanol tax incentive and the fact that it does not affect federal investments in transportation projects, I urge my colleagues to join me in opposing this amendment and helping to ensure that America has the tools to meet its energy, environmental and economic goals long into the future.

Mr. LOTT. Mr. President, I appreciate Senator MCCAIN's position on this. I understand how he feels about it. I also appreciate the fact that he is willing to bring it up in such a fashion where he can make this points and we can move on to a vote on a motion to table. A number of Senators on both sides could come over and speak at

great length on this subject. But in the interest of trying to begin to move toward a conclusion and getting within, hopefully, a short period of time, the final votes before we would have the cloture vote so we can see what is exactly left to be done on this bill.

In order to get that accomplished, I move to table amendment No. 1968 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table Amendment No. 1968.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—71

Abraham	DeWine	Kohl
Akaka	Dodd	Landrieu
Allard	Domenici	Levin
Ashcroft	Dorgan	Lott
Baucus	Durbin	Lugar
Bennett	Faircloth	Mack
Biden	Feinstein	McConnell
Bingaman	Ford	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gramm	Murkowski
Brownback	Grams	Murray
Bryan	Grassley	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Roberts
Campbell	Hatch	Roth
Chafee	Helms	Sarbanes
Cleland	Hollings	Smith (OR)
Coats	Inouye	Stevens
Cochran	Jeffords	Thomas
Conrad	Johnson	Thurmond
Craig	Kempthorne	Torricelli
D'Amato	Kerry	Wellstone
Daschle	Kerry	

NAYS—26

Byrd	Hutchison	Rockefeller
Collins	Inhofe	Santorum
Coverdell	Kyl	Smith (NH)
Enzi	Lautenberg	Snowe
Feingold	Leahy	Specter
Frist	Lieberman	Thompson
Gorton	McCain	Warner
Gregg	Nickles	Wyden
Hutchinson	Robb	

NOT VOTING—3

Kennedy	Sessions	Shelby
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The motion to lay on the table the amendment (No. 1968) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I now enter into a colloquy with the distinguished Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a colloquy in order to clarify that a specific kind of innovative materials research will be eligible for funding under this bill.

Many of our Nation's bridges have been in service far longer than originally planned. As a result, they have fallen into a state of serious disrepair. Many of them are in need of outright replacement. Over the past several years, the Federal Government has supported research in an effort to develop a new, stronger, and more environmentally sensitive material for use in bridge construction. One of the most promising developments in this area is a new technology known as "wood composites." These materials combine wood, an abundant and renewable resource, with modern composites to give the wood significantly more strength and durability.

I am proud to say that the University of Maine's Advanced Engineered Wood Composites Center has been a leader in developing wood composite technologies, and it has done so in part with research funds from the National Science Foundation. That research has now advanced to the point where composite-reinforced wood is being used in pilot projects in Maine and elsewhere in the United States.

Wood composites have shown a great deal of promise as a means of providing low-cost, extremely durable, and environmentally safe material for building and repairing bridges. Given its performance and its promise, we should be enthusiastically promoting further development of this exciting new technology.

I have discussed with the chairman my strong support for ensuring that the research involving wood composites, specifically wood fiber-reinforced plastic composites, will be eligible for funding under the sections of this legislation. Specifically, the bill authorizes funding to: First, establish four new national university transportation centers; second, section 2005 of the bill authorizes funding for the Department of Transportation's basic research and technology programs over the next 6 years; third, section 2001 of the bill authorizes funding for the Federal Highway Administration's National Technology Deployment Initiatives and Partnership Program; and, finally, section 2013 of the legislation authorizes funding for an innovative bridge research and construction program.

The purpose of my colloquy with the distinguished chairman today is to confirm my understanding that the ongoing research involving wood FRP composites is eligible for funding under all of these sections of the ISTEA reauthorization bill, and further that the University of Maine's Wood Composites

Center will be eligible to apply for designation as one of the new NUTCs authorized in the bill.

I yield to my distinguished friend and colleague from Rhode Island, the chairman of the committee, Senator CHAFEE, for any reassurances that he might be able to give me in this regard.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to confirm the understanding of the Senator from Maine, Ms. COLLINS, that, in fact, wood composite research involving so-called wood FRP composites is eligible to compete for funding under those sections of the ISTEA II legislation that she mentioned.

Furthermore, I want to confirm for the Senator that the Advanced Engineered Wood Composites Center at the University of Maine is eligible to apply for designation by the Federal Highway Administration as one of the four new national university transportation centers authorized by the ISTEA legislation as well.

I understand there is a great deal of excitement about this new, emerging field of wood composite research. Certainly I believe that the Federal Government should be actively encouraging and providing funding for this innovative activity, which would be beneficial to rebuilding many of our bridges across our country.

Mr. President, I look forward to continuing to work with Senator COLLINS during the committee conference on this matter, and I want to express my appreciation to her for her efforts in bringing this matter to my attention.

Ms. COLLINS. Mr. President, I thank the distinguished chairman of the committee. I invite both the distinguished chairman and the distinguished ranking minority member, Senator BAUCUS, to come to the University of Maine sometime and look at the fabulous research that is being done in this area. It is extremely exciting. The wood reinforced with these composites is stronger than steel. I am very proud of the research that is going on in my State and I believe it can contribute greatly to the transportation future of this country.

Mr. CHAFEE. Is that all in Orono?

Ms. COLLINS. It is.

Mr. CHAFEE. The home of black bears, I believe.

Ms. COLLINS. That's right.

Mr. BAUCUS. I say to my gracious friend from Maine, I accept her invitation. I would love to see this process, not only because anyone would like to visit Maine, but, second, it is mutually beneficial to lots of other States which have a very prominent reinforced products industry. I thank the Senator.

Ms. COLLINS. I thank the Senator. We will throw in a lobster dinner as well.

Mr. BAUCUS. It's a deal.

Ms. COLLINS. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent we temporarily lay aside the Finance amendment currently pending.

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

AMENDMENT NO. 1969 TO AMENDMENT NO. 1676
(Purpose: To allow entities and persons to comply with court orders relating to disadvantaged business enterprises and to require the Comptroller General to carry out a biennial review of the impact of complying with requirements relating to disadvantaged business enterprises)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1969 to amendment No. 1676.

