want to tell you, when it comes to free speech, you can hang your hat on free speech if you want to, but the thing that makes this system rotten is that a guy who can afford to belly up for $100,000 gets a lot more free speech than some guy giving $25. The reason he doesn't give $25 is because he knows it gets him nothing—not even good government.

So I plead with my colleagues, for God's sake, let's do something that the vast majority of the American people want us to do—that is, to level the playing field for all parties. You don't have a democracy when the people we elect and the laws we pass depend on how much money we raise for it.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on S. 25, as modified, the campaign finance reform bill:

Thomas A. Daschle, Carl Levin, Joseph I. Lieberman, Wendell Ford, Byron L. Dorgan, Barbara Boxer, Jack Reed, Richard H. Bryan, Daniel K. Akaka, Christopher J. Dodd, Kent Conrad, Robert G. Torricelli Charles S. Robb, Joe Biden, Dale Bumpers, Carol Moseley-Braun, John Kerry.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. SESSIONS). By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 25, a bill to reform the financing of Federal elections, 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. NICKLES. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—47

Abraham	Faircloth	Lugar
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
D'Amato	Inhofe	Thomas
DeWine	Kempthorne	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	

NOT VOTING—1

Mack

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to Calendar No. 188, S. 1173, the so-called ISTEA legislation.

The PRESIDING OFFICER. The question is on the motion. Is there debate?

Mr. LAUTENBERG. Mr. President, was that a unanimous-consent request?

Mr. LOTT. No. Mr. President, if the Senator would yield, it is a motion. But it is debatable. I understood the Senator from New Jersey intended to debate the motion.

Mr. LAUTENBERG. Yes.

Mr. LOTT. Could I inquire of the Senator from New Jersey how long he thinks that he would need to do that?

Mr. LAUTENBERG. I can speak for myself, I think, about the bill that I want to explain but I can't certainly speak for any other colleagues.

Mr. LOTT. I am not asking for a specific hour, just some general—an hour or two.

Mr. LAUTENBERG. It is not my intention to tie the Senate up with this for some indefinite period—not at all—but I do want to discuss some of the problems that I see with the bill.

Mr. LOTT. Does the Senator think an hour is about what he is thinking about?

Mr. LAUTENBERG. I am not going to enter into a time agreement.

Mr. LOTT. I am not asking for an agreement—just for the information of all Senators so we know when there might be some further action—just some general idea of the time expected.

Mr. LAUTENBERG. In fairness to the majority leader, who I have found to be an understanding person, I would take the time necessary; probably—I do not know—an hour or so.

Mr. LOTT. That would be fine. Will the Senator require a rollcall vote?

Mr. LAUTENBERG. No.

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

The PRESIDING OFFICER. Who seeks recognition?

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if we can achieve order in the Chamber, it would be easier for us to communicate.

The PRESIDING OFFICER. Will the Senate come to order?

The Senate will come to order.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Kentucky is correct. The Senate is not in order.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, once again, I thank you.

Mr. President, we are about to consider a radical departure from the structure as we have known it to take care of our highway and transportation needs for the next 6 years. But I view this approach as somewhat premature and want to discuss what some of the problems are with it. As a member of the Environment and Public Works Committee, and also, Mr. President, as having been the chairman of the Senate Transportation Subcommittee of Appropriations, and currently the ranking member, I view it from a particular vantage point.

So I want to use this opportunity to alert my colleagues to some of the problems that I see with the bill and those opportunities perhaps to change it. I know, Mr. President, that when I discuss concerns with this bill that I also reflect——

Mr. BAUCUS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will the Senate please come to order? The Senator from New Jersey has the floor and has the right to be heard.

Mr. LAUTENBERG. Mr. President, I thank you and the Senator from Montana.

Mr. BAUCUS. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. Will the Senator from New Jersey hold for a moment? Will those having conversations please take them to the Cloakroom so we can hear the Senator from New Jersey?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, once again I thank you. I sense that the excitement about the comments that I want to make has just overtaken the Senate and it is hard for people to settle down. But if they will settle down and listen, their fondest dreams will be realized.

Mr. President, I think we ought to take some time to pause before we talk

about amendments to the bill known as ISTEA to consider what it is that we are about to discuss, and amendments we will be offering once we are engaged in debate about the bill. But before we start that debate, again I want to point out what I think are some of the serious discrepancies in its development.

I am not alone in my concerns about it. As I have indicated, other States—I know my friends and colleagues from Illinois have distinct concerns about it. I was particularly interested in a discussion that we had just a while ago in a conference with some of the Democratic Members to learn some of the facts about Illinois roads that I am sure the senior Senator from Illinois will want to discuss. Our colleagues from Massachusetts have some misgivings about the bill. The Senators from Maryland have also indicated the fact that they are not happy with what has been offered in this bill. My colleagues across the river in the State of New York have indicated to me that they are looking seriously at the bill, as other States not exactly in the Northeast corner have also indicated—as I mentioned, the State of Illinois. I know there are some concerns in the State of California and some concerns in the State of Pennsylvania. Again, I will not speak for those Senators, but those are the States where the formula change wound up dealing with these States in a fairly negative fashion.

So, Mr. President, as we begin to discuss bringing this bill to the floor for discussion, it is time, I think, to begin debating not simply the motion to proceed but the substance of the bill.

This 6-year authorization bill which governs transportation spending and planning is going to set the future of every State's transportation system into the next century. As we go forward with this debate, we better be sure that the serious transportation needs of the American people, of their businesses, of their jobs, of their regions, and their States are being met by this bill.

Frankly, there is some good to be said for this legislation. I have my doubts that ultimately it achieves the goal that the distinguished chairman of the Environment and Public Works Committee and the distinguished ranking member are seeking. Those are not the objectives that we see being met as we discuss the reauthorization of ISTEA.

Transportation, as we all know, is not just about roads, rail, and bike trails. It is about the economy. It is about jobs. It is about moving goods efficiently and effectively. It is about building better communities. It is about a quality of life that surrounds our transportation networks or, in fact, is developed as a result of efficient and competent transportation infrastructure. It is about smart investment. It is about protecting our environment and human health. It is about quality of life in its fullest expanse. It is about making sure that we do what we can to leave a clean environment for future generations. It is about being more independent and not simply just asking other countries to supply us with oil at whatever price they determine the market will bear. We never know when that changes, as we saw if we look at history back just a couple of decades.

So this is far more than simply, again, roads and rails and waterways. It is about quality of life. It also, frankly, tells us what America is going to be doing in the next century to be more competitive in this global marketplace. That is a very serious question for us, because as we see the European Union forming to establish its economies, we know they are going to be using the latest in technology. They have far, far better rail and transit systems than we see typically in our country—high-speed rail. We see roads where the pavement endures a far greater period of time than do those in our country and in our States.

So we have to think very long and hard about how this Congress is going to make its mark on transportation investments and policies for the next 6 years. The question is, Does this legislation fully address the needs of the national transportation system and provide necessary funding and guidance where it is most needed? Do we consider transportation issues as if they affect the whole country? Because whether they are about roads in New Jersey or roads in Illinois or roads throughout the Northeast or North-South, the fact is it has a bearing on the way society functions, the way our country's economy produces.

Sometimes those issues get lost, Mr. President, when we see the regional differences kind of expand, when we see that now suddenly in the closing period when the original version of ISTEA was produced, there is a change being attempted in a very short period of time to change formula, to change the way we function. I do not care which party is in power or which region of the country has more seniority. The fact is that we have to work together as a national enterprise because otherwise we will pay a price that is not yet seen nor understood.

When we talk about a transportation bill, do we consider such critical factors as relieving choke points of congestion, ensuring adequate infrastructure in ports and along corridors to necessitate the free flow of goods, providing sufficient access to remote areas of the country. I know that we hear from Senators whose States are more rural than mine or some of the States that I have named in my list, but that does not mean that those people ought not have available transportation facilities so that they can get their children to school or get to the marketplace or get to their jobs. I am honestly concerned about that. The Senators from the more rural States know very well that Senator FRANK LAUTENBERG from New Jersey has tried to preserve things like essential air service so that communities are not suddenly isolated and removed and not able to communicate with the rest of the world outside their direct boundary.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. LAUTENBERG. Does the bill ensure that the most heavily traveled corridors and highways are fully maintained and upgraded to handle not only the traffic of today but the expectations for traffic tomorrow? So as I said at the beginning of my statement and as we are seeing, I have my doubts.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. LAUTENBERG. I will be happy to yield for a question.

Ms. MOSELEY-BRAUN. I would like to put a question to the Senator from New Jersey. The Senator's points are very well taken and particularly the point that the Senator makes with regard to the synergies, if you will, between different types of transportation modalities and how all of them come together in this ISTEA legislation.

I would like to call to my colleague's attention a picture really that I shared earlier this morning concerning the pivotal role as almost a hub State that Illinois plays in terms of national transportation. Because our State, Illinois, is situated kind of in the middle of the country as it is and goes from north to south, as it turns out, most of the commodity flows—this is from 1993—as you can see, most of the commodity flows go through the State of Illinois. Whether from California on the west, Florida on the south, Florida-Texas, or from the east coast, they come together at the hub in Illinois.

Yet, having said that, it is also a fact that Illinois right now is suffering from inadequate attention to the convergence of transportation and transit activities in the State. We have seen in my State real difficulties with road funding to begin with. I have some headlines here: ''Illinois Roads in Shambles,'' and then it goes on with report after report regarding the dismal shape of Illinois roads. ''Illinois Roads Among the Worst in the Nation.'' That is on the road part of the equation.

On the transit part of the equation, it is also news back in my State that there have been reductions in service for public transportation, moving people from place to place so as to give a breadth, if you will, to the economic activity in the State.

So with both the road aspect of funding as well as the transit function, Illinois winds up being a hub State. Actually, in addition to being a hub State, Illinois is a donor State. We wind up contributing more to the funding of our interstate highway program than many other States. We are way down there in terms of dollars sent to Washington and dollars received back.

My question to my colleague would be whether or not the formula with respect to highway funding takes into

adequate account the importance of the hub activities, of the convergence of transportation modalities in a State such as Illinois and whether or not this legislation addresses the transportation needs of the country by failing to adequately do so?

Mr. LAUTENBERG. I thank the Senator from Illinois for her question because it ties exactly into things that I see. The situation is not dissimilar, as I am sure the Senator is aware, from my State of New Jersey. Much as Chicago and environs in Illinois are just at the crossroads where the traffic flows east and west from the rich agricultural sectors of our country to the export opportunities at the ports on the east coast or the marketplaces on the east coast and to the places where habitation is large and the materials have to move rapidly in order to get there at an appropriate time for the product to be effective in the marketplace, we have the same thing. Our corridor is north-south.

