

kids will die too young because Congress has failed to act this year? Mr. President, 71,000. How many days are left for Congress to act? Sixty-seven days. And the count goes up every single day—more kids addicted to nicotine, addicted to tobacco; more kids who will die.

We are told repeatedly this is a short session; we do not have a lot of time here. We have just 67 days and then we have to get back to other things. What is more important? What could be more important than the lives of our children? What could be more important than this opportunity in history for the first time—the very first time—that we can do something? Think about it. If we said, as part of our legislation, legislation I support, that the tobacco companies have to show reductions in kids smoking or they are going to pay more, guess what will happen. They will reduce the number of sales to kids. They will watch it more carefully. If we say to these tobacco companies that we are sick and tired of your insidious advertising at sporting events and all sorts of billboards near schools—we know what is going on here—it is coming to an end, we can do it; we can do it this year.

There is more. We also have to take the money that will come from this effort—from additional fees, for example, on tobacco products—and make sure that it is well spent on antitobacco advertising, on medical research, and on so many other things the President has suggested.

The President wants to take these funds and put them into the basics, make sure there is money for education, make sure there is money for child care, make sure there is money at the NIH for medical research. This is money that is well spent and well invested. But we can miss this opportunity. We can find ourselves twisted in knots. Unfortunately, we may find, if that occurs, we may never have this chance again.

Today is March 12; there are 67 days left on Capitol Hill to take action on an antitobacco bill. If we are going to do this, the Senate needs to finish up its work on this bill by Memorial Day and no later. There are 3,000 reasons each day to pass this legislation—the 3,000 kids who start smoking for the first time. There are no good reasons not to. When you count the days and you count the kids and you count the cost, I think you understand the gravity of this situation. We have offered comprehensive legislation. I hope we can count on our friends on the other side of the aisle to join us.

Yesterday the committee hearings focused on details of tobacco legislation—immunity, liability, committee jurisdiction—but it is time to bring the focus back where it belongs. This is not about the details of the legislative process, it is about our children. Let's send a bill to President Clinton that he can sign. We certainly owe it to America's kids to stop stalling and start saving lives.

JUDICIAL NOMINEES FOR THE FEDERAL DISTRICT COURTS OF ILLINOIS

Mr. DURBIN. Mr. President, while on the subject of the calendar, let me tell you I have waited patiently now—as has the Senator from Illinois, Senator CAROL MOSELEY-BRAUN—I have waited since November 1997 for the Senate to take up consideration of two Federal District Court Judges of Illinois. Patrick Murphy of Marion, IL, is a nominee for the southern district; Michael McCuskey, now an appellate court judge at the State level, is our nominee for the central district. We have waited patiently for over 100 days while these names languished on the Senate Executive Calendar. During that period of time, other judges' names have come and gone, been approved by the Senate, but the two nominees from Illinois sit and languish.

It is bad enough that these two gentlemen, for whom there has been no negative comment, no suggestion that they are not qualified—it is bad enough that their lives have been interrupted because of the Senate's failure to act. What is even worse is that for the people they would serve in southern and central Illinois, there are vacancies on the Federal bench. The southern district of Illinois has the third oldest judicial vacancy in the Nation. We have seen over 1,900 days have passed since there was a judge in this seat, more than 1,000 days in the central district. These high vacancy rates for the Southern and Central Districts of Illinois are causing a great hardship, not only on the judges who are sitting and trying to meet their responsibilities but on those who come to the courthouse and expect, as every American citizen, every American family, and every American business should, that they will be handled fairly and in an expedited fashion.

I think it is time for us to act as a Senate on these two nominees. I will stand on this floor and gladly defend each of these nominees because I know the stellar qualities that they bring to this appointment. But the Senate has to meet its responsibility. It has to call these names for consideration.

We have seen, unfortunately, over the last year or so, a pattern in the Senate which is distressing. Last year, President Clinton had only 45 percent of the nominees for the Federal bench that he sent to the Senate who were actually confirmed. You may say that probably is what the average is, is it not? In fact, it is not. Under Presidents Reagan and Bush, the confirmation rate of their nominees, by a Democratic Senate, was substantially higher—70 and 80 percent.

