

We believe the federal government should reward high quality health plans and providers. As the largest purchaser of health care services, the federal government must take a leadership role in value-based purchasing. The federal government is already benefiting from closer coordination with private sector accreditation bodies, and the Balanced Budget Act of 1997 contains provisions for even greater collaboration. However, in addition to using those private sector accreditation and performance measurement tools developed by organizations such as ours, the federal government must progressively adopt the posture of leading private-sector purchasers and insist on high quality care for the 67 million Medicare and Medicaid beneficiaries and the 9 million federal employees, retirees, and their dependents.

We appreciate your consideration, and stand ready to work with this Congress and the Commission to build upon the successes of private sector accreditation without interfering in the operation of a marketplace that has produced programs as rigorous as ours. Please do not hesitate to contact any of our offices.

Sincerely,

DENNIS S. O'LEARY, MD,
President, Joint Commission on the Accreditation of Healthcare Organizations.

MARGARET E. O'KANE,
President, National Committee for Quality Assurance.

RANDOLPH D. SMOAK, JR., MD,
Chair, American Medical Accreditation Program.

BAYLOR HEALTH CARE SYSTEM,
Dallas, TX, February 11, 1998.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: First, let me thank you very much for your leadership and for your commitment to health related issues, specifically the matter of quality health care.

There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.

Quality improvement is the key strategic objective for Baylor Health Care System. An example is the creation of our Institute for Quality which is driven by the board of trustees, physicians and senior management and extends throughout our organization. On a community level, we are involved with the Dallas-Ft. Worth Business Group on Health in building quality initiatives.

We strongly believe that the private sector is heavily committed and working very diligently on continuous quality improvement and that this will bring about the best outcome for the patients and communities we serve.

Again, we appreciate your support and look forward to working with you on this important issue.

Sincerely yours,

BOONE POWELL, Jr.,
President.

CLEVELAND CLINIC FOUNDATION,
Cleveland, OH, February 11, 1998.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The Cleveland Clinic Foundation, a not-for-profit health care organization devoted to patient care, education and research in care for the ill, has serious reservations about many of the bills now pending in Congress to regulate quality in health care delivery. Our reservations are twofold.

First, quality is an elusive matter to quantify. Individual's versions of quality may vary considerably from their perspective of the health care system. A physician's emphasis, for example, is on the content of the care provided; a patient may judge quality more by the process of care delivered. In both instances, the standards are in flux as both the quality and process are constantly changing in response to new learning and new ways of better relating to patients and their families.

Second, we are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

We would urge that Congress proceed cautiously as it begins its debate about whether federal authority should be expanded in this important but necessary complex area of patient care.

Sincerely,

FLOYD D. LOOP, M.D.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to speak up to 45 minutes.

Mr. DOMENICI. Mr. President, I may not use that 45 minutes. I expect five or six Senators to join me and they have given me their statements. If they do not come I will place their statements in the RECORD.

(The remarks of Mr. DOMENICI, Mr. CLELAND, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, AND Mr. KEMPTHORNE pertaining to the introduction of S. Res. 176 are located in today's RECORD under "Submission on Concurrent and Senate Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has one hour.

Mr. BYRD. Mr. President, I ask unanimous consent that any time that I do not use of my hour be reserved for later in the day.

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

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I rise to commend the members of the Committee on Environment and Public Works, and especially the distinguished chairman of the committee, my lovable colleague from Rhode Island, Senator JOHN CHAFEE, that old crusty New

Englander, whom I greatly admire, for including some very important provisions in S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, or ISTEA II. In my statement today, I will focus on the important provisions in the committee-reported bill that will expedite the delivery of desperately needed transportation projects to the American people—that is, if we ever get the opportunity to debate and amend and adopt this important bill.

I think most members would agree that addressing environmental issues in this body in a strong bipartisan way is—to say the least—difficult. Yet, Senator CHAFEE has managed to accomplish what few Senators have been able to do—craft legislation that enjoys strong support from Senators on both sides of the aisle that would help put order and efficiency in the way transportation projects are reviewed by both state and federal agencies, and as a result, reduce the time it takes to plan a project by as much as three years.