If one travels north-south in New Jersey, it helps originate some of the jokes that frankly I don't like about, ''You live in New Jersey. What exit?'' People, trying to make jokes—again, I think poor jokes—think of New Jersey as a large highway with some occasional rest stops along the way. But we carry that traffic. We want to play our role in the national being, in the national economy.

We try to make it convenient for the trucks and the traffic to pass through expeditiously, but we can't do it unless we have particular funding addressed to those issues. Why should New Jersey be the recipient of foul air created by that incredible amount of vehicular traffic when it is not ours? We do not gouge the travelers at our service stations or towns. Our prices are in keeping with the marketplace because we want it to be a comfortable place. We don't want the trucks and everybody else to wind up in traffic congestion, spewing foul air. But we cannot pay for it entirely by ourselves. We are being asked to carry a load for the whole sector of the country. The Senator is right on the mark, and I hope she will take note of that as she evaluates this bill that is being proposed.

Ms. MOSELEY-BRAUN. Will the Senator yield for another question? Is it not a fact that the original ISTEA, Intermodal Surface Transportation Act, referred to the needs of local and interstate commerce, the national and civil defense? And, in so doing, makes direct reference to the needs of the various States to work together to collaborate in behalf of our national interest in commerce, in both local commerce and national commerce, as well as our defense needs? And is it not also a fact, therefore, that to the extent that this legislation focuses in just on miles of road as opposed to these goals of the act, that it not only creates a burden for the States so affected, but also creates a burden for the country in failing to meet the express goals of the original legislation?

Mr. LAUTENBERG. We certainly must consider that. If one looks back to the origination of the highway system, going back into the 1950's, much of that was designed to assure that, if necessary, our defense capability was strong, that we could move the traffic, move the equipment, move the personnel rapidly through our society. And that cannot be ignored. So that all of these things relate to the same needs.

That emphasizes the fact—and once again I am grateful to my colleague and friend from Illinois—it emphasizes the fact that this has to be considered a national enterprise. And, suddenly, one region's gain against another's does little for the country. It may look like a new sector is gaining something. They gain nothing if they don't have the marketplace, if they don't have the access, if we can't move our troops and equipment, Heaven forbid at a critical time, rapidly and efficiently. Then we have lost a lot more than the simple gain from an adjustment, untimely as this one, frankly, seems to be.

Ms. MOSELEY-BRAUN. If the Senator will yield, I suggest the biggest threshold challenge that we have to overcome in this debate is a matter of one's perspective. If indeed this is seen as pitting one State's interest against another State's interest, then one can arrive at a formula that rewards the powerful and ''who is on the committee,'' and all kinds of factors that have nothing to do with commerce, with our national civil defense, with transportation or, indeed, our economy.

If, on the other hand, our perspective is one of those larger goals that were pointed to in the original act, then that would lead to a formula in the first instance that would produce a very different result, or a different result than the one that we see here.

So I ask my colleague whether or not it is his impression, since he has worked so diligently and closely on this matter over time, whether or not the formula itself may be flawed in that it sets up this competition among and between the States instead of requiring us to focus on what is in the interests of our country, what is in our national interests, what is in the interests of transportation as a generic label for all the ways we move goods and services and matters of interest around, within the United States.

Mr. LAUTENBERG. My answer is that if there was—and there has been—a concern about the formulas by which funds were distributed, that a review is certainly in order. But the review, in my view, ought to take place in an orderly fashion so it can be debated here on the floor, so it can be debated in the respective committees. There are several committees that have jurisdiction over parts of this. So it takes a little bit of time to get this done.

Now, because we have procrastinated so long in getting this done, it seems we have to rush to put in the new bill. Something that affects so much of the way we function as a society I think deserves more than a rush to judgment. Frankly, my offhand suggestion would be that we extend the current bill for a period of time. And I think 6 months would be a disaster; probably a year, so that we can consider in a thoughtful forum what we ought to be looking at.

The Senator mentioned something very interesting. Right now there has been a change in the manner, the philosophy of the way this body operates. Power has moved in a particular direction. But what goes around comes around, as is said. Are we going to be looking at changes in structure for something as important as our transportation infrastructure differently every time there is a power shift? If it's Democrats one time and Republicans the next; if it's western one time and eastern or southern or central the next, will we therefore at that point in time suddenly make changes that take care of our region? Do you know what that will produce? Everyone knows what that will produce: Chaos. It will produce competition at the worst level.

I see it now in State after State, where some States are willing to modify their environmental requirements, willing to modify their labor requirements, to try to steal business from another State. What good does it do us in the final analysis? It does us no good because eventually the price is paid. I am going to talk about that a little bit later.

My State is a State that has prospered. We benefited from some of the ingenuity that went into the development of the industrial revolution. Much of it took place in the State of New Jersey. Edison and his numerous inventions were largely out of New Jersey. We have a high-technology business in pharmaceuticals and electronics and computers. As the Senator knows, I was in the computer business before I came to the Senate. Some days, ruefully, I look back, especially payday. But the fact of the matter is that we are a high-technology State and thus we have been able to create a pretty good job market.

The result is that New Jersey is No. 50 among States—last—in getting a return on the tax dollars it sends here to Washington. And I hear about it from all of my constituents, let me tell you. They don't understand why it is we are sending money down here and, where we have a slight advantage, which has been in ISTEA, the transportation bill, suddenly now it is being taken away. The question is being asked back home, whether by a newspaper or in town meetings or just individual discussions: Are they after New Jersey again? Do they want to make us pay more of our tax dollars into the national interest so States that are poverty stricken or don't have the job network or don't have the economic infrastructure that we have, they want to take it again from New Jersey? My answer, unfortunately, has to be, ''I think so.'' Because that is the way it looks, based on what the formulas are.

I want to see the day when we stand on the floor of this U.S. Senate and we talk about distributions of tax dollars received here in Washington. Maybe what we ought to do is put this under an umbrella that says everybody gets 100 cents on the dollar. Every State, send your money to Washington, you get it back. We will see how the roads that cross through some States function; and we will see how welfare, and how education assistance, and nutrition for children gets taken care of in those States.

Ms. MOSELEY-BRAUN. If the Senator will yield for another question?

Mr. LAUTENBERG. Please.

Ms. MOSELEY-BRAUN. That seems to me exactly the point. When you base a formula on per capita income, what happens then is, No. 1, just at the outset you wind up penalizing those States that are contributing the most.

There is an interesting quote out of the Advisory Committee on Intergovernmental Relations, which I want to call my colleague's attention to, which says, ''Per capita income is not a proxy for State wealth.''

That is exactly what is happening, using that as a proxy for State wealth. It is much to the point. It is not just a matter of sharing. Because, if anything, I would encourage the Senator from New Jersey and my colleagues to think about this as something in which we are called upon to share. We are called upon to share resources in our national interest to see to it that the transportation needs of our country are adequately addressed.

But what we have here, it seems to me, is a formula that is flawed—No. 1, in regards to the numbers that go underneath it that are used to determine State wealth, on the one hand. It seems to be flawed also in not giving adequate consideration to the use and reuse and overuse, in some instances, of transportation modalities, whether they are roads or highways or transit systems. The fact is, the more people you have the more these systems are going to be used. Just like any other physical thing, the more that it is used the more it deteriorates.

So we have a situation in which infrastructure, as a fundamental issue, is addressed in this legislation based on a series and a host of factors and considerations that may not adequately comprehend that this infrastructure is infrastructure that serves all of our needs. It's not just New Jersey's roads or Illinois' roads. It's roads through which American products will move, roads over which Americans travel, transportation that allows for an American economy. All of us have an investment and a stake in seeing to it that all of the States that form the crux of our economic mix get adequately served by the allocation that this formula represents.

So, my question to my colleague—and this will be my last question to my colleague—my question to my colleague is whether or not he believes that it will be possible for us to engage with the committee and others—I am not a member of the committee but at the same time have tried to interact with the committee that made this decision—but whether or not, if we were given the additional time to take up these questions, in terms of whether the formula presently being used to allocate resources actually meets the needs of our country—if given additional time we might be able to reshape some of the integral parts of that decisionmaking in way that it would more closely serve the goals of the Transportation Act?

Mr. LAUTENBERG. Once again, I say to my colleague from Illinois, I agree fully with the response that was elicited, because of the nature of the question. It is our Nation. It is a national goal. It is a national objective and we have to keep that in mind.

I know the Senator from Illinois shares my view that when an emergency comes in our country, and whether it be floods or earthquakes or tornadoes, our hearts are breaking here. I say, this was across party lines, both parties. When we saw the people in North Dakota and South Dakota and States like that during the flood, I never voted against funding for FEMA, for our Federal Emergency Management Agency, or those actions that were taken to get a community restored after a natural disaster. It is then and then only, it seems, that we are reminded that we are a national unit, that we are a national federation, that we are one country.

Suddenly we will spring into action when it comes to relieving the distress that results from a natural disaster; a consequence. We have to keep that in mind when we look here at what we are doing on the floor of the U.S. Senate today. That is, ensuring that all States in all parts of the country are treated with a degree of fairness. I know we will hear from other colleagues who say: Well, New Jersey has been a donee State, gotten back more than it has sent down in gasoline tax.

I say yes, that is true. That is true. It was the only place, as I mentioned earlier, that we could make up for the deficiency in return on our tax dollars that we usually get from the transmissions that we make. So this is why I am so intent on making sure that this new piece of legislation, this reauthorization, this NEXTEA, or whatever we want to call it, reflects the fact that New Jersey is being shortchanged here as are these other seven or eight States, drastically shortchanged, and that we want to try to restore it if he we can and bring sense to the thing. We will have an earnest debate, however long that takes, to see that the adjustments are properly made.

The Intermodal Surface Transportation Efficiency Act, known as ISTEA, expired less than 2 weeks ago. ISTEA in its origination was far-reaching and visionary, and we ought to keep that as a theme for what we are doing now. It declared for the first time that the interstate system was complete and that transportation policy and planning should shift the focus from building eight-lane highways to improving the transportation systems in our communities.

Earlier transportation policies specifically encouraged people to abandon existing communities and cities in favor of new development in previously untouched green spaces—the suburbs.

(Mr. THOMAS assumed the chair.)

Mr. LAUTENBERG. Mr. President, the suburbs have become the residential location of choice, and traffic patterns have shifted accordingly. I have seen it, once again, in my own State, and I have seen it in bordering States, where a new highway will be built which is designed to serve traffic that exists there and traffic that might develop. Within no time—and I say this, again, coming from the most densely populated State in the Union—in no time, there are traffic jams on those highways, be it Highway 78, Highway 24 or Highway 80. I can give you the list of highways that were built which looked like they were the highways of the future and, before you know it, they are the highways of yesterday, because people took advantage of the opportunity to move out of town: ''Let's get out of here.''