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

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

The amendment is as follows:

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I and II of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) in the case of small business concerns certified in each State under subsection (d) as owned and controlled by socially and economically disadvantaged individuals—

(A) the number of the small business concerns; and

(B) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I and II of this Act;

(2) in the case of small business concerns described in paragraph (1) that receive prime contracts and subcontracts funded under titles I and II of this Act—

(A) the number of the small business concerns;

(B) the annual gross receipts of the small business concerns; and

(C) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(3) in the case of small business concerns described in paragraph (1) that do not receive

prime contracts and subcontracts funded under titles I and II of this Act—

(A) the annual gross receipts of the small business concerns; and

(B) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(4) in the case of business concerns that receive prime contracts and subcontracts funded under titles I and II of this Act, other than small business concerns described in paragraph (2)—

(A) the annual gross receipts of the business concerns; and

(B) the net worth of individuals that own and control the business concerns;

(5) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(6) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs;

(7) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(8)(A) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I and II of this Act; and

(B) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(9) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(10) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(A) the issuance of a final order described in subsection (e) by a Federal court that suspends a program established under subsection (a); or

(B) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(11) the impact of the requirement of subsection (a), and any program carried out to comply with subsection (a), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

Mr. MCCONNELL. Mr. President, the amendment I send to the desk has been cleared, I am told, by both Senator CHAFEE, the chairman of the committee, and Senator BAUCUS, the ranking minority member. It is my understanding there is no objection.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment offered by the Senator from Kentucky deals with the so-called Disadvantaged Business Enterprise Program. I want to emphasize this McConnell amendment is not the same as the earlier McConnell amendment which we voted on a week ago. This new amendment would clarify Department of Transportation policy with re-

gard to grant recipients who are under a Federal court order.

It also would require a new GAO study of the DBE program and of discrimination against DBEs in general.

Mr. President, the Senator has made a number of modifications to this. It is an amendment we are prepared to accept. I thank him for working out these modifications with us.

Mr. BAUCUS. Mr. President, this amendment has been worked out and cleared on our side.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly that this amendment is simple, fair and noncontroversial, as evidenced by the fact that my colleagues have signed off on it.

It says two things:

First, no State or local transit authority will lose its ISTEA funding simply because it suspends the DBE Program in response to a court order declaring the program unconstitutional.

Second, my amendment asks GAO to study the program and lets Congress know how the program is working to ensure it genuinely helps disadvantaged women and minorities.

Even though ISTEA and the DBE program were declared unconstitutional last summer by the federal court in Colorado, this legislative body chose to reauthorize the program because the Secretary of Transportation and the Attorney General promised us that any possible problems with the program had been cleaned up under the new proposed regulations.

The Senate accepted the Secretary and the Attorney General at their word. As my good friend and respected colleague from New Mexico stated on the floor last Thursday night:

I say to the administration very clearly right now: You have now put the signature of the Attorney General of the United States and the Secretary of [Transportation] on the answer to . . . seven questions [about the constitutionality of this program]. And this Senator, and I think a number of other Senators, is going to be voting to keep the provisions in the bill based on these kinds of assurances. . . . If, in fact, it comes out in a few months that the regulations are not being interpreted in the way suggested here, then I assure you that we will change them. . . . This better become a very, very, serious challenge to the administration as they finally implemented this program.

I appreciate the candor of my friend, Mr. DOMENICI. Consistent with that candor and with that challenge, my amendment simply says that the Senate is taking the administration at its word.

And, if for any reason, the program is not fixed, and more courts strike down the program, then my amendment ensures that we will not punish the States for complying with federal court orders.

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

not, the question is on agreeing to the amendment.

The amendment (No. 1969) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

NEPA PROCESS AND TRANSPORTATION PROJECTS

Mr. SMITH of New Hampshire. Mr. President, I would like to speak for a few minutes on the need to bring some common sense and reason to the environmental permitting process for transportation projects. I am pleased to say that we have at least begun a debate on this issue and that a bipartisan effort to improve the environmental review process has taken place.

As a member of the Environment and Public Works Committee, I am very familiar with the planning and construction process for highway and bridge projects. As such, I have been disturbed by statistics showing that it takes 10 years to plan, design and construct a typical transportation project in this country.

Why does it take so long to plan a project? The answer lies in the multiple layers of agency evaluations on the impacts of various modes and/or alignment as required by the National Environmental Policy Act (NEPA). While it would be sensible and efficient if the NEPA process established a uniform set of regulations and submittal documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Fish and Wildlife Service, and their companion state agencies each require a separate review and approval process, forcing separate reviews of separate regulations and requiring planners to answer requests for separate additional information. Also, each of these agencies issues approvals according to separate schedules. The result: the time period between project beginning to completion has grown to at least 10 years, assuming that the project is non-controversial and there is adequate funding available. If either of these assumptions is not the case, the time period could be even longer.

I am sure that if Senators contacted their own state transportation departments, they would be dismayed by the number of transportation projects that are delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety and traffic improvements that would save lives. Clearly, this process from start to finish is too long and too cumbersome, often taking eight years just to complete the planning, review and design phases of a project.

There are numerous examples to illustrate why the current system is broken. One of these examples is from my

home state of New Hampshire. The Nashua Circumferential Highway project was in the planning and environmental review phase for more than 10 years and had received the necessary permits from the Corps of Engineers when, at the eleventh hour, EPA stepped in and exercised its veto authority. EPA vetoed the project even though a \$31 million environmental mitigation package was committed by the state. A scaled back version of this project is finally back on the table. However, many years and a significant amount of resources were unnecessarily wasted. This is just one of many fiascos that have occurred all over the country.

While I think the language in S. 1173 represents a good first step, I still believe we could do more to streamline and improve the review process without circumventing protections for the environment. Unfortunately, there are certain groups who consider the National Environmental Policy Act to be a sacred statute in which no changes are warranted. I disagree with that viewpoint.

