

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.

I did a little research about demonstration projects. That is the subject of the McCain amendment. The first paragraph of the McCain amendment says:

Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to the Federal-aid highways and highway safety construction programs.

In essence, if a State wants a demonstration project and a Member of either body gets that on to the bill, then it counts toward their quota. I think it is very sensible because, historically, here is what has happened.

The surface transportation bill in 1987 was, Mr. President, the first time demonstration projects were authorized on that bill, approximately \$1 billion to \$2 billion. During ISTEA 1991, I was a member not only of the committee but a conferee. I was in about the second or third row, and I watched what took place. The demonstration projects flowed in the course of the bill being developed in the House and then in the conference. The result: The grand total was \$6 billion of demonstration projects.

When the Environment and Public Works Committee started work on this legislation, it was in my subcommittee which I chair, and with the distinguished ranking member, Mr. BAUCUS, the committee decided that we would not put in demonstration projects. That philosophical decision has carried through to this moment. In this bill, as amended, to the best of my knowledge, there are no demonstration projects, and we have achieved our goal so that we will go to conference with zero, with an allocation of the money to the several States, hopefully in the range of 91 percent return on that dollar paid by citizens of that State or visitors at the gas pump. That was a goal I charted in the subcommittee work. It had solid support in the subcommittee, we had solid support in the full committee, and I am proud to say we have achieved that equity in this bill.

If we begin to put in, in conference, the magnitude of demonstration projects approximating what was done in 1991, watch out; that 91 percent is going to disappear. Therefore, I think it is important that we will carry this bill through today without demonstration projects.

There is another reason. I went back and looked at the 1991 bill. About half of those projects under that legislation have never been completed to this date, 6 years later, and the reason is that a Member of the U.S. Congress, if he or she is successful in getting a demonstration project, gets \$2 million or \$3 million authorized, goes out with a press release, gains all the notoriety for bringing home something, and then what happens? The State, which has overall authority over what is really going to be built in that State, decides, one, it is not a priority item for the State and, two, they are not going to

put up the matching funds to develop the project. As a consequence, we now have, of the 1991 bill, half the funds languishing when they could have been spent elsewhere, perhaps within that State, or for other really high-priority projects. The result has been a large percentage of these funds have not been spent because they are not priority projects in that State.

Further, setting aside funds for these projects grossly distorts our objective to achieve equity and fairness in the distribution formulas. Historically, project funds are not calculated in each State's return in their contributions to the highway trust fund.

The amendment by Senator MCCAIN is an important statement for the Senate to take to the conference. I thank the Chair. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since the vote is now set at 10:45, I ask unanimous consent to proceed in morning business for 10 minutes.

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

EXPANSION OF THE KEN STARR INVESTIGATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the calls for Mr. Ken Starr to end his investigation and to urge the public and the media to give Mr. Starr an opportunity to finish his work, to put the issue on the back burner, to accord the President the presumption of innocence, to accord the same presumption to Mr. Starr—put the matter on the back burner so that we can focus on the pressing problems of Iraq, the budget, the highway bill and the other important matters to come before the Government.

There has been much questioning of why Ken Starr has taken so long on the investigation of the Whitewater matter and how he has jurisdiction over the incident involving Ms. Monica Lewinsky. There has not been an explanation, to the best of my knowledge, as to the activities of Mr. Starr which have been expanded so substantially and the kind of delays which have necessarily been involved in the work of independent counsel, something that I understand, having been district attorney of Philadelphia and having run a number of grand jury investigations.

People wonder why Mr. Starr has moved from Whitewater to Ms. Lewinsky. The fact of the matter is that he has done so at the specific request of Attorney General Reno. We know how circumspect Attorney General Reno has been with the appointment of independent counsel. But he was asked to do so because matters came to light which suggested a connection with the way that Mr. Webster Hubble was offered employment outside of the District of Columbia, arranged by a certain individual with a

certain firm outside of Washington, DC, and then the same offer was made to Ms. Lewinsky. When these matters were called to the attention of Attorney General Reno, she asked Mr. Starr to expand his jurisdiction.

But that was not the first call for the expansion of Ken Starr's jurisdiction. He was appointed as independent counsel on August 5, 1994, to take over the investigation which had been conducted by independent counsel Robert Fiske which involved the Madison Guaranty Savings & Loan matter which resulted in the conviction of three individuals, including the former Governor of Arkansas, Governor Tucker, and all aspects, including the alleged multimillion dollar fraudulent bankruptcy engaged in, again, by former Governor Tucker and two other individuals.

Mr. Starr's jurisdiction was then expanded on May 22 of 1996 to investigate possible violations of Federal criminal law concerning the firing of White House Travel Office employees, a major investigation.

Then another expansion of Mr. Starr's jurisdiction occurred on June 21, 1996, when he was asked to take over the investigation relating to matters of the Federal Bureau of Investigation reports for background investigations being turned over to the White House between December 1993 and February 1994, another highly controversial and complex matter.

A third occasion was brought about where, again, Mr. Starr was asked to expand his jurisdiction on October 25, 1996, to determine whether White House counsel Bernard Nussbaum had violated Federal law before the U.S. House of Representatives Committee on Government Reform and Oversight.

A fourth expansion of Mr. Starr's jurisdiction occurred on January 29 when he was asked to take a look at the issue as to whether Ms. Monica Lewinsky had suborned perjury, obstructed justice, intimidated witnesses or otherwise violated Federal law.

If you take a look at just one item on the agenda of what Mr. Starr has had, and that is the investigation of former Governor Jim Guy Tucker, that matter occurred on his jurisdiction on September 2, 1994, when the Department of Justice confirmed Mr. Starr's jurisdiction.

On June 7, 1995, the Little Rock grand jury returned a three-count indictment against Governor Tucker.

On September 5, 1995, the district court dismissed the indictment.

Then it was not until December 12, 1995, that Mr. Starr argued the matter before the eighth circuit asking that the indictment be reinstated and that the judge be removed.

On March 5, 1996, the Eighth Circuit reinstated the indictment and dismissed the judge.

Between March and October of 1996, Governor Tucker and two other defendants took appeals to the Supreme Court of the United States, which were not denied until October 7, 1996.