It hasn't spoken very well of our urban policy, I will tell you that, because what happened in the grand design that emerged in the early fifties by my former commander in chief, also the commander in chief of the Senator from Rhode Island, then became President, was a system for national highway transportation that had an unfortunate consequence. The distinguished Senator from New York, Senator MOYNIHAN, often talks about how it enabled people to leave the problems of the cities behind, move out to the suburbs and, as a consequence, we have had the despair that has followed in the cities because the revenue bases were taken away from them.

We found out that that is not a particularly good policy for America and that we have to make sure we have a balanced transportation network, one that permits a city dweller to get to work in another part of the city or another city, just as it does to aid the rural resident in getting to his or her place of work and the needs that each of the families has.

A 1996 report conducted by the Eno Transportation Foundation entitled ''Commuting in America II,'' found that today, the dominant commuting flow pattern is suburban, with 50 percent of the Nation's commuters living in the suburbs and over 41 percent of all jobs located there, up from 37 percent in 1980. Suburban areas are now the main destination of work trips. The report also found there was a substantial increase in reverse commuting, central city to suburbs, commuting rose from 9 percent share of growth over the decade from 1970 to 1980 to 12 percent from 1980 to 1990.

However, earlier transportation policies also discouraged land use planning, creating new and growing congestion around new and growing communities. While our cities died, our metropolitan areas grew too quickly and overwhelmed the infrastructure. So there is a paradox here: In one way, the cities were falling moribund and, in another way, suddenly these metropolitan areas just grew around them and became almost the definition of—certainly far more than a metropolis. The suburban sprawl drew industry to the suburbs and drained cities of income and jobs. This trend continues today and is even expanding.

The effect of this trend on such critical issues as quality of life, safety, the environment and economic development is undeniable. I want to read from a study by the Surface Transportation Policy Project. It said:

One of the most far-reaching effects of our transportation spending patterns is the increasingly spread-out pattern of American cities. The results of this new pattern range from the loss of open space—

We know that happens regularly.

sprawl consumes a million and a half acres of farmland each year—to more driving and the problems it creates.

One study found that vehicle miles traveled per household increased by 25 to 30 percent when residential density is cut in half. Just think about it. Vehicle miles traveled per person increased by 25 to 30 percent when residential density was cut in half.

Do you know what that means, Mr. President? Cars, cars, cars, cars, cars. And how do you handle them efficiently is a large question. We have talked at times about the elimination of Amtrak as a real possibility if we don't tend to its capital needs, the elimination of our only major intercity passenger rail service in the country. Look at what happens if that disappears.

If it disappears, the airspace between Boston and Washington would require that we put up 10,000 737 flights a year or more. Can you imagine? Right now, look at Newark Airport. It is beautifully designed, a very progressive airport. Constant delays. Why? Because the airspace above the airport cannot accommodate the number of flights we would require.

Look at the highways. It would put hundreds of thousands of cars or more per year on the highways between Boston, New York, and Washington. Not a terribly good idea.

ISTEA was designed to try and grapple with these problems in trends in a fair, sound, and efficient manner. It sought to employ sounder land-use planning by incorporating communities into the process. It recognized good transportation policy does not mean simply pouring more concrete and asphalt. Instead, it focused on moving goods and people in a way that makes the most sense for our Nation, our States, our economy, and our communities.

ISTEA increased planning and flexibility and placed emphasis on local decisionmaking, encouraged new technology and made environmental and social needs a priority. I saw some of that new technology in place yesterday when a coalition of firms appeared in the Capitol and showed us what might be by way of new transportation opportunities with the use of technology.

They talked about an experiment near San Diego, CA. A 7.2-mile section of road was equipped with magnets. We heard from someone from the Department of Federal Highways about a ride that she was taking at fairly high speeds, the normal speed for this section of the country on these highways. She suddenly realized that her driver was reading USA Today looking at the sports section.

I asked if he got in the back seat and she drove the car. She said, no, he was still in the front seat behind the wheel, and here he was reading a newspaper as he was traveling along at 60 to 70 miles per hour. They employed new technology, and when they equip the cars with the appropriate transmission and receiving response from the magnets on the highways, they are able to move along with the traffic. You can go to sleep if you want to, and if the traffic slows, the vehicle slows.

It is a wonderful thing, but it needs investment. In order to do that, we have to make sure that our transportation planning incorporates all of these suggestions, as well as more highways and more transportation opportunities are made available.

I know that in the New York-New Jersey region, there is a new technology to pay tolls. It is relatively painless until you get the bill, and then you see it has been a daunting experience. But with just a little device put on the windshield, you can ride through tolls on the George Washington Bridge, and the other bridges and highways around the New York area. It is going to be expanded. It shows what can happen when there is cooperation among various agencies on a bi-State basis. You can improve things without impairing any State's right to grow and develop. It is working very well. That is just a small precursor of what we might expect in the future if we employ technology properly.

Those are the kinds of things that we have to think about as we invest in our transportation system.

ISTEA is where this regard for technology really developed. It was then called Intelligent Vehicle Highway Systems. I was the author of much of that part of the bill. I tried something different. I tried to develop what we might call intelligent drivers. It was an impossible task, Mr. President. So instead, we tried to develop intelligent technologies so that the car would take over driving; it didn't have to depend on the driver's emotion to keep it cool and keep it straight.

It worked very well. The advances are just beginning to develop. That is so consistent with what our future planning ought to be about that we have to make sure that everything is encompassed in this very important piece of legislation.

ISTEA increased planning and flexibility, placed emphasis on local decisionmaking, encouraged new technology and made environment and social needs a priority.

ISTEA strongly reaffirmed the Federal commitment in transportation planning and investment. While the Nation's existing infrastructure continues to decay and we face reduced budgets, economic competition demands ever increasing efficiency and growth. Federal policy should continue to emphasize these goals while empowering local and regional governments to make their own decisions on transportation investment. As we approach the close of the 20th century, we need to build upon ISTEA's successes to prepare for more intense global economic and technological competition.

Transportation investment has a direct and indirect impact on our economy and society. Transportation by itself generates 20 percent of the gross domestic product. Each billion dollars invested in transportation produces more than 25,000 construction-related jobs. A sound, efficient, and innovative transportation system will make a major contribution to national efforts to match the productivity of our trading partners.

As we begin to consider the next surface transportation reauthorization bill, we need to think more deeply about what it is that we really want to achieve. The most important goal is to ensure a sound transportation system, one that recognizes that commerce and travel does not necessarily stop at a State's border. It recognizes that we are a nation of States and not autonomous nation-States. Our economy depends on the free and efficient flow of goods. It depends on one sector taking advantage of its natural opportunities, be it agriculture or lumber or other things, while another State takes care of its availability of energy and another takes advantage of its ability in telecommunications and electronics.

That is what makes us the Nation that we are. I have great respect for the farming and agricultural population of our country. The exchange of opportunity for them is important to me. I cooperate, as I said earlier, when they need flood control measures or irrigation opportunities. That then ought to beget reciprocation from those parts of the country when we look at a State like New Jersey, an industrial State.

The distinguished occupant of the chair is not at liberty to answer, but I will pose a rhetorical question. That is, which State has the most horses per acre of any State in the country? I will answer because I know that the occupant of the chair, being a Senator from Wyoming, would love to respond, but I will take advantage of my position

having the microphone to answer. It is New Jersey. New Jersey has more horses per acre than any other State in the country.

That surprises people because they think of us as having more smokestacks than any other part of the country. Well, the fact is that New Jersey is a place where people like to live, horses like to live, and we raise them. We do not have, I do not think, the bucking bronco type that we see in Wyoming, but we have horses fleet of foot and the headquarters of the equestrian society in this country.

So we are interconnected, interrelated. That is what intermodal talks about. Simply put, that means the success of our transportation policy cannot always be measured by an evaluation of dollar-for-dollar return on gas consumption or other criteria that denies real transportation problem solutions and trends confronting the entire Nation.

I would wager—and I have traveled across most of this country, so that I have seen small cities in less populated States—one thing I have noticed is that they all have something in common, the cities in my State and the cities in other States. They have traffic congestion at the wrong time—at perhaps the right time, because that is when people are commuting from work and from school and from home and shopping and all of those things.

Our policy should not be designed to pit State against State but should be designed for effective, efficient, and economically sound transportation, while at the same time it encourages rational and reasonable planning and new construction to meet anticipated new growth.

As I have said, I fear that for all of its good intention, this bill does not succeed in accomplishing this goal. We need one national transportation policy to promote a national system. In an era of a shrinking budget, the least we should do is prioritize our investments, the least that we should do is to ensure that our existing transportation system is adequately maintained and preserved before there are significant investments in new capacity.

Unfortunately, the incentive at the State and local level is to build new roads, complete with ribbon-cutting ceremonies and all of the hoopla that goes along with an occasion like that, but to rather do that, it seems, than the less glamorous job of investing in the proper maintenance of existing roads. That is a less glamorous pursuit and does not get the same kind of interest. But if you are driving along and you are bouncing on potholes and you can't get by road construction projects, it is quickly understood.

Since 1991, more than half of the highway money available for repairs and to be spent in metropolitan areas has been diverted to State departments of transportation to pay for the construction of new highways. This, in my judgment, is a bad way to invest. Building a new road costs far more per mile than repairing an existing one.

New roads in metropolitan areas have been estimated to cost as much as $1 billion a mile. And I can give a specific example in the New York metropolitan area. In contrast, the Federal Highway Administration estimates that it costs approximately $1.26 million for 1 mile of pavement reconstruction on urban highways.

Put another way, the way to fix what we have in favor of building new capacity also costs money. The FHWA estimated the cost of routine maintenance of pavement in good condition at about 8 cents per square foot, whereas the cost of rehabilitating failed pavement was closer to 80 cents per square foot—10 times the amount that it would require if it was maintained in good condition.

There is another thing, and we have been reading a lot about it of late, and that is the time that pavement lasts in other countries, especially in Europe, is far, far longer than we see in our country. We ought to be looking at that problem as we review our highway needs to see whether we can get longer use out of existing roads without having, again, construction blockades and things of that nature.

This bill as written abandons ISTEA's programs that place emphasis on preservation and maintenance of the existing infrastructure in favor of laying new roadbed. In my opinion, we are headed in the wrong direction. We must first take care of what we have rather than spend billions of dollars on new paving.

Mr. President, I have not risen to speak in order to deny new transportation needs. That is not my mission, because I have had a long record of involvement with transportation. I am in the Senate now 15 years and have been involved with transportation for all of those years, because in my State transportation is the lifeblood of our existence.

So I favor spending more money on transportation infrastructure. I favor the modality of rail and high-speed trains and aviation and highways and waterways. We are now seeing a proliferation in the New York area of ferries crossing the Hudson River and the East River to get people from State to State without having to wait for long lines through tunnels and bridges and congestion, and working very well.

So all of these things have to be considered. I want us to invest in all of them. What I am talking about this very day is to consider that these are national obligations and we ought to invest accordingly.

Any legislation we consider and pass should recognize the fact that what we face in critical transportation corridors is crumbling infrastructure, roadways that are falling apart and unable to bear the load they carry.