I had intended to offer my own NEPA streamlining amendment today which would greatly improve the environmental review process for highway-related projects. In fact, my amendment is endorsed by numerous professional organizations involved in transportation as well as the association of state departments of transportation—the people who have first-hand knowledge and experience in the planning and design of a project. When it takes an average of eight years to complete the environmental review process, there is something wrong with the system.

Many of these wasteful endeavors could have been avoided if a coordinated interagency review procedure was established early in the process. I think it is also important to establish a framework with mutually agreed upon deadlines for each agency to take action, as well as establish an effective dispute resolution process. As it stands now, often times there is no Federal-State coordinated review process established from the beginning, no set timetables for meeting certain reviews or permit approvals, and no system for resolving disputes in a timely manner.

We need to design a better system that protects both the taxpayers' investment and the environment. I do not buy the argument that making common sense reforms to the NEPA review process is in any way compromising environmental protection.

In conclusion, I hope we can continue working on improvements to the planning process as the ISTEPA bill makes its way through conference. The system is "broke" and needs fixing. Thank you, Mr. President, and I yield to the distinguished majority leader.

Mr. LOTT. Mr. President, I thank the Senator from New Hampshire for raising this important issue on the ISTEPA bill. I completely agree with his state-

ment about the need to reform the NEPA review process as it pertains to transportation projects. In fact, the National Environmental Policy Act as a whole needs to be looked at for possible improvements. I fully support the goals and intent behind NEPA, but I also believe that States are capable of carrying out NEPA's requirements when planning and reviewing various transportation projects within their borders.

While I agree with my friend that S. 1173 makes good progress toward streamlining the environmental review process, I share his concerns that it might not go far enough in resolving this problem. It is clear we need a more effective environmental coordination process that results in less staff time and expense for all the agencies and stakeholders in the NEPA process.

If we are successful in this effort, we will hopefully reduce the time it now takes in reaching final decisions and receiving project approvals and permits, saving resources and lives. Therefore, I congratulate my colleague on his efforts thus far and encourage him to pursue additional improvements to the current NEPA review process. At this time, Mr. President, I yield back to my friend from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank the majority leader for his comments and support on this issue as we move toward Senate passage and conference committee deliberations on the ISTEPA legislation. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that three members of my staff be permitted to have access to the floor for further consideration of this bill.

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

Mr. STEVENS. Mr. President, we are down to the point where this Senator wants to get some information. I don't serve on this committee, so I want to serve notice to the managers that I have a series of questions I want to ask them.

I keep being told that the money under this bill is allocated, that there is no way at all to consider any amendments that might deal with the marine highway system.

So, in the course of the next few hours, I intend to find out what has happened to the money that is in this bill and why there is no money to fulfill the needs of our State.

I suggest the absence of a quorum, until I get the information that my staff is bringing.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1963

Mr. CHAFEE. Mr. President, I ask unanimous consent that no further amendments be in order to the Finance amendment and the amendment be agreed to with a motion to reconsider being laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1963) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1970 THROUGH 1973, EN BLOC,
TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I have a series of technical amendments here that are agreeable to both sides, and I will have them considered en bloc. The first is an amendment by Senator BYRD dealing with a study of the highway and bridge needs and road needs of the country. The second is a MOSELEY-BRAUN safety amendment. The third is a SARBANES amendment dealing with travel plazas. The fourth amendment is from Senator MOYNIHAN dealing with the Pennsylvania Station Redevelopment Corporation board of directors and the membership of that board.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes amendments en bloc numbered 1970 through 1973 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

The amendments (Nos. 1970 through 1973) are as follows:

AMENDMENT NO. 1970

(Purpose: To impose certain requirements concerning the biennial infrastructure investment needs report)

Beginning on page 369, strike line 22 and all that follows through page 370, line 4, and insert the following:

“§509. Infrastructure investment needs report

“(a) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives on—

“(1) estimates of the future highway and bridge needs of the United States; and

“(2) the backlog of current highway and bridge needs.

“(b) FORMAT.—

“(1) IN GENERAL.—Each report under subsection (a) shall, at a minimum, include explanatory materials, data, and tables comparable in format to the report submitted in 1995 under section 307(h) (as in effect on the day before the date of enactment of this section).

Mr. BYRD. Mr. President, this amendment is designed to keep the Congress and the American people informed about the real condition of our National Highway System.

Under current law, the Secretary of Transportation is required to send a bi-annual report to the Congress on the performance and conditions of America's highways.

Unfortunately, the report that was due at the beginning of last year was not completed and delivered to the Congress until last week, some 18 months late. Moreover, the new report uses an entire new set of measures that make it impossible to determine whether the condition of our roadways has improved or declined. Indeed, the new report abandons the format utilized in prior years which provided direct and clear data on the condition of our highways and bridges. This data enabled all citizens and policy makers to measure the progress of lack of progress that had been made on improving our highway system.

This amendment would ensure that all future reports include data using the format that was used in prior years so that we can compare “apples to apples” when formulating our national policy on highways.

AMENDMENT NO. 1971

(Purpose: To improve highway safety)

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—The Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

AMENDMENT NO. 1972

(Purpose: To authorize the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway)

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

AMENDMENT NO. 1973

(Purpose: To provide for the inclusion of the Secretary of Transportation and Federal Railroad Administrator on the Boards of Directors of the Pennsylvania Station Redevelopment Corporation and the Union Station Redevelopment Corporation)

At the end of the bill add the following:

SEC. . PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: “(3) In furtherance of the redevelopment of the James A. Farley Post Office Building in the city of New York, New York, into an intermodal transportation facility and commercial center, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.”

SEC. . UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Subchapter I of chapter 18 of title 40 of the United States Code is amended by adding a new section at the end thereof as follows:

“Section 820. Union Station Redevelopment Corporation

“To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Federal Railroad Administrator, and their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.”

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1970 through 1973), en bloc, were agreed to.

Mr. CHAFEE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1974 AND 1975, EN BLOC, TO
AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes amendments numbered 1974 and 1975, en bloc, to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1974

(Purpose: To reduce the amounts authorized to be appropriated for motor carrier safety)

On page 91, line 23, strike "\$12,000,000" and insert "\$9,620,000".

On page 91, line 24, strike "\$12,000,000" and insert "\$9,620,000".