The ISTEA bill as reported by the Environment and Public Works Committee, recognizes that every day counts when planning and constructing a highway or bridge in this country are undertaken. The problem that was addressed in S. 1173 is a serious one. It now takes ten years to plan, design, and construct a typical transportation project in this country. I am sure that if Senators contacted their own state transportation departments, they would be disturbed to find the number of transportation projects that are being delayed due to overlapping and often redundant regulatory reviews and processes. These delays increase costs and postpone needed safety improvements that would save lives. One of the lives it saves may be yours. Think about it. I can tell my colleagues that, in my state of West Virginia, these numerous regulatory reviews have delayed critical improvements to the two most dangerous segments of roadway in the state.

Why does it take so long to plan a project? These delays are occurring because the development of a transportation project involves multiple federal and state agencies evaluating the impacts of the project and possible alternatives, as required by the National Environmental Policy Act (NEPA). While it would seem that the NEPA process would establish a uniform set of regulations and procedures for the submission of documents nationwide, this has not been the case.

For example, the Environmental Protection Agency, U.S. 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 guided by separate regulations and requiring planners to answer separate requests for information. Moreover, each of these agencies issues approvals according to separate schedules. The result: the time period

from project beginning to completion has grown to at least 10 years in many instances, and that assumes that the project is not controversial and that adequate funding is available. If either of these assumptions is not the case, the time period may be even longer.

The highway bill reported by the Environment & Public Works Committee effectively improves the project planning process by establishing a coordinated environmental review procedure within the U.S. Department of Transportation. This change would allow all reviews, all analyses, and all permits to be performed concurrently and cooperatively within a mutually-agreed-upon schedule, by both the federal and state agencies with jurisdiction over the project. Effective environmental coordination, as envisioned under the ISTEA bill, would result in less staff time and less expense for all the agencies and stakeholders in the NEPA process and reduce the time it now takes in reaching a final decision with respect to receiving project approvals and permits.

The committee studied a problem, the committee sought a solution, and the committee put that solution in their bill. I understand that further improvements to those provisions may be offered on the Senate floor, if and when we finally take up and debate S. 1173, the 6-year highway authorization bill. But here is the problem: we are not considering S. 1173. We are not considering the 6-year highway authorization bill. When will the bill be brought up? How long, Mr. President, must we wait? Every day counts when planning and constructing a transportation project. But soon, there will be no more days to count because the program—the short-term, 6-month highway authorization measure—will have expired and the funds will have dried up. Counting today—counting today—there are only 42 session days remaining through May 1.

So, we count today, and we count the day of May 1. And counting these 2 days, there are only 42 session days remaining. The time bomb is ticking. You can hear it tick. And with every tick a minute, an hour, a day will be gone. The time bomb is ticking—tick, tick, tick. No projects will be delivered under any review process after May 1, because that is the drop-dead date in the short-term extension legislation presently in place, beyond which no State may obligate any Federal dollars.

Let's pause to read the language that is in the law—the law which Congress passed last November and which was signed by President Clinton on December 1 of last year. Read the language in the law. Read the language, I say to the Governors and the mayors and the highway agencies and to Senate and House Members. Read it. Here it is. I now read from Public Law 105-130: The Surface Transportation Extension Act of 1997. Here it is. Read it. Hear me as it is:

“... a State shall not—
It doesn't say “may not.”

“... a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998”

Let me read it again. This is the language in the law which the Senate and House passed and which the President signed. Here is the language:

“... a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998”

As I say, counting today, and May 1, also, we have only 42 days in which the Senate will be in session, not counting Sundays, not counting Saturdays, not counting holidays. We have 42 session days. The time bomb is ticking.

The clock is ticking. The days are counting down now before this deadline. If an ISTEA reauthorization bill is not enacted by midnight on May 1, highway program obligations will cease and projects will not move forward.

Any delay in the planning and construction phases of a project may cause the price of the project to rise considerably. In addition, a delay in federal funding can cause a logjam of projects to be let for bidding, resulting in a “crowding” of a large number of proposed projects into the latter part of a construction season.

The construction seasons are soon going to be upon us, when

The lark's on the wing;
The snail's on the thorn;
God's in his heaven—
All's right with the world.

Spring will be here. But will a 6-year highway authorization bill have been passed?

This increased workload may strain the capacity of the construction industry and subsequently increase the cost of projects.