Some of the Republicans say, "I wish the President would send us more qualified people." Yet when you take a look at the ratings of the President's nominees by the American Bar Association compared to the nominees sent by President Reagan and President Bush, these are actually better nomi-

nees. They rate higher by the American Bar Association, one of the few standards that we use to grade men and women who are being appointed to the bench. So, clearly, we are being sent qualified people in a timely fashion to fill needs in Federal judicial courts across America. Yet the Senate acts too slowly or refuses to act.

I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens.

I hope my colleagues in the Senate will join me and this week we can finally see the logjam broken, not only on these judicial appointments, but also on this critical legislation. With only 67 days left for us to go to work, let's make sure we do not miss the most important issues and challenges facing us.

I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to address the amendment to be voted on in 4 minutes.

Mr. KERREY. Will the Senator yield?

Mr. WARNER. How much time does my colleague need?

Mr. KERREY. Three minutes?

Mr. WARNER. Then we will accommodate the Senator. Take 4.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. KERREY. Mr. President, I would like to commend my Democrat and Republican colleagues for their hard work in creating a transportation bill that will reduce traffic congestion, make our roads safer, and protect the U.S. environment. ISTEA, the Intermodal Surface Transportation Efficiency Act, is one of the most important items on the legislative agenda of the 105th Congress.

The American people deserve nothing less than a world-class transportation system that will facilitate economic growth and improve transportation safety. This bill achieves that goal in a fair manner and guarantees that America's transportation infrastructure will be vital well into the next century.

ISTEA is an investment in people and in communities. The Nation's transportation systems move \$6 trillion worth of goods every year. Behind every one of the products that makes up that \$6 trillion stands a hard-working person pursuing the American dream. ISTEA will create jobs and add to the productive capacity of our workers and the economy by enabling businesses to market their products quickly and efficiently. The American people have challenged us to provide infrastructure that can meet the transportation needs of one of the strongest economies of the world. With this bill, we are meeting their challenge by providing them the sources necessary to create and maintain the transportation infrastructure that will keep America strong.

One of my top transportation priorities has been improving safety on America's roads and highways. Mr. President, 41,000 Americans are killed every year in traffic accidents. We can reduce this horrifying number by concentrating our resources on high-risk roads and dangerous intersections. We know, for example, that rural two-lane roads account for more than half of all traffic and nearly three-quarters of traffic fatalities. Better engineering and planning can reduce the accidents that repeatedly occur on these dangerous roads.

I introduced several amendments to address this very serious problem. The first amendment systematically makes safety a priority consideration in highway construction and maintenance programs. This language sends a strong message to Federal, State, and local transportation planners that they need to focus on enhancing safety. The second amendment establishes a two-lane highway safety program to begin systematic reconstruction of rural two-lane arterial highways that are not a part of the National Highway System.

Mr. President, I intend to speak at greater length on this when the opportunity comes to offer this amendment. It has not yet been accepted. I understand that it can be controversial because of the need to shift money from one area to another. Given the numbers of traffic fatalities on these roads, there are literally lives hanging in the balance. We have created a strong Interstate and National Highway System. It is now time to take the next step in completing this by improving the dangerous two-lane arterial roads that carry traffic to the National Highways and Interstate Highway Systems.

In addition, I authored two amendments to address the very serious problem of accidents at railway crossings. I am pleased to report the Senate accepted both of these amendments. These provisions focus attention on reducing accidents by making highway rail-crossing improvement projects eligible for funds through the Intelligent Transportation Systems Program and the Innovative Bridge Research Program.

In 1996 alone, there were 4,257 highway-rail crossing collisions that resulted in 488 deaths and over 1,600 injuries. These incidents are mostly preventable if adequate safety precautions are taken. As the volume of rail traffic continues to increase, dedicating funds to these dangerous crossings will help ensure the number of accidents is reduced. The Senate took a strong step towards reducing these collisions by accepting these amendments, and I strongly encourage the House to place a similar emphasis on highway-rail crossing safety when they consider ISTEA in the coming weeks.