On page 91, line 25, strike "\$12,000,000" and insert "\$9,620,000".

On page 92, line 1, strike "\$10,000,000" and insert "\$9,320,000".

On page 92, line 2, strike "\$10,000,000" and insert "\$9,320,000".

AMENDMENT NO. 1975

On page 108, line 14, strike "(A)" and insert "(A)(i)".

Mr. CHAFEE. Mr. President, the one amendment on behalf of Senator McCAIN deals with the Commerce Committee's budget allocation.

The other is on behalf of myself, and it is a truly technical modification of the bill by changing a site reference. It is necessary to comply with the contract authority levels for highway safety programs.

Both of these amendments have been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1974 and 1975), en bloc, were agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I seek the attention of the distinguished Senator from Rhode Island for a moment. Mr. President, I am about ready to send an amendment to the desk.

AMENDMENT NO. 1976 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the ferry discretionary program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1976 to amendment No. 1676.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

(a) Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking "\$14,000,000" and all that follows through "this section" and inserting in lieu thereof "\$30,000,000 for fiscal year 1998, \$25,000,000 for fiscal year 1999, \$25,000,000 for fiscal year

2000, \$30,000,000 for fiscal year 2001, \$35,000,000 for fiscal year 2002, and \$35,000,000 for fiscal year 2003 in carrying out this section, at least \$12,000,000 of which in each such fiscal year shall be obligated for the construction of ferry boats, terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System".

(b) In addition to the obligation authority provided in subsection (a), there are authorized to be appropriated \$20,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003 for the ferry boat and ferry terminal facility program under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note).

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both Federal and State, for providing marine ferry service.

Mr. STEVENS. Mr. President, my amendment will extend and provide a modest increase for the national ferry program under section 1064 of the previous ISTEA bill. The old ferry program provided \$18 million a year nationwide in contract authority for ferry boat and ferry terminal construction. We have raised that to an average of \$30 million per year in contract authority and in addition have authorized \$20 million to be appropriated. The amendment would require that \$12 million per year of the \$30 million of contract authority be used for ferries, ferry terminals, and approaches to ferry terminals within marine highway systems which are part of the national

highway system. As many of my colleagues know, the Alaska Marine Highway System is unique in this nation in that Congress has deemed it important enough to designate it as part of the national highway system. Alaska is by far the largest state in the union. We possess half of all the coastline, twenty percent of all the border, and almost half of all the federal lands in the United States.

For these and other reasons, the amendment is of particular importance to Alaska. Alaska has very few roads. In fact, our State capitol lies within an area of Alaska the size of West Virginia which contains no intercity roads at all. Practically all of this land is federally-owned, and the present Administration has made it very difficult for us to build roads on federal lands in Alaska. Ferries are the only form of surface transportation for Alaskans in this area. The ferries currently serving Alaska are almost thirty years old. The oldest ones have been in service since the Kennedy Administration. These vessels must be replaced soon.

I would also like to point out that twenty percent of the nation's oil comes from Alaska. Our oil produces 25 million gallons of gasoline each day. This translates to \$1.6 billion dollars in gas taxes going straight to the federal Treasury, for which Alaska gets no credit whatsoever. This money is on top of the income taxes paid into the Treasury by the oil companies and their employees in my state. Alaska gets no credit in the highway formula for fueling the nation's cars. While this amendment does not help us build more roads, it will improve transportation for many Alaskans.

A number of Senators (INOUE, AKAKA, LAUTENBERG, BREAUX, MURRAY, FAIRCLOTH, KERRY, KENNEDY, SNOWE, COLLINS, MOYNIHAN, HELMS, and REED) had joined Senator MURKOWSKI and me in an earlier amendment that would have provided \$50 million per year in contract authority for ferries. While this compromise does not provide all of the funding needed for ferries nationwide, it is an improvement over the existing program.

Mr. President, again, this will amend the Intermodal Surface Transportation Efficiency Act reauthorization for the ferries and ferry terminals. It has been under discussion here for some time. I am delighted that we now have an allocation of contract authority that could be applied to this. It also provides for an authorization for appropriations for the balance of the months we needed for the circumstances I described previously.

Mr. MURKOWSKI. Mr. President, I compliment the staffs and I thank Senator CHAFEE.

Mr. President, Ferries are a small but extremely important part of our transportation system. This amendment reauthorizes the ferry discretionary program at \$30 million per year, with an authorization to appropriate \$20 million more annually, and

it calls on the Secretary of Transportation to conduct a thorough review of existing ferry services and potential new routes, and to both report back to Congress and to discuss his findings with interested local and state governments. It is our hope this will both maintain this important link in our transportation chain, and stimulate thought and action toward both standard and high-speed ferries as cost effective and environmentally sensitive alternatives for traditional solutions such as bridges and causeways. Included is a provision setting aside \$12 million for ferry systems that are in the national highway system.

Mr. President, in my state of Alaska, where roads are few and far between our ferry system—the Alaska Marine Highway System—is the only scheduled transportation link between many island communities which are not connected by roads. Many of these villages are too small even to have the smallest of landing strips, and expensive float planes are the only other option for travel.

It is absolutely irreplaceable. It carries senior citizens from their small communities to doctors' offices and hospitals in larger communities. It is how basketball and swimming and other sports teams from remote villages are able to reach out to meet and interact with other teams from other communities. It is how small communities receive their fresh milk, their fresh bread, and their canned goods and other foodstuffs. Most of these are fishing communities, and quite often the ferry system is now a fishermen sidelined by an engine breakdown will get his new parts so that he can get back to making a living for himself and his family.

Mr. President, I could go on, but I trust the message is clear. In my state, the service provided by our ferry system is an integral part of the fabric of life. When I say it is irreplaceable, that is not just a figure of speech, it is the literal truth.

In other states, Mr. President, ferry services may have slightly different impacts, but they are all equally essential. In Hawaii they offer a necessary alternative to a strained road system that is close to its limits. In the southeast, they quickly and safely evacuate those threatened by hurricanes. In the Pacific Northwest and in the northeastern states they move hundreds of thousands of vehicles and millions of passengers quickly and safely and with a minimum of pollution.

