

COMMENDING SENATOR LANDRIEU

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Louisiana, MARY LANDRIEU, for the excellent manner in which she rendered on this day, February 23, 1998, George Washington's Farewell Address to the people of the United States.

Incidentally, Washington did not publicly deliver this address. It is dated September 17, 1796, and it first appeared 4 days later in the Philadelphia Daily American Advertiser and then in papers around the country.

SCHEDULE

Mr. THURMOND. Mr. President, this morning, the Senate will be in a period of morning business until 3 p.m. by previous consent. At 3 p.m. the Senate will begin debate on the campaign reform bill. As previously announced, no rollcall votes will occur during today's session of the Senate. However, Members should be prepared for votes during Tuesday's session of the Senate. Also, by previous consent, on Wednesday, February 25, at 11:30 a.m., the Senate will proceed to the consideration of the veto message to accompany H.R. 2631, the military construction appropriations bill, with 2 hours of debate in order and a vote occurring on the veto message upon the expiration or yielding back of that time. However, our former colleague, Senator Ribicoff, passed away, and it is my understanding that a few of our colleagues intend to attend his funeral on Wednesday morning in New York. Therefore, I now anticipate the vote with respect to the veto message to occur at approximately 3 p.m. We will notify all Members as to the votes on Wednesday, February 25, after consultation with the minority leader.

As Members are now aware, there are a number of important issues that we hope the Senate will be able to address prior to the Easter recess. Therefore, all Members' cooperation is appreciated on the scheduling of votes and floor action.

UNANIMOUS CONSENT
AGREEMENT

Mr. THURMOND. Mr. President, I now ask unanimous consent, notwithstanding the agreement of October 3, 1997, that no amendments be in order prior to the motion to table the McCain amendment.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 10 minutes.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE HIGHWAY BILL

Mr. BYRD. Mr. President, I have come to the floor today to reiterate the pressing need for early Senate action on S.1173, the highway bill, commonly referred to as ISTEA II. The federal-aid highway program expired on September 30, last year. In November, Congress passed a short-term extension of the program, but we included in that stop-gap measure a deadline for enacting a new highway bill this year. And I remind my colleagues, the deadline of May 1 is fast approaching. The clock is ticking; the calendar is running. After May 1, 1998, no state will be able to obligate any federal highway funds unless a new highway bill has been signed into law by that time.

So, Mr. President, at this point, there are exactly 40 session-days remaining—including today—until the clock strikes midnight on May 1 and every state's ability to obligate federal highway funds is suddenly and indefinitely cut off. The longer the Senate waits to take up the legislation, the more likely it is that the federal-aid highway program will lapse and road work in many states will slow to a trickle or come to an abrupt halt. Unlike past delays in reauthorizing the highway program, the obligation of highway funds will not go forward after that date, if there is not new authorizing legislation enacted by Congress in the meantime. Mr. President, that means that unlike those past reauthorizations of the highway program, this year it will come at the height of the construction season. As a result, construction workers are likely to be laid off, at a time of the year that many of them depend upon their largest paychecks to come in to help them and their families.

And these lay-offs will not be mere statistics, Mr. President. We are talking about the loss of real jobs for real people who have real families. There are thousands of road construction workers around the country whose jobs are in greater and greater risk each day that we delay action on the highway bill. We in the Congress have an obligation to those workers and their families, our constituents, to beat the May 1 deadline and prevent those lay-offs and work stoppages from occurring.

Let me describe just how important this highway legislation is for the construction industry. According to the most recent biennial report of the U.S. Department of Transportation on the condition and performance of the nation's highways, federal, state, and local governments combined invest approximately \$39 billion annually in capital improvements to our roads and bridges. That is a lot of money. That is \$39 for every minute since Jesus Christ was born. Federal funds account for 44% of that investment. That means, in little more than two months, almost half of all the funds spent on road construction in this country will dry up—disappear—and the results will be un-

fortunate for many who work in road construction and related industries. Construction laborers and employers, those who supply construction materials and equipment, thousands employed at engineering and design companies—these people and their families face an uncertain future because of the Congress' failure to act promptly on this very important highway bill.