Stopping the Federal-aid highway program, even for a brief period, will also impact project delivery schedules in the long run. If preliminary engineering and design work is not allowed to proceed, then construction will not occur and, in fact, will be deferred into a second construction season, thus crowding out and delaying projects that were planned for the second year. Such a delay would have a ripple effect—a ripple effect—from which it may take years for states to fully recover. Remember, we are talking about critical transportation projects designed to improve highway safety, reduce traffic congestion, and clean our air.

We hear much about global warming—much about global warming. This is the place to start. Pass a highway bill. Cut down on the traffic congestion, the traffic jams, and the long lines of cars. Cut down on the pollution that is filling the air while those cars sit and idle and the time bomb ticks away.

The programmatic reforms in the committee-reported bill that I have discussed here are very important. They will save time, they will save

money, and they will save lives. Yet, because we have not begun consideration of the bill in this session, not one of these gains has become a reality. The single most important factor that will determine the timeliness of project delivery in 1998 will be the timely reauthorization of ISTEA—the 6-year highway reauthorization bill.

So the time bomb is out there. It is in that language that I read a moment ago from the law. The American people cannot afford to wait even 1 day past May 1 for the United States Congress to reauthorize ISTEA. The U.S. Senate has the time now to consider ISTEA, and that is what we should do.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. BYRD. I thank the Chair.

Let me close for now with a passage from the Book of Isaiah, 58th chapter and the 12th verse. And I read only from the King James version of the Bible. In all probability, that is the version that our forefathers brought over on the *Mayflower*—the King James version. Read these other versions, and they will say, “In my father's House are many dwelling places.” But the King James version says “In my father's House are many mansions.” Ah, how much more beautiful is that elegant language!

I read now from the King James version of the Bible, 58th chapter and the 12th verse.

And they that shall be of thee shall build the old waste places:
thou shalt raise up the foundations of many generations;
and thou shalt be called, The repairer of the breach,
The restorer of paths to dwell in.

Mr. President, I urge the majority leader to be the “Repairer of the Breach” by calling up ISTEA now, so that we may be one step closer towards enacting the provisions called for in S. 1173 that would help accelerate the delivery of vitally-important transportation projects to the American people.

Let me say again as I have said here before, I have been majority leader. I was majority leader during the years 1977, 1978, 1979, and 1980, and I was again the majority leader during the 100th Congress in 1987–1988. I know the pressures that are on any majority leader. I have felt them. I have walked in those same footprints that other majority leaders have tread on the sands of time. I know that it is very difficult, and many times impossible, to adhere to the wishes, to the pleas of those who implore, those who beseech, those who importune the majority leader to do this, to do that, to do something else. The majority leader cannot please everybody.

This is not a partisan bill. This is a nonpartisan bill. There is no partisanship in this bill. There is no partisanship in the amendment that I have offered with Senator Gramm, Senator Baucus, and Senator Warner as the

chief cosponsors. There are 54 Members of the Senate who are cosponsoring the Byrd-Gramm-Baucus-Warner amendment, and they are from both sides of the aisle. They are Republicans and Democrats, about evenly divided, I would say, among those names that are on that amendment.

There is no partisanship here. There is no partisanship in my urging the majority leader to call up ISTEA—no partisanship. I know he is under great pressure from some of the Senators on the Budget Committee, including, I am sure, the distinguished chairman, Mr. DOMENICI, a man who has one of the finest brains in this Senate. He does not want the ISTEA bill brought up, he and Mr. CHAFEE. Mr. CHAFEE has said so. So I am not saying anything behind their backs that I would not say anywhere. They prefer to wait until the budget resolution is called up.

Mr. President, the country needs a 6-year highway authorization bill, and the time is ticking. Failure to call it up will only undermine the very necessary progress that this bill is designed to make.

I believe that if the majority leader were left to his own pursuits—he has not told me this—he would call this bill up. But my good friend, Senator DOMENICI, is a very powerful Senator. He was here a moment ago. He will be back later today. And I am not saying anything to make him feel that I am taking any advantage of him. But if he would just leave it to the majority leader, I think we would get this bill up. That is my own opinion.

Mr. President, failure to take up the bill, as I say, will undermine the very necessary progress that that bill is trying to make, and it deprives me and other Senators from calling up amendments to that bill. Our transportation system, our people's safety, and the country's economy all await action by the Congress on the 6-year highway authorization bill. What are we waiting for? How long, Mr. President, how long will we have to wait? How long?

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. BYRD. I thank the Chair. I reserve that time until later in the day.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I also ask unanimous consent to be allowed to speak for up to 10 minutes.