My plea here is for prudence and sound economic policy. What I am talking about is ensuring that our tax dollars are used wisely and well and that our transportation policies will meet the real needs of both today and the next century.

We underinvest in our transportation infrastructure, Mr. President. Our Nation's future standard of living depends on our infrastructure. Yet, for many years we have failed to make needed investments, and Americans are paying a price for this failure. In metropolitan and suburban areas throughout our country traffic congestion has become a major problem. Commuters waste hour after hour sitting in traffic. They sit in their cars unproductive, tempers running away from them, time lost, time away from families, away from spouses, away from children. It is a terrible waste of time, and it is eroding the quality of life for millions of Americans.

Our roads are not being maintained. Potholes mar our streets and highways. Bridges are deteriorating. Our railroads and transit systems are not being maintained sufficiently nor being invested in sufficiently to take advantage of new technologies.

Too many airports are underequipped, and delays are rampant. The sky can be used far more efficiently than we are using it. We get tied up with weather delays in this country. In other countries, some of them have figured out how to land in weather in which it is almost ground zero. It is because the technology is available. We do not use those techniques in our country. The scope of these problems is enormous, Mr. President.

In 1994, the Federal Highway Administration estimated that 57 percent of all roads have been allowed to deteriorate into poor quality, into mediocre or fair condition. They also estimated that 30 percent of major urban roads suffer from congestion.

According to the 1995 National Bridge Inventory, there are 186,000 structurally deficient or functionally obsolete bridges. That is a terrible condition. We have seen the bridge collapses. We have seen tieups around bridges. We have seen sudden emergency calls to replace the bridges which cannot be done in a hurry. We ought to be taking care of the maintenance of these things in a proper fashion.

Mr. President, failing to meet our transportation infrastructure has real economic needs. One study estimated that congestive roads in our Nation's 25 largest urban areas costs motorists $43 billion annually in wasted time and fuel— $43 billion. I guess when it is said like this, the impact isn't real. When it is translated into costs per person or cost per family, it comes down to a significant burden that we all have to carry.

Another study estimates that American motorists spent an additional $21.5 billion in extra vehicle operating costs in 1994 as a result of driving on roads in poor or fair condition.

I will not identify the community, but I was driving Friday night, it was

after dark, about 8 o'clock at night, and I hit a pothole that was so deep that I thought the wheels fell off my car. I got out to see if there was any damage, and I could not see it. But this thing was 1½ feet deep. Imagine hitting that if you are going 30 miles an hour and suddenly—and it had to be 2 feet wide, so it caught the wheel very, very fully.

We see it all the time in all the States across the country. I hear about the condition of roads. The Senator from Illinois held up a newspaper article in which it said Illinois had among the worst roadways in the country. Well, I think that can be imagined by lots of people as they travel the roads in their own States. It is an inexplicable condition that arises around when we say that we want things to be better but we are unwilling to make the investments in maintenance and care that we ought to.

Meaning no slight to the auto and truck repair industry, with statistics like these it is clear that at least one sector of our economy will continue to prosper if these conditions are not addressed.

According to the Department of Transportation, in 1994, $57 billion in capital investment would have been required from all levels of Government just to maintain—now that is in 1994, $57 billion would have been required just to maintain 1993 conditions in performance. Imagine that. In 1 year we created a need for $57 billion in capital just to maintain the level of quality that existed on our roads.

In 1993, by comparison, we spent only $40 billion on highway and transit capital investment compared to the $57 billion that would have been required a year later.

In other words, to simply maintain current conditions and performance on our highway and transit systems we would have to have increased investments by over 40 percent. This kind of dramatic underinvestment, Mr. President, simply cannot be sustained without our entire country paying a severe price in the long run. Keep in mind, Mr. President, that what we need to do more than simply maintain current conditions of performance if America is going to compete successfully in the future, we need to make improvements, as well. There is just no escaping the need for a greater commitment of resources.

For example, to invest in all those highway improvements that would yield greater benefits than costs, the Department of Transportation estimates we would have to invest $80 billion. In other words, to improve conditions to optimal levels based on economic and engineering factors, we have to double our current capital investment in highway and transit.

We, in this body, often talk about the importance of the marketplace in driving the economy. Well, Mr. President, I have owned, started, and operated a business and I know firsthand that investment in the long term is required. The first question that we should ask of any legislation that purports to address transportation needs is whether in the long term it is going to help or hinder our Nation's ability to compete effectively in the global marketplace, and whether it will meet the needs of our citizens on a day-to-day and year-to-year basis.

I feel especially strongly about the importance of transportation because in my State, as I said earlier, it is critical.

Mr. SARBANES. Will the Senator yield?

Mr. LAUTENBERG. I am happy to yield to the Senator.

Mr. SARBANES. This transportation bill is critical to every Member of the Senate. It is highly critical to every State, is it not?

Mr. LAUTENBERG. It certainly is. To answer the question of the Senator even more broadly, the fact of the matter is that in this change in program some States have had adjustments that are as high as 48 or 50 percent over their previous year, while other States took a cut. So when the Senator asks is it critical to every State, absolutely.

In a State like that of the Senator from Maryland or my State, it has a unique character because of the crowded conditions under which our people live—densely populated States, metropolitan States.

Mr. SARBANES. If the Senator will yield further for a question, I simply ask the Senator, in fact, my State is the second-highest traffic density on the urban interstates of any State in the Nation. You may be No. 1. Now, that makes a very important point.

The purpose of the Federal Highway Program is to provide a high-quality road system. I understand the claim of donor States and I am not trying to minimize that. I think attention has to be paid to that.

On the other hand, I always thought that the system was directed toward the system's needs. The purpose is to construct an interstate highway system that serves the entire country, and I think if you are going to have real equity in the distribution of highway funds you need to look at things like urban areas of highway traffic density, high volume of vehicle miles traveled per lane mile, other systems that indicate how heavily the infrastructure is being used. I understand in rural States they have a different kind of problem and we need to take account of that as well.

One of my difficulties with this bill, and I ask the Senator whether it is the same, if he has the same perception, is that this aspect of developing an interstate highway system—of course, we built the system. Much of it now needs repair and rehabilitation

Mr. LAUTENBERG. Or maintenance.

Mr. SARBANES. In my State, we have not yet finished the interstate system. We have some very pressing problems in the Western part of my State with respect to certain interchanges. It was not done the way it should have been done to begin with, and we now have to address that problem.

I say to the Senator from New Jersey, I take it it is your perception, as well, that these considerations of system need and the needs of the heavily urban areas in which there is this very heavy, heavy traffic, have not been adequately addressed in this legislation.

Mr. LAUTENBERG. I could not agree more.

What has happened is the proposed formula is a much more mathematical exercise. It says if you put in this dollar's worth of gas tax, that you have to get back your dollar's worth of investment in the highways.

On the other hand, States like yours and States like mine get a far less return on our total tax dollars, those dollars sent to the Federal Government, than many or most States in the country. In my case, we happen to be number 50 in return on dollars that we send down to Washington. This was one place that there was an opportunity to regain some of the advantage that was rightfully ours, and it is being ignored.

So to answer the Senator's question, there are many conditions that ought to be evaluated in terms of a national transportation investment that go beyond simply the dollar-for-dollar return on gas tax. It ought to consider what contribution does the State of Maryland, does the State of Rhode Island, does the State of New Jersey make to the national economy, to the national well-being as a result of having its roads available and open and in decent condition so that traffic that goes from place to place—from the market, from the farm to the port, from the factory to the airport—what kind of a return ought we to get for that? What kind of compensation ought we get for that?

Mr. SARBANES. If the Senator will yield further, I think he is addressing a very important point.

Let me give an example from my State. Maryland has one of the highest density levels on urban interstate in the country, as I said before, second. Apparently, New Jersey is first. The Baltimore-Washington region interstates are the second most congested in the Nation. Now, my colleagues can appreciate this because they are here in Washington and they have some experience with this highway network I am talking about.

We are in the center of the I–95 corridor, the north to south corridor. This corridor generates a huge amount of commercial and passenger traffic. It is adjacent to the Nation's Capital which generates additional commercial and personal through traffic. We are serving not just our own needs but national needs by having a first-rate interstate system here. In fact, we have a disproportionately large responsibility for complex infrastructure projects that

need maintenance and rehabilitation. These projects—I–95, the Capitol beltway, the Baltimore beltway, I–70—all carry through traffic generated outside the State of Maryland. Now, there are other States along the eastern corridor—New Jersey is an obvious example—that are sort of through States. In other words, a lot of highway traffic is moving through those States, going from one point to another point, and neither point related to the State through which they are passing.

Yes, we have to invest significant amounts of money, not only the Federal share that we receive, but State and local share as well, in order to maintain this highway network if we are going to maintain the existing infrastructure and have the efficient movement of freight and passenger traffic.

Now, my perception of this bill is it does not adequately address that consideration, that that is one of the things that has not been focused on.

The formula allocation represents a very significant drop for my State from 1.72 to 1.51. The amount of money now that is provided for the interstate discretionary program, as I understand it in this legislation, is severely limited. As I understand it, and I ask the Senator from New Jersey, there is only $140 million a year nationwide for both interstate highways and bridges, is that correct?

Mr. LAUTENBERG. That is correct, and it is an appropriate deficiency to note.

By the way, as the Senator talks about the State of Maryland and a change in formula, ours goes from 2.82 to 2.41. There is a difference of more than 15 percent in just that change in formula.

The Senator was not in the Chamber when I talked about the fact that if changes were necessitated in formula, they should have been debated at length. They should have had the appropriate kind of committee reviews. I know the Senator sits on the committee where transit needs are considered. We have the Commerce Committee involved with aviation and rail, we have the Environment Committee on which I sit and under whose auspice this bill is presented for highway and road travel. To suddenly change that formula without considering the national aspects of the requirements that Maryland has imposed upon it or that New Jersey has imposed upon it—Maryland happens to be in a critical location in terms of our defense needs. If there is an emergency, we have to be able to move troops and equipment through in a hurry. That readiness costs something to maintain.

There is also a requirement, I know the State of Maryland shares with New Jersey an interest in having high-speed rail service pass through your State and commuter rail service. Look at the success we have seen just with the establishment of WAMATA. The investments in those areas are critical if we are going to have a national perspective.

Can you imagine a system to serve the Capital and environs that isn't contributed to in significant measure by the Federal Government? As it happens, it is, but it describes very poignantly the need that exists when you participate in a national scheme.

Mr. CHAFEE. Could I make a correction? The Senator from Maryland was in error in a statement.

Mr. LAUTENBERG. I am happy to yield for a response.

Mr. CHAFEE. There was only $140 million available for interstate repair and maintenance. That is in the Secretary's discretionary account and that is exactly what he has under the currently existing ISTEA measure, but divided among the States it is some $6 billion—with a ''b'' for billion.