In all, 25 states have benefited from the ferry discretionary program under ISTEA. In alphabetical order, these are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Maine, Mississippi, Maryland, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia and Washington. Puerto Rico and the Virgin islands have also received funds.

Mr. President, that is an impressive list, but the sad fact is that the funding that has been available under this program is not keeping pace with the need. Ferries—like any vessel—are very expensive to operate, let alone the cost of maintaining the necessary shoreside facilities, and of expanding both those facilities and the capacity of our nation's ferries in response to increasing demand.

Let me offer a little comparison here. The national highway program has paid for and is paying for the construction and replacement of over 483,000 bridges over waterways of various sizes. In FY97 alone, almost \$2 billion went to bridges. The ferry program was a puny \$18 million—less than one percent of the bridge dollars, and not nearly enough to do the job.

And what of those communities that are beyond the reach of bridges and are dependent—literally dependent—on ferries? The communities may not be physically or reliably reachable by road, but they are full of American citizens who deserve the same priority treatment from Congress as those who are reliant on bridges.

My amendment gives those communities the recognition and assistance they need and deserve. I urge the support of all my distinguished colleagues, and ask for its immediate adoption.

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

The amendment (No. 1976) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 1951

Mr. CHAFEE. Mr. President, this is a modification to amendment No. 1951, which we adopted earlier in the day. It recognizes the changes that were made in various sections.

I send the modification to the desk.

The PRESIDING OFFICER. The amendment is modified.

The modification is as follows:

On page 40, strike lines 10 through 15 and insert the following:

“(other than the Mass Transit Account) to carry out sections 502, 507, 509 and 511: \$68,000,000 for fiscal year 1998; \$1,500,000 for fiscal year 1999, \$4,500,000 for fiscal year 2000, \$2,500,000 for fiscal year 2001, \$1,500,000 for fiscal year 2002, \$4,500,000 for fiscal year 2003.”

Mr. LOTT. Mr. President, pursuant to the consent agreement on March 10, I will ask the clerk to report the cloture motion. But before he does that, I want to announce to all Senators that this will trigger the cloture vote that was postponed from Monday's session of the Senate. Assuming cloture is invoked then, all Senators will have an additional 4 hours to file with the clerk any additional first-degree amendments. Due to the lateness of the hour, we will amend the request in the closing remarks to reflect a new time of 10

a.m. tomorrow morning for the deadline on filing the amendments. I thank all Senators for their cooperation, and I particularly congratulate and thank the Senators managing the bill, Senators CHAFEE and BAUCUS. They have made good progress. I think maybe when we get this cloture vote, we can begin to see what amendments we have to consider and we can begin to bring this to closure.

This will be the last vote of the evening. There will be another vote in the morning. This one will be on the McCain amendment, probably sometime between 10:30 and 11 o'clock.

Therefore, I make that request.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry E. Craig, D. Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, R.F. Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spencer Abraham, Jesse Helms.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the ISTEA authorization bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—96

Abraham	Craig	Helms
Akaka	D'Amato	Hollings
Allard	Daschle	Hutchinson
Ashcroft	DeWine	Hutchison
Baucus	Dodd	Inhofe
Bennett	Domenici	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Bond	Enzi	Kempthorne
Boxer	Faircloth	Kerrey
Breaux	Feingold	Kerry
Brownback	Feinstein	Kohl
Bryan	Ford	Landrieu
Bumpers	Frist	Lautenberg
Burns	Glenn	Leahy
Byrd	Gorton	Levin
Campbell	Graham	Lieberman
Chafee	Gramm	Lott
Cleland	Grams	Lugar
Coats	Grassley	Mack
Cochran	Gregg	McConnell
Collins	Hagel	Mikulski
Conrad	Harkin	Moseley-Braun
Coverdell	Hatch	Moynihan

Murkowski	Roth	Stevens
Murray	Santorum	Thomas
Nickles	Sarbanes	Thompson
Reed	Sessions	Thurmond
Reid	Shelby	Torricelli
Robb	Smith (NH)	Warner
Roberts	Smith (OR)	Wellstone
Rockefeller	Snowe	Wyden

NAYS—3

Kyl	McCain	Specter
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NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1977 TO AMENDMENT NO. 1676
(Purpose: To add certain counties to the Appalachian region for the purposes of the Appalachian Regional Development Act of 1965)

Mr. WARNER. Madam President, I ask unanimous consent we can now bring up an amendment by the distinguished Senator from Georgia, Mr. CLELAND. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CLELAND, proposes an amendment numbered 1977 to amendment No. 1676.

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

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

The amendment is as follows:

At the end of subtitle H of title I, add the following:

SEC. 18. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama, by inserting "Hale," after "Franklin,";

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting "Elbert," after "Douglas,"; and

(B) by inserting "Hart," after "Haralson,";

(3) in the undesignated paragraph relating to Mississippi, by striking "and Winston" and inserting "Winston, and Yalobusha"; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting "Montgomery," after "Lee,"; and

(B) by inserting "Rockbridge," after "Pulaski,".

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, I would like to explain this briefly. Two counties in northeast Georgia are in Appalachia, Elbert County and Hart County. They opted out of the original act creating the Appalachia Regional Development Corridor in 1965. They now desire to enter on behalf of their counties. This amendment directs itself to two counties in Georgia that qualify in every respect and meet the standards of the law. I urge the amendment be agreed to.

Mr. WARNER. Madam President, I ask unanimous consent a letter to me from the Appalachian Regional Commission be printed in the RECORD.

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

APPALACHIAN REGIONAL COMMISSION,
Washington, DC, March 10, 1998.

Hon. JOHN WARNER,
Chairman, Subcommittee on Transportation and Infrastructure, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter of March 10, 1998, requesting technical assistance regarding the economic status of possible additional counties to be served by the Appalachian Regional Commission. It should be noted that the Congress has added only three counties to ARC since our early formation.

ARC uses four categories to describe the economic status of our 399 counties: attainment (those counties that are performing at national economic norms); competitive (those counties that are near national norms but are not yet fully at national averages); transitional counties (those counties whose economies are still significantly below national levels on key indicators but are not suffering from severe distress); and distressed (those counties whose economies are substantially below the national level of economic performance).