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

Mr. GRAMS. I thank the Chair.

THE LINCOLN LEGACY

Mr. GRAMS. Mr. President, I rise today, on the 189th anniversary of his birth, to pay tribute to an American of commonsense ways and uncommon character.

Let me read to you from the autobiography of Abraham Lincoln, which he penned in December of 1859.

I was born February 12, 1809, in Hardin County, Kentucky. My parents were both born in Virginia, of undistinguished families. . .

There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still somehow, I could read, write, and cipher to the Rule of Three; but that was all. I have not been to school since.

The little advance I now have upon this store of education, I have picked up from time to time under the pressure of necessity.

Lincoln concluded his autobiography just four paragraphs later with these words: "There is not much of it, for the reason, I suppose, that there is not much of me."

That was in 1859, one year before the election that thrust Abraham Lincoln into the Presidency—before the Civil War broke out and helped crystallize all that he believed about his nation—before everything he believed about himself was tested.

Never again could Abraham Lincoln truthfully make the claim that "there is not much of me."

Mr. President, on the 150th anniversary of Lincoln's birth, poet and biographer Carl Sandburg traveled here to the Capitol in 1959 to address a joint session of both Houses of Congress.

The description he painted that day of the man born in Hardin County, Kentucky, was delivered in words far more eloquent than any I could offer up:

He said,

Not often does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect. . .

The people of many other countries take Lincoln now for their own. He belongs to them. He stands for decency, honest dealing, plain talk, and funny stories. . . Millions there are who take him as a personal treasure. He had something they would like to see spread everywhere over the world.

Democracy? We cannot say exactly what it is, but he had it. In his blood and bones, he carried it. In the breath of his speeches and writings, it is there. Popular government? Republican institutions?

Government where the people have the say-so, one way or another telling their elected leaders what they want? He had the idea. It is there in the lights and shadows of his personality, a mystery that can be lived but never fully spoken in words.

Mr. President, there are many American leaders I admire—for their convictions, their passion, and their pursuit of truth—but Abraham Lincoln towers above most all of them.

At a troubled moment in our nation's history, he gave a voice to the growing number of Americans who felt out of place with the politics of the time. America is a place of inclusion, they argued, not exclusion. A place of freedom, not of slavery. The United States must stay united, they said, not severed into disparate parts. Abraham Lincoln spoke for what America was meant to be when he spoke of inclusion, unity, and equality, and by the sheer force of his single-minded dedication, his voice kept the Union from splintering forever apart.

If any one man is responsible for preserving the nation during the Civil War, that man is Abraham Lincoln.

"Important principles may and must be inflexible," said President Lincoln in his last public address, delivered in Washington, and for that unflinching commitment, his detractors hated him.

Lincoln was unfit, they said, "shattered, dazed, utterly foolish" . . . "a political coward" . . . "timid and arrogant." And those were the words of his fellow Republicans. Outside his party, they labeled him "a mole-eyed monster with a soul of leather" and "the present turtle at the head of the government."

But his simple words and powerful resolve endeared him to the people, who looked on him as "Honest Abe," a straightforward and sympathetic leader. He was their president, but he was also one of them. So, it was a brutal shock to the country when he was shot to death just ten blocks from here, during an evening performance at FORD's Theater.

Mr. President, poised on the edge of the Reflecting Pool on the National Mall, overlooking Washington from its place of honor, rests a graceful tribute to our sixteenth president. Outside, the Lincoln Memorial possesses the lines of a classic Greek temple—inside, you will find the soul of an American patriot. Lincoln himself rises 19 feet toward the sky, sculpted in Georgia White marble, larger than life, his eyes forever focused forward. He cannot speak, but the walls speak for him. Etched into the stone around him are his words, and each time I visit I am struck by the visual marriage of man and message. One phrase in particular always makes me pause, a quotation from Abraham Lincoln's Second Inaugural Address, spoken just 28 days before his assassination:

With malice toward none, with charity for all, with firmness in the right as God gives us, to see the right, let us strive on to finish the work we are in.

We have come so far as a nation since those words were first spoken. More than one hundred years have passed since brother last took up arms against brother, and we are no longer divided by allegiance to a Confederate or Union flag. By heritage, we are black Americans, white Americans, Italian Americans, Polish Americans, Norwegian Americans—and united under the Constitution, we are simply Americans.