So it is a long way from the $140 million the Senator thought was all that was available.

Mr. SARBANES. The amount that is divided among the States, as I understand it, is a formula allocation.

Mr. CHAFEE. That is right.

Mr. SARBANES. I recognize there is a formula allocation. Here is the problem, and I am glad the Senator interjected because I think it is very important to focus on this problem. I understand the committee's problem. The committee had to do a formula allocation, Members are at them from all over the place, about the formula allocation.

Now, I concur with the Senator from New Jersey, and I appreciate his continuing to yield to me for a question. We didn't know what the formula figure was going to be until the committee came out with the formula figure, and then we were presented with this formula figure. So we take a strong hit on the formula which I think does not adequately recognize the kind of transportation challenges with which we are confronted which have a national import.

Now, in addition to the formula allocation, there are also other moneys that are available in the legislation—various discretionary programs. The interstate discretionary program is one, the public land highways is another, the Appalachian regional highway program is yet another, and there are others, as well, which can be used if the committee is saying to us we can't do the formula allocation in a way that takes into account all of these considerations. Then the least the committee should do is have these other programs which can then be used to offset the unfavorable impact of the formula allocations. It is my perception that that hasn't been done, as well.

Now, we have one unique problem in my State that I want to bring to people's attention, and that is, the Federal Government owns the Woodrow Wilson Bridge; it is federally owned. It is the only facility on the interstate system in which that is the case. Now, the committee has provided $900 million, and that is certainly an important step forward, but it is barely over half of what would be required to get a new Woodrow Wilson Bridge, which every expert agrees is necessary.

Now, the States have indicated that once a new bridge is done, they are willing to take over the responsibility of maintaining it from then on out. But it is clearly unfair to dump the responsibility upon them that was not met by the Federal Government. There is no way the States can pay for this thing. Maryland receives, under the formula allocation, a little over $300 million a year in Federal highway money. We are going to need, for one bridge, $1.6 to $1.8 billion, and this legislation provides $900 million. I think it is the Federal Government's responsibility, frankly, to deal with the problem of this bridge. They need to face up and deal with that problem. Once they have dealt with it, then it can be shifted over to State responsibility. But you ought not to dump this responsibility, which the Federal Government failed to meet, upon the State. So this is a whole list of the kind of problems we are talking about, which this legislation fails to come to grips with.

(Mr. SANTORUM assumed the chair.)

Mr. CHAFEE. Well, if I might say to the Senator from Maryland, $900 million gets you a pretty good bridge, I think, if the Senator is discouraged by only $900 million for the bridge. I appreciate their approach to that as well. There have been some estimates that go as high as $1.6 billion. But the Senator ought to be aware of what the House proposal is.

Mr. SARBANES. I am aware of what the House does. I am not arguing the House bill.

Mr. CHAFEE. The House bill left it entirely up to Virginia and Maryland. So I would hope that the Senator would be somewhat grateful for what the Senate is doing.

Mr. SARBANES. Well, I think we indicated that we understood the committee has done something. I am pointing out that it is not adequate to meet the problem. This is a pressing problem in the interstate system. The House approach would actually create a gaping hole in the interstate system. I think the committee recognized that problem at least. But, again, I am talking about this in the context of the other things that are happening in this legislation. If the committee came to me and said, look, we have to redo a formula allocation, we understand the problems it creates for you, we understand you have some other pressing highway needs, and we are trying to help you address those, but that hasn't happened. Any effort to try to get at that hasn't met with any success.

I understand the committee has a difficult job and I, frankly, have been supportive of the effort to try to find more money with which the committee can work. I say to my friend from New Jersey, isn't it a fact that if more money were available, it would be easier to work out these problems?

Mr. LAUTENBERG. Absolutely.

Mr. SARBANES. Some of us have supported the committee in its effort to find more money, and you come in and you are confronted with a bill like this.

Mr. LAUTENBERG. I had an opportunity earlier today to talk about that. I will soon yield to my good friend from Montana. I had an observation earlier today in a discussion that we had in miniconference out here that more money is more money, except that if more money comes and we continue to lose our share, it doesn't do what we think it ought to do, which is to improve the system generally, but not at the expense of our respective States. That is really the nub of our discussion.

If the Senator from Montana is asking if I will yield for a response, I am happy to yield without losing my right to the floor.

Mr. BAUCUS. I thank the Senator. This is basically a discussion here on the bill. Obviously, it is the goal of the committee and the Senate to come up with a fair highway bill. That is what the Senator from Rhode Island is attempting to do and the Senator from Virginia, who was on the floor, the Senator from Montana, and the two Senators now speaking seek that same goal. It is also true that we are in a transition.

This country is changing. The country, in 1997, is not what it was in 1987, not what it was in 1980. The fact is that, in 1991, in an ISTEA bill, the highway bill, this Congress essentially did not update data. It just took the 1980 data. That is, lane and miles traveled, vehicle miles traveled. We even used a postal roads component which was enacted maybe at the turn of the century. We used very old data when we wrote the ISTEA bill that we are now currently operating under. It is just unfortunate.

At the same time, in the earlier ISTEA bills—not the one before us, but current law and the earlier one—the main effort was to complete construction of the interstate system. That was the main purpose of the program in the first place. The current ISTEA bill—not the one on the floor, but current law—based its formula essentially, as I said, on old data and upon completion of the interstate program, and that is what we did.

In 1991, we just built upon the earlier data, which was data for the completion of the interstate. And in this last ISTEA, we then apportioned more dollars to States which were completing their interstate system, compared with States that were not completing their interstate system. And the current law basically completes construction—not maintenance, but construction—of the interstate system. And so now, in 1997, the new transportation bill we are writing is one that recognizes that the interstate system has been completed. We are now moving toward maintenance and intermodal systems, intelligent highway systems, and other programs to modernize, update, and make sure that the current transportation bill is no longer based upon older data, but rather is based upon current data.

That means that those States that got a lot of interstate completion money in the last several years are not going to get the same additional dollars in this bill for the very simple reason that their interstates are completed. On top of that, many States built their interstates financed with tolls. That is, Federal dollars were not sent to those States; rather, those States charged their motorists tolls and they built their own interstates, feeling that either they wanted to do it earlier or that way was a better way to do it, et cetera. A lot of these States, after completing construction of their interstate systems, based upon tolls, have now come back to the Congress—in fact, in the last ISTEA bill, they were able to convince this Congress that they should get reimbursed again, even though those interstate systems were paid for by tolls. This Congress paid Federal money again on top of the completion of the interstate.

So we have some States with lots of dollars in the last several years of the interstate system—that is, States with lots for interstate completion and States with what is called interstate reimbursement dollars going to those States. I know this is not a comfortable position for some of these States to be in when they look at only the dollars because, obviously, those States would like to have a percentage increase again in the current years over the past dollars they have been receiving, even though their interstate construction, which is more expensive in maintenance, is complete, and even though those States got interstate reimbursement dollars on top of interstate systems that were financed by toll roads.

So here we are trying to write a bill which recognizes, again, the completion of interstate construction and rather moves toward the current new era which, as I mentioned, recognizes the completion of the interstate construction. Now, the Senators make a very good statement and point when they talk about congestion and the number of miles—the amount of congestion on I–95 or on the eastern corridor. In fact, as the Senator from Maryland said, Maryland ranks second in the Nation in urban congestion. That is a fact. The State that ranks No. 1 is California. New Jersey is not too far down the list.

My thought here is that we have the challenge before us of trying to address what I think are legitimate concerns and that is the congestion factor that the Senators talk about. We are operating under very severe constraints; that is, the amount of dollars in this ISTEA bill is pretty tight, based upon the budget resolution, the President's proposal to Congress, and the increase in ISTEA dollars in this bill is not as much as was the increase in ISTEA dollars in the last ISTEA transportation bill. So it would be my thought that we find a way to amend this bill so that, in effect, if not this year, at least next year, there are potentially more dollars available, and in a way that certainly it may recognize the concerns of the Senators.

I am not prepared at this point to say what that might be. There needs to be more discussion to determine that. But I think that if the amendment that we know is going to come up is passed, there might be a way to address that. You certainly have the assurance of this Senator to work in the context of that amendment to see if we can potentially address some of the concerns the Senators have. But the main point is that we are trying to work this all out. We hear what you are saying. There are many opportunities: there are amendments, there is a conference, and it is my hope that we can pass a bill which is fair to all regions of the country. You have my assurance that I will do all I can to achieve that goal.

Mr. LAUTENBERG. Mr. President, I hear the Senator from Montana's interests and concerns. I know that he is sincere. We have worked together for many years, as I had with the chairman of the committee. But if this bill goes as it is, the chances for recovery, I think, are pretty slim. And once in place, we will be running uphill to try and recover.

What I would rather see is some kind of a consensus developed that includes the States that are now disadvantaged. I was looking at the States and I see that percentage points in a State that borders both of our States—Pennsylvania—is down to 20-some percent from its formula share from where it was —22 percent, I think. We can't deal in this room, at the moment, with the poor fate that befell Pennsylvania. I don't know how their Senators are going to respond to it. I think if an adjustment is going to be made in the formula, there has to be a period of transition so that States are held harmless from where they were as adjustments take place. This isn't to suggest that review is out of order, not at all. I think reviews of the formula are always in order. But I think the Senator from Maryland made an important contribution to this debate when he highlighted the national interests and national obligations that some of our States have, being corridor States, as expressed earlier by the Senator from Illinois. A corridor that runs east and west produces a lot of traffic through the State of Illinois.

Mr. SARBANES. Will the Senator yield for a moment?

Mr. LAUTENBERG. Yes, I will.

(Mr. ALLARD assumed the chair.)

Mr. SARBANES. My State has one of the Nation's great ports, the Port of Baltimore.

Mr. President, the road network from that port to the West is critical for the commerce of the Nation—not just for

the commerce of Maryland, but for the commerce of the Nation. A proper system of access for the movement of goods is extremely important to the economic health of the country. So all of this needs to be taken into account. We are on a major corridor for the movement of passengers and traffic north and south, and because of the port, we have a major corridor that goes to the Midwest that is critical for the economic activity in the Midwest. In many respects it is more critical for the economic activity in the Midwest than in my own State. Those things need to be considered in this legislation.

The Woodrow Wilson Bridge that we talked about—and I think the chairman is right, they have certainly done a better job than they have done in the House. But we still have to get up to a point where we can do this bridge, and this level will not allow that to happen. That is a major link on the entire interstate highway system. Every expert who has examined it says the bridge needs to be replaced within the next 5 to 6 years. We have to move on that project.

Those are items that could be addressed I think in this legislation.