In making these determinations we examine unemployment, per capita market income, and poverty rate. Distressed counties, for example, have three-year unemployment rates that are at least 150% of the national average, per capita market incomes that are no more than two-thirds of the national average, and poverty rates that are at least 150% of the national rate.

If the ARC criteria were applied to the additional counties, they would be categorized as follows: Hale County, Alabama—distressed, Elbert County, Georgia—transitional, Hart County, Georgia—transitional, Yalobusha County, Mississippi—distressed, Montgomery County, Virginia—transitional, Rockbridge County, Virginia—transitional.

I have attached a chart that shows the specific data for each of these counties. If you have any questions, please let me know.

Sincerely,

JESSE L. WHITE, JR.,
Federal Co-Chairman.

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

The amendment (No. 1977) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. I wish to thank the distinguished Senator from Georgia. He worked long and hard on this amendment. It involves a lot of small—five States are touched by this amendment—small rural areas. Without his leadership on it, it is not likely this matter would have been incorporated in this bill. I thank the Senator.

Mr. CHAFEE addressed the Chair.

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

AMENDMENT NO. 1979 TO AMENDMENT NO. 1676

(Purpose: To provide for the reconstruction of national defense highways located outside the United States)

Mr. CHAFEE. Madam President, on behalf of Senator MURKOWSKI and Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 1979.

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

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

The amendment is as follows:

On page 43, between lines 15 and 16, insert the following:

“(xiii) amounts set aside under section 11_____.

On page 136, after line 22, add the following:

SEC. 11. NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

(a) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

(b) FUNDING.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary may set aside not to exceed \$16,000,000 from amounts to be apportioned under section 104(b)(1)(A) of title 23, United States Code, to carry out this section.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

Mr. MURKOWSKI. Madam President, I thank the managers for accepting my amendment on the reconstruction of the Alaska Highway. The Alcan is the only road link between the contiguous states and Alaska. It was constructed in 1942 during World War II to respond to a critical strategic need for such a highway.

This amendment adds language needed to fund the last stages of a multi-year reconstruction project on the Alcan, which runs 1,520 miles from Dawson Creek, British Columbia to Fairbanks, Alaska.

The still-unfinished portion is the last 95 miles of the 325-mile northern, or "Shakwak" section, so-called because a good part of it runs through a geological formation called the Shakwak Trench.

At this point, Mr. President, I want to provide a little of this highway's fascinating history. Since the British burned the Capitol here in Washington during the War of 1812, the United States' territory in the mainland of North America has suffered only one invasion. That invasion was during World War II, in Alaska.

In 1940, construction began on Fort Richardson, outside Anchorage. However, immediately after the bombing of

Pearl Harbor, it became clear that Alaska had great strategic importance as a staging area for forces in the North Pacific. Construction on the Alcan began in the spring of 1942.

In June 1942, Japanese aircraft bombed Dutch Harbor, Alaska. Four days later, they invaded and fortified sites on Attu and Kiska, two of the Aleutian Islands, which they held for nearly a full year before our forces liberated them.

During the Japanese occupation of these U.S. islands, the Alcan was built. It provided a secure route to move essential supplies and equipment safe from German or Japanese submarines.

In a feat of engineering that is still unprecedented, the U.S. Army Corps of Engineers managed to build this 1,520-mile road across trackless wilderness in just eight months.

At first, naturally, the Alcan was just a dirt road punched through trees and across the tundra by bulldozers. After the war, however, civilian contractors began the long task of upgrading to a graveled road that civilian vehicles could manage.

But traffic continued to increase, with 79% of the traffic Americans on the way to Alaska and back. A gravel road just isn't up to the task.

In 1977, the United States and Canada joined in an agreement in which the United States government committed to pay the costs of reconstructing the Alcan to a modern, paved standard, and Canada undertook to pay for all maintenance and upkeep, such as snow removal.

In passing, Mr. President, let me note that where the U.S. commitment in that agreement has been approximately \$20 million per year and is now dropping to \$16 million per year, Canada spends \$40 million to \$50 million per year on its portion of the highway agreement.

Mr. President, if I may, I have a copy of that 1977 diplomatic agreement that I ask unanimous consent to have printed in the RECORD.

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

DEPARTMENT OF
EXTERNAL AFFAIRS, CANADA,
Ottawa, February 11, 1977.

Note No. GWU-156
His Excellency THOMAS O. ENDERS,
Ambassador of the United States of America, Ottawa.

EXCELLENCY, I have the honor to refer to your Note No. 11 of January 11, 1977, concerning bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

I am pleased to inform you that the Government of Canada accepts the proposals set out in your Note and agrees that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

DONALD JAMIESON,
Secretary of State for External Affairs.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Ottawa, January 11, 1977.

No. 11
Hon. DONALD JAMIESON,
Secretary of State for External Affairs, Ottawa.

SIR: I have the honor to refer to the discussions between representatives of our two governments regarding bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

As a result of these discussions, I now have the honor to propose that the conditions set forth in the attached annex, which accord with the understandings reached between the representatives of our two governments, should govern such reconstruction. These conditions shall not affect continuing obligations of the two governments regarding the status and use of the Alaska Highway, including the agreements effected by exchanges of notes dated March 17 and 18, 1942; November 28 and December 7, 1942; and April 10, 1943

If these conditions are acceptable to your government, I propose that this note, together with its annex, and your reply indicating such concurrence, shall constitute an agreement between our two governments, which shall enter into force on the date of your reply. Accept, Sir, the renewed assurances of my highest consideration.

ANNEX

Agreed conditions regarding a program of cooperation between the Government of the United States represented by the Federal Highway Administrator, Department of Transportation, and the Government of Canada, represented by the Minister of Public Works, to improve certain highways in Canada to facilitate transportation between and within their respective countries, and to implement the purposes of section 218 of Title 23, United States Code. These shall apply only to the program authorized by that section.

The Government of the United States and the Government of Canada agree as follows:

ARTICLE I

For purposes of this Agreement:

1. "Highways" means that portion of the Alaska Highway from the Yukon-Alaska border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the British Columbia-Alaska border.