Even now, the approaching May 1 deadline is having a disruptive impact on road construction in some states, and the disruptions will grow exponentially if the deadline comes and passes without enactment of a new highway bill. For instance, the state of Missouri has announced it will stop bid-lettings in April, Illinois and Ohio will follow suit on May 1, and the Tennessee Department of Transportation has told contractors that the state will delay all federally-funded highway projects beginning in March, when they will run out of available intrastate maintenance money. They will run out of resources from other Federal programs soon thereafter.

So the State of Missouri will let its last Federal contract in March. As I have already indicated, the State of Ohio will stop bid-letting on or around May 1, and the State of Illinois has reported that in the April-to-June time-frame it will be required to defer over one-quarter of a billion dollars in planned Federal projects.

As states announce delays in project bid-lettings, contractors know they will have more difficulty in finding work for their employees and making payments on their machinery and facilities. If Congress has not enacted a new highway bill by May 1, contractors across the country will have to begin laying off their employees as projects are completed. According to officials at the Associated General Contractors, most companies will not begin rehiring construction workers until at least a month after new legislation is enacted. Furthermore, companies will stop using their concrete, pipe, steel, cement, asphalt and guardrail suppliers and won't use them again until 45-60 days after new legislation becomes law.

In addition, if the federal highway program is left unfunded for a number of months, the employees of the construction companies will attempt to find employment elsewhere, I should think. They have to continue to put bread on that table for a wife and for children. If they are successful in gaining other employment, the construction companies will have to hire new employees, often requiring expensive and time-consuming job training.

If new federal highway funds are not available after May 1, much of the summer construction season will be gone. If there is no new highway bill until September, the entire fall construction season will be lost, and since winter road construction is nearly impossible in many of our northern tier states, construction and related industries in those states may be out of

work until spring, 1999. How many companies will survive the loss of income for that lengthy period of time, Mr. President? What effect will it have on the families of construction workers left unemployed because of our inaction, our delay on the highway bill?

Remember, construction does not operate like an assembly line that can be stopped and started again on short notice. The design and construction of highway projects are carefully planned months in advance. Projects to be constructed in September generally must be planned early on and funded by May.

And if our inaction on the highway bill cripples the construction industry, what effect will it have on the national economy?

Mr. President, the last Census of the Construction Industry tallied 572,851 construction companies with a total employment of 4.6 million persons. The industry's annual estimated payroll is \$118 billion, and construction companies work on projects valued at approximately \$528 billion a year in the United States. Clearly, crippling the construction industry will have a ripple effect on our overall economy.

The U.S. Department of Transportation has estimated that every one billion dollars invested in highway construction creates 42,100 jobs. Passing the highway legislation by May 1 will release to the states billions of federal highway dollars, creating and preserving hundreds of thousands of jobs across the country. But the clock, Mr. President, is ticking, and those jobs are put at greater risk with each passing day.

Already, uncertainty about future highway funding is affecting the economy. I am told by people in the construction industry that contractors are putting off hiring and purchasing decisions until they have a clearer idea of how much federal highway funding there will be and when it will become available. And if highway contractors aren't hiring or buying, other firms aren't selling. Therefore, jobs are threatened in construction-related industries, too.

With so much at stake, the Senate should delay no longer. I implore the leadership to call up the highway bill now. The deadline is looming and a lot of work lies ahead before we can send a bill to the President's desk for his consideration and signature. We should be debating the bill today while the Senate is not preoccupied with other matters. With only 40 session-days remaining, every day counts for those thousands of Americans whose livelihood depends on the uninterrupted flow of federal highway funds.

Let us fulfill our responsibilities, and our obligation to those working Americans, without further delay. We should begin debating ISTEA now.