I also agree with the Senator from New Jersey. If you are going to start adjusting the formula in recognition of, let's say, population shifts, which is what the argument is that is being made, at the least—of course, I argue that you have to look at system needs in a much more significant way than I think has been done in this legislation. But leaving that to one side, at the very least, the transition period has to, in effect, cushion the impact of it so that States don't all of a sudden find themselves unable to carry through on committed transportation projects which are essential for the vitality of their economy. That is what the whole issue is that we are discussing here.

Mr. LAUTENBERG. Mr. President, the Senator is right. The fact of the matter is that among the items that have to be considered in establishing a proper formula has to be the amount of mileage recorded within the States' roadbed systems. In my State we have north-south I–95, east-west through to I–80, and all kinds of cargo and material pass over these roads and cause enormous traffic congestion in New Jersey. Our roads are beat up, with heavy trucks taking more than their fair share of the abuse. We stand there and kind of grin and bear it. But it is in the national interest.

If one wants to use an analogy, we have to look at what happens in environmental legislation. New Jersey, being in the location that we are on the east coast, is the unfortunate recipient of material carried by the prevailing winds from west to east. They carry all of the pollutants and all of the particulate that is thrown up by stacks across the rust belt, or the iron belt, or the steel belt in the midwestern States. Some of that material travels hundreds of miles to arrive at its place of deposition, which is New Jersey, Maryland, and New York, in the eastern States.

So, as we consider environmental legislation, we try to accommodate what causes the problem. The problem is caused by the energy and industrial nature of things from the Midwest. That is part of the formula. Here we are saying, listen, as we create new formulas, we ought to debate them more thoroughly and let's talk about the congestion on our roads that we receive as a result of being a corridor State.

New Jersey is a corridor State. Commerce travels in the Northeast and the rest of the country. Over 60 billion—with a ''b''—vehicle miles are traveled on my State's roads annually. Our State is the Garden State. It is one of the most important links in our Nation's transportation system.

The Senator from Maryland talked about the value of the port. I know that the Senator from Rhode Island, the chairman of the committee, is trying valiantly to improve the efficiency of the port outside of Providence by making sure that there is rail access and truck access that is good. I respect him. And, frankly, I see it as a positive thing for my State of New Jersey. Could it be competitive? Of course, it could be competitive. But I don't look at it that way. I think our country is obligated to continue to produce to the best of our ability to the maximum of our capacity. So we need these facilities.

So whether it is specifically located in New Jersey or Maryland or Rhode Island, the fact of the matter is that what happens in the West, what happens in the South, and what happens in the center of the country depends very much on the capacity of our States in the East to be able to help their export market, which is such a big part of things, and also the industrial market because parts go from one place to another and assemblies are done in different States often than where most of the parts are manufactured. It is an essential part of our national being. Ten percent of the Nation's total freight either originates, terminates, or passes through New Jersey. Almost 60 percent of this tonnage is strictly through traffic. Imagine that, 10 percent. Goods traveling just 24 hours on a truck from New Jersey will reach a market of 40 percent of the population of the United States and Canada—over 100 million people.

Mr. President, these aren't just cars from New Jersey; they are vehicles from every State in the Nation, as well as Canada, Mexico, and other nations.

In short, and to rephrase an old joke—I don't like jokes about my State—but if you are traveling on the east coast and you don't go through New Jersey, you just can't get there from here.

Millions of people travel along New Jersey's highways. They travel from the South, the West, New York City, Boston, and New England. People in New York and New England on their journeys travel to places like the sea shore, Florida, Washington, DC, the Eastern Shore, or trying to get to Long Island Sound and sallying up out of Rhode Island and those places. So we have to make sure that our roads are efficient and functioning, and that we are not drowning in pollution.

Every day 324,000 tons of goods made in my State of New Jersey are transported on New Jersey's roads by 134,000 trucks. Many of these trucks are coming from the ports of Newark and Elizabeth. They are transporting cars and other goods that arrive from countries like South Korea, Great Britain, Germany, Taiwan, and Indonesia. The entire port of New York and New Jersey is the busiest port on the east coast. Despite the critical importance of New Jersey's infrastructure to the Nation, it is in dismally poor shape and getting worse by the hour, by the day, and by the week. Nearly 20 percent of New Jersey's interstate mileage is in poor or mediocre condition, and more than 45 percent of our bridges are in deficient condition. They are functionally obsolete in many cases.

Mr. President, New Jersey's roads and bridges take an unbelievable pounding in hot summers, and harsh winters take a huge toll on our infrastructure. Road salt in the winter and ocean salt year round add to the damage.

In addition, New Jerseyans and those who travel through my State often face unbearable congestion. Travelers in cars and trucks struggle for hours every day with New Jersey's highway stops and starts, and our heavily used roads and bridges are badly in need of additional maintenance.

Mr. President, the status of New Jersey's transportation infrastructure has a direct effect on the State and the region's economic vitality and on every resident's quality of life. But more importantly, it affects the entire Nation's economic vitality. The future challenges to that infrastructure are ominous. In the next 6 years there probably will be more travel on our roads, more cargo coming into our ports, and more rapid deterioration of our transportation infrastructure. That is not a particularly pleasant prospect, and I think that we have to prepare for it in the best possible way. The best possible way is to recognize that States like mine and those such as the State of Maryland have unique conditions that have to be met.

I once again would like to review and restate the number of States that are included—Maryland, New Jersey, Pennsylvania, Ohio, California, and Massachusetts, to name but a few. There are eight States in all that seem to have the heaviest share of the load. Unfortunately, the ISTEA bill before us does not adequately respond to the challenge that we face. It doesn't address New Jersey's growing needs.

Note that the highway title addresses density on highways, or congestion.

While it recognizes the particular situation of some States, when it comes to heavily used, densely populated urban States with significant commerce and trade traffic, the bill is virtually silent. If a State's motorists choose to not guzzle gas, either by using mass transit, walking, or biking, this bill will penalize them. Therefore, it has to be improved. I am not saying that New Jersey should get more than its fair share. I am simply saying, Mr. President, that it should and must get its fair share—nothing more, nothing less. The bill just doesn't do that.

Mr. President, there is another bit of word and verbiage that goes into the debate on highways. We talk about donor States and donee States. The distinguished colleague of ours from Louisiana said you can't explain that to the folks back home and said they want to see whether or not their road and their infrastructure is getting attention, whether the potholes are being filled, and whether the roads are being maintained in a suitable fashion.

So I get tired of hearing complaints that emanate from the so-called donor States. To make it very simple for any who might be listening or watching, donor States are those that send down more in tax revenues, gasoline taxes in particular, than they get back. The others are called donee States. The donor States complain about how they don't get their fair share of highway and transit funding. Many of those donor States do quite well when one examines the total of Federal return on the dollar. Many of these States simply don't have the same needs as New Jersey and other high-density transportation corridors.

Mr. President, when it comes to defense spending, spending by the Interior Department, agriculture spending, many urbanized, densely populated States come out year after year after year as big losers. But we have not said yet that the Government must spend as much on national parks in our region as we spend in western States. We have not yet demanded an equal share of the defense spending or an equal share of agricultural spending. It is not realistic. Those States that now have these investments being made have particular needs.

Those needs strike me as being part of the national requirement. If there is a national park in Colorado, I would like to see it maintained because in visits by my constituents or my family or people from around the country, I want them to be proud of it. I want them to say, why, there is nothing prettier than Estes Park and other parks that exist in Colorado, and so it should be. I want to make sure if airspace is needed so that our airplanes can fly and practice and train—our Air Force Academy is in the State of Colorado—we continue to invest in that and in that skill we have. I think it is going to be more required in the future. But a large part of that investment vests in Colorado. So what. It is part of my national interest.

Or an equal share of agriculture spending. New Jersey is still called the Garden State, and despite the density of population that we have—the most densely populated State in the country, I remind everybody—about 25 percent of our State is still forested, and that is really pleasant to see. I see it often from airplanes. We have one reserve that is a million acres today. But we are not looking for assistance with our agriculture, even though our farmers perform an important service for the community, because these demands are unrealistic. They do not take into account the real needs of the entire Nation. They do not consider that there is a benefit for all Americans by strategically focusing resources to meet critical problems.

I said earlier and I repeat, when floods took over the Dakotas and parts of Minnesota or Missouri, I wanted us as a country to help out, and I was very vocal about it. I felt it was a responsibility that we had, again, to confirm that we are one nation.

The fact is each State has its own individual needs, and they change from time to time. New Jerseyans send $15 billion more per year to Washington than they receive in total Federal dollar return—$15 billion more. The Federal Government's job is to apportion funding where need is greatest, and sometimes we swallow hard and we say, if one State has a higher need for family spending, welfare, OK, we are willing to take some share of that.

On the other hand, Mr. President, when it is our turn, I think we ought to get some consideration. The one area where we are a donee State is transportation, and that is because there was some recognition that so much of the Nation's traffic load was carried by the State of New Jersey. But now the intention is to change it. If I may say so—and I do not mean to castigate—the fact is that it was almost whimsical in its development, because States like mine took some pretty big hits.

Well, my State and my region's needs are largely in transportation. That is our equivalent to agriculture for Iowa and Nebraska and those States. We are in the most densely populated part of the country, with some of the most highly traveled and congested roads. Anyone who has driven the New Jersey Turnpike, Route 1, Atlantic City Expressway, Interstate 80 can attest to these needs. As I have already noted, many of these vehicles on these highways are from States other than New Jersey. My kids used to love to play a game when they were little. We would write down the States from the license plates that we saw, and we would get pretty close to 49 besides ours because there were so many. I didn't always enjoy being in the middle of that confluence of traffic, but at least it kept the kids seated.

Mr. President, New Jersey isn't just asking from the Federal Government transportation dollars. We are investing our own funds in our infrastructure as well. State and local governments in New Jersey spend more highway dollars per lane mile than any other State in the Nation—our money, reinvested in our infrastructure. We made this commitment to transportation simply because our needs were so great. But that does not excuse getting our fair share from the Federal Government.

There is nothing in any study, census projection, or economic trend to indicate that these needs will diminish in the future. In fact, quite the opposite is true. Some States are arguing that they should get back at least 90 percent of those payments they have made into the highway trust fund. But I still think that their needs have to be examined before that return is justified. It is part of a contribution to the national well-being, and it makes no sense to take away funds from regions that have greater needs.

I remind everyone that we are a single nation, one nation, and not a collection of autonomous sovereignties. Can you imagine what would have happened if at the Constitutional Convention our delegates included a clause in the Constitution mandating that each State must get back from the Federal Government 90 percent of what it paid in taxes? What would have happened to our country? We have people now who individually say, well, I don't want to pay for this. We have people from extremes on the right like militia who say, I don't want to pay for the kind of liberal judicial system that we have, or I do not want to pay for that program or this program. Then we have people on the other side who say, I am unwilling to have my dollars go for defense needs. But we say, too bad; you are an American; you are part of American society. You are part of a great nation. You are part of a country the likes of which has never existed on this Earth before and perhaps never will again. But we say, that's your obligation. We are one country. We are one people with sometimes different actions, but we come together when we have to.