2. "Reconstruction" means the supervising, inspecting, actual rebuilding, paving, and all other work incidental to the reconstruction of the highways (except for providing right-of-way), including but not limited to planning studies, environmental studies, locating, surveying, plan and specification preparation, contracting, financial control, traffic control devices, and those utility relocations which are the responsibility of the Canadian Government.

3. "Maintain such highways" means to perform such work on a year round basis as shall be necessary to keep the completed highway and related facilities in a state of repair and use equivalent to the standards to which they are reconstructed under this Agreement.

ARTICLE II

1. The United States and Canada agree to the reconstruction of such Highways in accordance with standards agreed to by them jointly in writing prior to commencement of reconstruction.

2. The United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States and will

(a) Inform Canada of the amount of funds appropriated from time to time therefore in

order that Canada may schedule and perform the reconstruction or such part thereof or may from time to time be paid for out of such appropriated funds.

(b) Provide liaison with Canadian officials responsible for the program to meet and discuss planning, programming and scheduling of reconstruction, and

(c) Process an Environmental Impact Statement in accordance with the laws of the United States and of Canada,

3. Canada will

(a) Provide, without participation of the United States funds appropriated for the reconstruction, all necessary right-of-way for the reconstruction of such highways for a period of 25 years from the date of entry into force of this agreement and thereafter until five years (or such shorter period as the parties may agree upon) after either party shall have notified the other that the right-of-way is no longer required for its purposes for the said highways, whereupon this Agreement shall cease to have force or effect,

(b) Not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons.

(c) Not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada.

(d) Continue to grant reciprocal recognition of vehicle registrations and drivers' license in accordance with agreements between responsible authorities in each country.

(e) Maintain such highways after reconstruction while this Agreement remains in force and effect.

(f) Permit those performing the reconstruction to obtain natural construction materials, such as gravel, rock and earth fill, without cost to be used in the reconstruction, provided that the materials required shall be obtained in accordance with the directions and regulations of the appropriate Department of the Government of Canada,

(g) Perform all reconstruction engineering, including preparation of Environmental Assessments and Statements, all necessary surveys, and preparation of reconstruction plans, specifications and estimates,

(h) Commence the reconstruction only after receiving advice from the United States that the Environmental Impact Statement has been satisfactorily processed in accordance with the laws of the United States,

(i) Arrange for the reconstruction to be performed under contracts awarded by competitive bidding insofar as possible and without regard as to whether the contractors are American or Canadian,

(j) Supervise the reconstruction,

(k) Obtain interim and final concurrence of the United States in the following:

(1) Programing and scheduling of work.

(2) Scope, terms of reference and provisions of the Environmental Assessment and Statement.

(3) Alignment of the highways.

(4) Contract plans, specifications and estimates.

(5) Award of contracts.

(6) Acceptance of projects for final payment.

(l) Permit the reasonable access of authorized representatives of the United States to the site of reconstruction and will make available the accounts and records relating to the reconstruction contracts, at all reasonable times, for purposes of inspection, verification and general monitoring of the reconstruction.

4. (l) The United States and Canada will jointly consider the settlement of claims by contractors or other persons arising out of

reconstruction contracts and the reconstruction or either of them, and if any such claim cannot be resolved by agreement, the same shall be determined by the Federal Court of Canada in an action by or against Her Majesty the Queen in right of Canada.

(2) All legal costs, and other monies, paid out by Canada to settle any such claim whether pursuant to a final judgment of the Federal Court of Canada, or otherwise, shall be one of the costs of reconstruction for the purposes of this Agreement.

(3) The United States shall not be liable for the payment of such claims or judgments to the extent that they are held by the Federal Court of Canada to be the result of negligence on the part of Canada or its employees during the administration of the reconstruction.

5. The United States and Canada jointly will develop operating procedures consistent with this Agreement, including procedures for resolving disputes between the parties.

ARTICLE III

This Agreement shall not be construed so as to vest in the United States any proprietary interest in the highways, and upon completion of the project, or any part thereof, the highways shall remain, in all respects, an integral part of the Canadian Highway System.

Mr. MURKOWSKI. The U.S. commitment to reconstruct the Alcan is only logical. The Alcan is an international highway from one part of the United States to another. It is considered as a national defense highway, and it is of direct benefit not only to Alaska, but to the United States as a whole.

This is not an Alaska issue, Madam President. This is a project undertaken by the United States Government—a project that benefits the country as a whole and which protects our strategic interests. More importantly, it is one which we should now complete.

Mr. CHAFEE. Madam President, this amendment gives the Secretary of Transportation the authority to fulfill our international treaty obligations. It deals with the so-called highway between Canada and Alaska. It has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1979) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1716 TO AMENDMENT NO. 1676
(Purpose: To provide for the preservation of historic covered bridges in the United States)

Mr. JEFFORDS. Madam President, I have an amendment at the desk, No. 1716.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. SPECTER, Mr. MOY-

NIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. D'AMATO, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS, proposes an amendment numbered 1716 to amendment No. 1676.

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

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

(The text of the amendment is located in the March 6, 1998, edition of the RECORD.)

AMENDMENT NO. 1716, AS MODIFIED

Mr. JEFFORDS. Madam President, I have a modification to the amendment at the desk, and I ask that it be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end of subtitle A of title I, add the following:

SEC. 11. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:
(1) COVERED BRIDGE.—The term "covered bridge"—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that—

(A) is at least 50 years old; or
(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1999 through 2003, to remain available until expended.

Mr. JEFFORDS. Madam President, this amendment gives the States the tools necessary to preserve our Nation's historic covered bridges. These picturesque relics of past industrial genius continue to serve many important functions. However, covered bridges are quickly disappearing due to arson, floods, decay and simple neglect. Without proper and consistent maintenance, these engineering masterpieces will slowly fade into history.

Today I am proposing that the Federal Government assist towns and counties across the Nation in restoring and protecting historic covered bridges. Together with States, local communities and committed preservationists, we can curb the decay of these treasures and protect them for generations to come.

This country once boasted 12,000 covered bridges. Today, less than 800 remain. Not too long ago transportation officials started tearing down these old landmarks by the bunches in favor of more modern and accessible bridges. Arsonists have been a highly visible threat. Weather has taken its toll. Many old bridges have been carried off by floods or collapsed under the weight of heavy snows.