Mr. President, I also appreciate very much the strong vote given on this floor to extending the ethanol credit. But mostly I applaud the leadership of Republicans and Democrats who understand the importance of ISTEA to the American economy and the American environment and to those hard-working Americans who are pursuing the American dream.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Omaha World-Herald dated February 26, 1998.

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

[From the Omaha World-Herald, Feb. 26, 1998]

CONGRESS MUST UNLOCK ROADS FUNDS

[By Rose White]

Have you ever been in a financial situation in which "robbing Peter to pay Paul" was the only way to get through the crisis? One of Nebraska's largest agencies is currently in this situation, and it's an agency from which we all benefit—the State Department of Roads.

As a result of Congress' failure to reauthorize a multi-year federal highway bill known as the Intermodal Surface Transportation Efficiency Act, repairs on dilapidated bridges, safety improvements on high-risk roads and major construction projects are being forced to wait in limbo. The Nebraska Department of Roads has had to borrow from the state reserve fund to provide temporary relief.

What's truly unfortunate about this situation is that the money we need for this year's construction season is sitting in an account waiting for congressional leaders to approve reauthorization of the ISTEA. Without its passage, the Nebraska Department of Roads will be powerless in executing many of its long-range plans for roadway improvements.

The temporary extension of the highway funding bill is due to expire on March 31, leaving little time for legislators to agree on a spending formula which will ensure its passage.

How will failure to pass this legislation affect motorists in Nebraska? It already has disrupted Nebraska's ability to plan, solicit project bids and approve contracts. Uncertainties about funding may cost hundreds of Nebraska workers their jobs.

With Nebraska's short road construction season, it's imperative that funding be designated now or projects will have to wait until next year where they will overlap with 1999's plans. Such overlapping will likely increase traffic congestion, put motorists at a greater safety risk and create shortages in manpower for construction crews.

Failure to pass this bill has also placed many safety programs in jeopardy. Programs

benefiting infants through senior adults will be lost because Nebraska will lose \$600,000 in grant funds tied to this bill. Law enforcement agencies will not receive 150 in-car video cameras and will lose funding for 4,200 man-hours of traffic enforcement in hazardous locations. Child safety seat loaner programs will have 400 fewer units to lend.

AAA Nebraska is urging Congress to act quickly on the reauthorization of the Intermodal Surface Transportation Efficiency Act, including the passage of the Byrd-Grumm Amendment which will increase roadway investments about 2 percent if budget surpluses are realized this year.

A Senate speech by Nebraska Sen. Bob Kerrey is quoted in the Feb. 5 Congressional Record: "For me, ISTEA legislation is one of the most important things with which this Congress deals. It creates immediate jobs, employs people in my state, but much more importantly, it adds to the productive capacity out in the future."

AAA encourages Senator Kerrey to continue to fight for passage of this important legislation and urges our other congressional leaders representing us in Washington to do the same. Nebraska is counting on it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry as to the next order of business. My understanding is we go to the bill at 10:30, at which time the McCain amendment is the pending business without debate?

The PRESIDING OFFICER. The Senator is correct.

EXTENSION OF MORNING BUSINESS

Mr. WARNER. I have been informed by the majority leader's office that there is a necessity to delay the vote by, say, 15 minutes. Therefore, I ask now that the hour of 10:45 be established as the time at which the bill will be brought up, and then the pending UC will take effect at that point.

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

AMENDMENT NO. 1726

Mr. WARNER. Mr. President, we will, therefore, continue in morning business. I would like at this time to address the McCain amendment, which will be brought up shortly after the hour of 10:45, when the Senate goes to the bill. It is my intention to be a supporter. I ask unanimous consent I may be made a cosponsor.

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

Mr. WARNER. Mr. President, the senior Senator from Arizona has established himself many times in terms of his desire to have fiscal responsibility on a series of legislative proposals as they come before this body.

I wish to commend him. This one I feel very strongly should receive the support of all 100 Members of the Senate. I say that because the highway bill has been given careful consideration by the Senate for almost 2 weeks. Hopefully, we can vote final passage in a matter of hours. Of course, we understand it will then go to conference.