Those of us old enough to have served in World War II saw it, as did the distinguished chairman of the Environment Committee, who had a very distinguished war record. Mine was not so distinguished, but I did what I had to in Europe in World War II. We came together as a country. We sometimes forget that obligation, that we are one nation and we ought not to pick at one another's opportunities or advantage and say, OK, you've got this because you are a donee State and therefore we are going to take it away from you.

Unless the whole picture is examined, it is not a complete one. We certainly never could have maintained our great national parks and forests; we could never have saved thousands of family farms from bankruptcy in difficult economic times; we could never afford to pay for emergency relief from earthquakes, floods or hurricanes; we would certainly not have a national transportation system; some States would have

paved roads and some States would have dirt roads; there would be no interstate highway system, no airports in rural areas if we said it wasn't part of the national responsibility.

I repeat that I am a supporter of essential air service for which the Federal Government pays a significant subsidy. For every passenger that flies into some of those airports, the Federal Government will pay two or three times, four times the cost for the seat because we do not want to see those communities isolated. They are very dependent. So we say, OK, it is part of an obligation we have. We certainly wouldn't have a national passenger rail system. It may be more regional than national, but it travels through important regions of the country. I don't know of any State, as infrequent as Amtrak rail service might be, that wants to give it up very quickly. We would not have a space program; we would not have a National Science Foundation; we would not have the National Institutes of Health; more importantly, we probably would not exist as a nation because we would have no national defense, no Army, Navy, National Guard, Air Force.

Thanks to the wisdom and forethought of our Founders, there is no minimum guarantee clause in the Constitution except to protect the individual rights. Perhaps some in New Jersey think we might be better off if there were. We have a high per capita income, but we ought not to be penalized for it. We make our contribution in many ways. The fact is our Nation is stronger because Federal aid has been provided to areas with the greatest needs, and that is the way it ought to be.

I want to talk for a moment about another matter that is important to my State, mass transit. Good public transit increases the efficiencies of existing roadways, especially in congested areas where many people live. Transit is essential to rural, suburban and urban residents. It is a cost-effective solution to health care access, a key to successful welfare reform, and an environmentally sensible way to meet commuting needs. It is an increasingly important service for the elderly, for persons with disabilities, for students and those who cannot afford a car.

Anyone who questions the necessity for transit services only has to visit some of the more populated States like New Jersey or New York or California, where they do not have enough public transportation, or Maryland or the District of Columbia. The most densely populated State in the Nation, New Jersey has also the most vehicle density on its roads. Located between two heavily populated metropolitan areas, New Jersey is known as the corridor State. Over 60 billion vehicle miles are traveled on New Jersey's roads annually. The ability of trucks and cars to move freely on New Jersey's roads directly affects our economy. It affects the congestion, which has a dramatic effect on the individuals living there.

It is also a primary commuter State. Millions of New Jerseyans face serious commuter problems each day. In many areas of New Jersey there is nowhere else to put a new road. Many of our people work in New York City, and their residences are in New Jersey. Or in the southern part of our State, many of our people work in the city of Philadelphia. They have to be able to get back and forth to work. But we simply can't build ourselves out of congestion. That is why my State is so heavily reliant on mass transportation. Nearly 10 percent of the New Jersey work force uses mass transit.

We have a line just recently created called the Midtown Direct, a project in the urban core, which is a program very successful thus far, designed to bring together railroad connections that exist throughout our State into New York. Midtown Direct was one part of it, and it was inaugurated 1 year ago. Within weeks, the ridership doubled its projections.

Transit in New Jersey is well used and well supported. Nationally, transit has also proven to reduce congestion and, of course, save dollars.

A 1996 report conducted by the Federal Transit Administration found that the annual economic loss to U.S. business caused by traffic congestion is $40 billion, and the additional annual economic loss if all U.S. transit commuters drove instead would be $15 billion. So we are looking at huge differences in our economy.

It is also obviously good for the environment. According to the Federal Transit Administration, transit use saves 1.5 billion gallons of auto fuel in our country each year, 1.5 billion gallons. If one wants to worry about what happens to America's independence, one need only look at the quantity of imported oil that we are bringing into the country. Transit is energy efficient, and the less gasoline used the less the United States is dependent on foreign oil.

Americans also see direct public health benefits from transit use. According to the Environmental Protection Agency, up to 110 million Americans breathe air that is unhealthful. The American Lung Association estimates that the national health care bill for air-pollution-related illness is $40 billion a year. Transportation sources cause 40 to 60 percent of pollution that produce ozone, and 70 to 80 percent of carbon monoxide emissions. Nearly one-third of carbon dioxide emissions, the most significant greenhouse gas, comes from transportation sources. And, on this debate, no matter how detached or how unbelieving a person might be, one cannot be unconcerned about what we see happening with our climate, what can be happening with our health in this country. Much of the problem, in my view, emanates from the fact that we have these emissions in ever-increasing quantities in this country, as much as we fight against it.

The fastest growing source of carbon dioxide emission is the transportation sector. Transit produces real environmental benefits. On average, riding transit instead of driving cuts hydrocarbon emissions that produce smog by 90 percent and carbon monoxide by more than 75 percent. One person using mass transit for a year instead of driving to work saves our environment 9 pounds of hydrocarbons, 62 pounds of carbon monoxide, and 5 pounds of nitrogen oxides.

It doesn't stop there. Over the past 30 years, the U.S. transit industry and its riders have prevented the emission of 1.6 million tons of hydrocarbons, 10 million tons of carbon monoxide, and 275,000 tons of nitrogen oxides into the air; the importation of 20 billion gallons of gasoline; and the construction and maintenance of the 20,000 lane-miles of freeways and arterial roads and 5 million parking places to meet demands, saving at least $220 billion a year.

Transit is an important part of our Nation's transportation system, and we ought to ensure that it is afforded the same priority as other modes of transportation.

It is obvious, this bill also needs to address a crucial safety question, and one that I have worked on very hard over the years. That is, in the pursuit of safer highway travel we ought to do what we can to get drunken drivers off the road. This bill has to include a reduction in the blood alcohol measure, from .10 to .08 as a national standard. It is already, by the way, the standard in 15 States.

Let me explain why we need this new standard. In 1996, 17,000 people died in alcohol-related traffic accidents; 17,000 people. By the way, if we examine the history of the Vietnam war, where we lost over 50,000 of our service people, the high year was about 17,000 people killed. Every year in America, 17,000 people die in alcohol-related traffic accidents. It is a national disgrace. Of those, 3,700 people, almost 9 percent, had alcohol levels below the .10 standard that most States enforce. Mr. President, .08 BAC laws have proven to have an effect on even heavy drinkers. The beverage industry fights us, and will continue to fight us on this. They tell you that it will ruin business, that the .08 law targets social drinkers and makes criminals out of them. Nothing could be further from the truth. When I wrote the law that made the drinking age across this country 21, the minimum drinking age, the beverage and the hospitality people said you are going to ruin our business.

Ruin their business? We saved 10,000 kids from dying on the highways since I wrote that law in 1983. Mr. President, 10,000 families don't have to mourn the loss of a young child. One can hardly say that business in restaurants, taverns, and social places has been bad. They can't say it now.

To make the point, a man of my height and weight could drink four beers in an hour on an empty stomach and still not hit .08. If I drank a fifth beer, I would be over the .08 but I would still be under .10. Should anyone be legally entitled to drink that much alcohol and then get on the road? The question answers itself. Of course not. Keep this in mind, when you look at a group of people in a bar or restaurant having drinks, the .08 law would only affect one of those people, and that is the person driving a car.

We are not asking people to stop drinking. This is not a morality play. I am not telling people that they should not drink to their pleasure. If someone falls off a bar stool, as long as he doesn't fall on me it doesn't hurt me. But if he gets behind the wheel of a car, Heaven forbid, he could take away a child, a grandchild, mother, father, brother, sister. It should not be allowed. It's a criminal act. It turns an automobile from a thing of pleasure to a lethal weapon.

We say just control your habits. There is a point at which they need to put the cork on the bottle for their own safety and for the safety of everyone else who shares the road with them. Studies have shown that States that have adopted .08 laws have had significant drops in alcohol-related traffic deaths and that a national .08 law could prevent up to at least 500 to 600 fatalities a year. Just that difference, from .08 to .10, could save 500 to 600 people a year from dying on the highways.

In the State of Virginia, after it adopted its .08 law, it saw a drop not only in traffic deaths but in driving under the influence arrests as well.

The Federal legislation that I introduced years ago to make 21 the national drinking age engendered a heck of a fight with the liquor lobby. But the law has saved 10,000 lives, it is estimated. I believe that .08 will save thousands more in a period of time. If we want confirmation whether or not we are on the right track, the people who support the .08 limit include the American Medical Association, the American Insurance Association, the American Trucking Association, the National Safety Council, and the National Sheriff's Association.

Those who oppose .08, and I have to ask why, are principally in the beverage and hospitality area. We ought to let them know that we don't oppose social behavior of one's choice in restaurants and public gatherings, but we don't want to add anything to the fatality rate that can be prevented.

Another safety issue that we are talking about in the legislation is big trucks. Trucking companies are trying to get Congress to allow bigger trucks on the highways, double and triple trailers. My view, and that of many others, is no. Motorists in my home State of New Jersey want relief from the rising death toll of the past few years. Consider what we are talking about here. A triple trailer can be 120 feet long, longer than a Boeing 747 jetliner. And it can weigh 64 tons. That is quite a behemoth on the highway. I am sure if you let your imagination work, and think about what the consequence can be when you are driving on a highway on a dark night, it is raining, doing about 55, maybe 60 miles an hour. That's a safe speed in these conditions.

Suddenly a line of trucks starts to pass you. It is scary enough when the truck is a standard 44-foot length. But what is it like if a line of three of these 120 footers went by, each one of them three times, practically, the size of the single truck that has you worried in the first place? It would be like driving through an eclipse. For more than a solid minute the trucks would block your view of the road except for what is directly in front of you. For more than a minute your windshield would be sprayed by the tire wash off 32 sets of wheels.

Your heart jumps each time one of those triple trailers weaves slightly into your lane. You know this type of truck needs at least 1½ football fields to come to a stop. Imagine that, 1½ football fields. And it's worse in the rain. This kind of heart-thumping drive would become more common if we allowed triple trailers greater access to highways. I know the people in my State don't want it. In 1994 to 1995, fatal accidents involving trucks were up 13 percent. Trucking accidents overall were up 16 percent, 84 people died in each year, 1994 and 1995, and one stretch of road in my State, route 287, saw the numbers of accidents involving trucks quadruple between 1988 and 1994.

I agree with them, the only cargo vehicle this size should also have wings and be racing down a runway, not barreling down a highway.