Of course, weather would not be so destructive if it were not for the most dangerous and imminent risk—neglect. Without proper and consistent maintenance, covered bridges slowly decay and eventually fall to harsh weather or flooding.

Behind me are two pictures of covered bridges in Vermont. Many of our Nation's historic wooden bridges are in this shape. Others are suffering, but some are being preserved as this picture shows. With proper care and maintenance, covered bridges can be preserved, as this one is, so they might be enjoyed throughout the years.

A majority of these wooden structures still perform their original duties but still carry more traffic and weight than their designers anticipated, often leading to weight-related collapse.

The cost to properly rehabilitate a working covered bridge comes close to \$500,000. Some bridges are far more expensive. Many of these bridges are on town roads, off the National Highway System, and tend not to be a priority. But these bridges must not be lost.

This amendment will direct the Secretary of Transportation to fund the efforts to inventory, repair and maintain

our Nation's covered bridges. Moneys provided by the measure give the States the ability to fully restore their covered bridges ensuring the safety of travelers without compromising the bridges' historical integrity.

This amendment calls for proper research, construction and maintenance techniques. The proposal will provide funds for fire, arson and vandalism prevention. These grants to States will prove vital to ensuring the covered bridges survive into the next century, into the next millennium.

These covered bridges stand as a reminder of our heritage and contribute immensely to making our Nation the beautiful place it is today. I urge my colleagues to adopt this amendment.

I commend the authors of this legislation, Senators CHAFEE, WARNER, and BAUCUS, for completing action on this measure.

Mr. GRASSLEY. Madam President, I am pleased to join with my friend and colleague Senator JEFFORDS, to help spotlight and preserve an important part of America's and Iowa's heritage—covered bridges. This amendment will help our states to do the rehabilitation and preservation work necessary to maintain these icons of the open road. I urge the adoption of this amendment.

There is a romance concerning our Nation's covered bridges. They bring forth pictures of a different time in American history. It was a time when life moved more slowly, both on and off the road. It was time when travelers could take the time to enjoy the scenery as they unhurriedly passed by. Now it seems that most of us are in a hurry to get to our next destination, with little or no time to observe and enjoy the passing scene.

Today, I am happy to say, these bridges are drawing tourists. In Iowa this is in no small part due to a very popular book which was made into a movie. "The Bridges of Madison County" has greatly helped to focus attention on covered bridges. For Iowa, the book and movie have helped to increase our tourism industry. For our Nation, the book and movie have helped to bring into full view of the public a unique part of our transportation and cultural heritage. This attention for the covered bridges is well deserved.

Maintenance and protection of these bridges is expensive. It is well that we take steps at the federal level to help the states preserve and protect these structures of beauty and grace. They are truly a national enhancement, a vital part of our history, and deserving of our special attention.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the Jeffords-Specter amendment, which establishes a federal grant program to preserve our Nation's historic wood-covered bridges for future generations.

There are 526 covered bridges nationwide, and almost 90 percent are in a critical state of disrepair. Pennsyl-

vania enjoys the most covered bridges of any state, with 167. Unfortunately, the vast majority are either closed, or have weight limitations placed upon them to forestall further deterioration. Aside from the aesthetic reasons for repairing these bridges, there are safety implications as well for those who travel across them each day.

The wood-covered bridges which dot the landscape across rural America serve as more than simply a tourist attraction. They are in essence a bridge to our past which allows us to better understand how previous generations worked to expand this Nation's transportation infrastructure and link communities together. It would indeed be a tragedy to allow them to simply waste away.

It is estimated that approximately \$344 million will be needed to bring all of our Nation's covered bridges up to standard. Our amendment would authorize \$25 million each year over a period of seven years to restore and maintain these bridges, which are over 50 years of age. This would provide states with a much-needed dedicated source of funding to be used strictly for covered bridge preservation.

As a member of the Senate Transportation Appropriations Subcommittee, I will work with my colleagues to ensure a steady funding stream once this program is authorized by passage of this amendment.

If we do not act now, these national treasures will be lost forever. I urge my colleagues to adopt this amendment and thank Senator JEFFORDS for his leadership on this issue.

Mr. CHAFEE addressed the Chair. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I commend the Senator from Vermont for his amendment. I think he is dealing with a very, very important subject. Having traveled a good deal in Vermont, I am familiar with these lovely covered bridges, but his amendment does not restrict the protection for the covered bridges to only his State. I think some 16 different States are involved with this amendment, and others beyond that, perhaps.

As the pictures show, these are magnificent structures and really very unique engineering feats. We want to do everything we can to preserve them, and this is a modest step in that direction. I think it is a very worthwhile amendment to take.

Mr. FORD. Madam President, Senator BAUCUS, who is the floor manager from our side, was called away from the floor, and I am attempting to assist his staff and to help our distinguished chairman. I am advised this side has no objection to the amendment.

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

The amendment (No. 1716), as modified, was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Madam President, I ask unanimous consent that the statements of Senators BINGAMAN, HUTCHINSON, MURRAY, COLLINS, REED and WARNER be considered as a part of the proceedings in this morning's executive session of the Committee on Labor and Human Resources.

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

Mr. JEFFORDS. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

A BRIGHT FUTURE FOR SOCIAL SECURITY

Mr. ROTH. Madam President, we live in an era of great events—a moment when opportunity seized in a thoughtful and timely manner will allow us to make history. Today I want to show how conditions that have been created by our efforts to strengthen the economy and bring down the deficit can not only save Social Security in the short term, but begin today to strengthen it for our children and for generations yet to come.

Saving Social Security is a promise we have made to Americans—both young and old. It's a promise that President Clinton reiterated in his most recent State of the Union Address. And it's a promise that we can keep, despite the challenging demographics and declining trend lines that currently point to a bleak future for a program that many would say is the most important contract our government has ever entered into with the American people.

Social Security has saved countless men, women and children from poverty. It protects our elderly, our disabled, their families, and dependents of workers who have died. In its 63-year history—and despite pressing challenges—Social Security has been a success. More than 40 percent of our seniors are kept out of poverty because of