Mr. President, I thank the Chair.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the Senator from West Virginia for his comments on ISTEA. I note—he may have noted this before I came on the floor—that the Washington Post today had an article by Eric Pianin speaking of the problems specifically, in the State of Vermont in getting this ISTEA money through. In our State—this also occurs in Maine and, obviously, in parts of the beautiful State of West Virginia—we have a very early fall and extremely late spring and heavy snows in between. We have a fairly short construction season.

I hope that the majority leadership of both bodies will get this bill up, get it voted on, take the amendments up, vote them up, and vote them down to get it over with so that States—whether it is West Virginia, or North Dakota, or Vermont, or Arizona, or any other State represented by Senators now on the floor—could get on with this.

I hate to think of the amount of money that would be wasted if this is delayed much longer, and then we have to scramble to get the contracts out. It is taxpayer dollars that get wasted where interests are not taken care of.

The Senator from West Virginia has been on the floor several times already on this. He has certainly been diligent in meetings with other Senators off the floor. And I commend him for doing this. He is doing a service to the country.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. LEAHY. Certainly.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Vermont for his remarks. They are both timely and appropriate. I deeply appreciate his contribution to this colloquy.

Vermont, like West Virginia—and like many other States, as he has pointed out—has a short construction seasons, especially when we think of winter, and spring, fall, and winter again.

So the time is now. And I feel greatly emboldened and encouraged by the comments of the distinguished Senator from Vermont. He is a stalwart supporter of all things that benefit his State, and the other States of the country.

I thank him very much.

Mr. LEAHY. Mr. President, I thank my good friend from West Virginia. I have had the privilege of serving with him for nearly a quarter of a century. He, of course, has served much longer than I. I appreciate it.

Mr. President, I ask unanimous consent that I be allowed to use my full morning business time normally allotted.

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

IRAQ AND THE INDEPENDENT COUNSEL LAW

Mr. LEAHY. Mr. President, dueling for the lead on the front page of every

newspaper in this country over the past month have been two stories: Whether the United States will send American soldiers into battle with Iraq, whether people will die in Iraq on both sides, or whether the President of the United States had an affair months ago with a former White House intern. Fueled by what have been titillating leaks and innuendo, the story of the alleged affair and Special Prosecutor Kenneth Starr's investigation has, more often than not, stolen the lead.

I have spoken before about the high volume of information that apparently originates from prosecutor Starr's office. The press has cited as sources "several Federal investigators," "one official involved in the discussions," or "sources close to independent counsel Kenneth Starr," and "government officials." Whether or not the material concerns matters before the grand jury may be relevant to whether a criminal violation occurred, but the distinction is of no relevance as a matter of prosecutorial ethics. It is prosecutorial ethics that I am concerned about.

The distinguished senior Senator from Pennsylvania, Senator SPECTER, who shares with me a former career as a prosecutor—a career both of us are proud of—knows that a prosecutor's case should be tried in court and not the press. When I spoke about Mr. Starr earlier, Senator SPECTER came to the floor on January 27 to repeat Mr. Starr's "emphatic denial" that his office was in any way responsible for these stories, as Senator SPECTER had a perfect right to do. But less than 2 weeks after that denial—the denial made by Mr. Starr—Mr. Starr acknowledged, on February 5, his "regret that there have been instances, so it would appear, when that [grand jury secrecy] rule has not been abided by," and announced that he was initiating an internal investigation to determine whether his office was responsible for the leaks. Perhaps his "emphatic denial" was too hastily put.

We will see if Mr. Starr pursues that internal investigation of his own office with anything even approaching his zealous pursuit of the President and the First Lady.

One of the most disturbing spectacles we have seen from Mr. Starr's inquest is that of a mother being hauled before a grand jury to reveal her intimate conversations with her own daughter. And she is, of course, not the only one. According to press accounts, Monica Lewinsky's close friends have had to fly in from California to testify, at whatever expense that might be, to hiring lawyers, and so forth. Bystanders—people who just happened to be standing there—at White House events where both the President and the former intern were both present have also been given grand jury subpoenas, as have those who used to supervise her work or work alongside the former intern. In this investigation, even the possibility of gossip based upon gossip, hearsay based upon hearsay, is enough