Mr. President, the debate on ISTEA is not only inevitable, it's essential, because this is such an important piece of legislation in our national structure. I agree that the chairman of the Environment Committee, the ranking member of the Environment Committee, wants to do the same things in their objectives as I do, and almost everyone else does. That is to continue to invest in our infrastructure, our transportation infrastructure, making sure that we develop and refine, to the best of our ability, each of the modes of transportation: Highways, aviation, rail, transit, waterways. We want to know that all of these things are operating in the safest manner that can accommodate most of our people efficiently.

The potential is there. I have been working publicly and privately to help meet that objective, as have my colleagues, but this bill just doesn't do it. I want to help bring a bill to the floor that meets these needs.

(Mr. BROWNBACK assumed the chair.)

Mr. LAUTENBERG. Mr. President, I think our colleagues in the House have the right idea, and that is to pass a temporary extension. If we pass a temporary extension, I think it has to be based on the formula, upon the structure of ISTEA as it presently is, not a newer version that changes things. Then we can sit down and create a plan that is fairer to all States in all regions and addresses these crucial needs. But it will take some significant discussion.

This is a major, major change that is contemplated, and because it was concentrated in ultimately a few hands doesn't mean that it didn't pursue the right path, but what it does mean is that it has not fully considered all of the needs of the country, as we see from the resistance to this, opposed by a number of us from States particularly in the East, but not exclusively.

My proposal is to see if we can find, not necessarily in order of importance, A, a substitute; B, a program that in transition will give States a chance to make adjustment, will hold those States that are being asked to take less of the funding pie harmless from year to year as the formula changes. I think that is the fairest way to do it; C, to listen carefully to what our colleagues in the House of Representatives have to say about their version of ISTEA. I am not talking about the 6-month bill that we see out there, necessarily, because I don't see a 6-month extension coming unless it proceeds under the present formula and structure. But to take perhaps another year in transition and try to develop a fairer piece of legislation, try to develop a piece of legislation that considers the needs, not just the tax cash-flow that results from gasoline taxes, because, to be repetitive for emphasis, just because a State sends down a dollars' worth of tax dollars doesn't necessarily mean that it ought to get a dollar in return on transportation investments if it, in fact, gets other returns that are far greater than the tax dollars they send down.

I call painful attention to the fact that my State is 50th in return on the Federal tax dollar. The State of New Jersey is 50th. To make it abominably simple, it means that if we send down a dollar in taxes, we get 69 cents back—69 cents; 31 cents of New Jersey taxpayers' contributions go to programs that benefit other States, other regions of the country.

We haven't seen a tax revolt in New Jersey. We swallow hard. We think we ought to get more. We don't have the need for an agricultural subsidy, but listen, if it is going to be given away, we are going to want our share. If when we do have some advantage because of need, like transportation, and we are not getting our fair share return on that, then we are going to say, hey, listen, when I look at the defense bill—and I sit on the Defense Subcommittee of the Appropriations Committee—I want to look at that bill to see if New Jersey gets a fair share.

How absurd a conclusion that would be. Can you imagine, someone looking

at the defense bill and saying, ''Wait a second, does my State get its fair share,'' or is the question really, is my country best protected? As silly as that sounds, to say, well, give me my fair share, that simply means spend the money in my State, even though we don't accomplish the objective, I hope that it will be out of consideration because it just doesn't make any sense.

A bill that doesn't take care of the needs of my State, which I interpret as the needs of the country, is equally unfair. So I hope as the discussion goes on that those who agree with me that this bill needs some further review—I realize that this is not untimely to consider reauthorizing the bill because the other one has expired, but I would like to make sure that we include the needs that my State and others have.

I would like to reread the policy statement that accompanied the original ISTEA legislation. These are the views of our distinguished colleague and friend to just about everybody here and one of the best-informed people on transportation infrastructure. That is Senator DANIEL PATRICK MOYNIHAN of the Empire State, the State of New York. Again, Senator MOYNIHAN has studied the transportation needs of this country. He knows so much about the origins of parts of our transportation system, going from the early canals to the development of the National Highway System. He said:

> I am especially proud of the principles we set out in ISTEA 6 years ago and wish to include them in this bill.
>
> It is the policy of the United States to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.
>
> The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the Nation's preeminent position in international commerce.

I think it is fair to say that that summarizes certainly the beginning principles of ISTEA's development, and we are living off of what I would say is a successful period of investment in our transportation needs, intermodally balanced, not quite perfect in every aspect, not quite sufficient funding.

When I see what we invest in our transportation infrastructure in this country, it saddens me because in some cases we are ranked among the lesser developed countries of the world instead of the most developed countries of the world. When I look at high-speed rail passenger service, our per-capita spending is way below the average, and it is not right. This Nation ought to have a transit that can move at 180 miles an hour on a consistent basis as they have in France, or faster in Japan. I saw the other day where a train in Japan for a limited length of travel was at over 300 miles an hour, and they are looking to make it even faster. It would relieve our skyways, it would relieve our highways, and would broaden the opportunity if we have the investment in intercity rail that we need.

So, Mr. President, I am sorry that we have not come to an agreement on what is an appropriate renewal or a new version of ISTEA as it expires. Again, I am hoping that we will have time for debate on it. It is also my understanding that we are going to have a discussion on the appropriateness of continuing an affirmative action program in ISTEA, and I welcome that debate because I believe that DOT's affirmative action program continues to be necessary and could withstand constitutional scrutiny under the standards set forth in the Adarand decision.

I have been told that the junior Senator from Kentucky may be offering an amendment to strike the Disadvantaged Business Enterprise Program from this legislation. Perhaps he is content to believe that we are now in a colorblind society, but I plan to oppose that amendment because I don't think we are.

The Department of Transportation's Disadvantaged Business Enterprise Program, or DBE Program, provides a 10-percent national contracting goal for socially and economically disadvantaged small businesses. Congress created this program in 1982 because minorities and women were shut out of transportation construction contracts, shut out not because they were any less able to perform the terms of the construction contract, shut out not because their bids were higher than their competitors, but shut out because they were not white, in some cases they were not men. We decided in the 1982 highway bill that the old boy network was no longer acceptable in Federal transportation construction contracts. We were right then, and the chairman of both the Transportation Subcommittee and the full committee were right to continue this program in S. 1173.

I expect we will hear opponents of the DBE Program say that it imposes a quota or a set-aside for women- or minority-owned firms. It doesn't do that. The statute provides a 10-percent goal which may be modified by the Secretary of Transportation. States and municipalities are able to set their own goals which may be higher or lower than 10 percent. If a State doesn't reach its goal, there is no adverse consequence.

I repeat, Mr. President, because it is an important point and one which the opponents to the DBE Program may not mention, the DBE Program provides a goal, and if States do not meet this goal, DOT does not directly withhold transportation dollars. There is no adverse consequence.

So why do we still need an affirmative action program for Federal construction contracts? Because we know the private sector looks to the public sector for leadership on this issue. If we eliminate the DBE Program at this time, we will return quickly to the good old boy network that excludes women and minorities. How do we know that? Because several States eliminated their versions of DOT's DBE Program, and within a matter of months, minority- and women-owned and controlled businesses received fewer, if any, construction contracts.

Minorities comprise approximately one-fifth of our population. Just under 10 percent of construction firms are minority owned and controlled, yet receive only 5 percent of construction receipts.

I will give you another statistic, Mr. President. White business owners in the construction industry receive over 50 times as many loan dollars of equity capital as minority owners with the same borrowing characteristics.

Mr. President, I ask opponents of the DBE affirmative action program to explain why these numbers are so disproportionate if we did, in fact, live in a colorblind society.

I expect, Mr. President, we are going to have a lengthy discussion about the DBE program and whether or not it is constitutional. Again, I look forward to the debate because I believe after a full discussion, the majority of my colleagues will agree that the DBE program is constitutional under the Adarand standard.

In the 1995 Adarand decision, seven of the nine Supreme Court Justices recognized the continuing need for affirmative action programs to remedy the lingering effects of racial discrimination. After Adarand, affirmative action programs must serve a compelling governmental interest and be narrowly tailored to address that interest.

The first court to apply this strict scrutiny standard set forth under Adarand found that Congress met the compelling-Government-interest component. It disagreed that the DBE program was narrowly tailored, but the district court judge went far beyond the Supreme Court's holding by virtually deciding that no affirmative action program can be narrowly tailored.

The Justice Department is rightfully appealing this decision.

Mr. President, there will be time to discuss this matter further at a later time. I look forward to that.

I am confident that the Senate will accept the responsibility of looking at this program calmly and rationally rather than simply trying to fuel the fires of passion and hatred which the issue of affirmative action can ignite. Should the junior Senator from Kentucky offer this amendment, I hope my colleagues will oppose it.

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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. CHAFEE. What is the question?

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

The motion was agreed to.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The bill 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 proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill intended to be stricken appear in black brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intermodal *Surface* Transportation *Efficiency* Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

Subtitle A—General Provisions

Sec. 1101. Authorizations.
Sec. 1102. Apportionments.
Sec. 1103. Obligation ceiling.
Sec. 1104. Obligation authority under surface transportation program.
Sec. 1105. Emergency relief.
Sec. 1106. Federal lands highways program.
Sec. 1107. Recreational trails program.
Sec. 1108. Value pricing pilot program.
Sec. 1109. Highway use tax evasion projects.
Sec. 1110. Bicycle transportation and pedestrian walkways.
Sec. 1111. Disadvantaged business enterprises.
Sec. 1112. Federal share payable.
Sec. 1113. Studies and reports.
Sec. 1114. Definitions.
Sec. 1115. Cooperative Federal Lands Transportation Program.
Sec. 1116. Trade corridor and border crossing planning *and border infrastructure.*
Sec. 1117. Appalachian development highway system.
Sec. 1118. Interstate 4R and bridge discretionary program.
Sec. 1119. Magnetic levitation transportation technology deployment program.
Sec. 1120. Woodrow Wilson Memorial Bridge.
Sec. 1121. National Highway System components.
Sec. 1122. Highway bridge replacement and rehabilitation.
Sec. 1123. Congestion mitigation and air quality improvement program.
Sec. 1124. Safety belt use law requirements.
Sec. 1125. Sense of the Senate concerning reliance on private enterprise.
Sec. 1126. Study of use of uniformed police officers on Federal-aid highway construction projects.
Sec. 1127. Contracting for engineering and design services.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Administrative expenses.
Sec. 1202. Real property acquisition and corridor preservation.
Sec. 1203. Availability of funds.
Sec. 1204. Payments to States for construction.
Sec. 1205. Proceeds from the sale or lease of real property.
Sec. 1206. Metric conversion at State option.
Sec. 1207. Report on obligations.
Sec. 1208. Terminations.
Sec. 1209. Interstate maintenance.

CHAPTER 2—PROJECT APPROVAL

Sec. 1221. Transfer of highway and transit funds.
Sec. 1222. Project approval and oversight.
Sec. 1223. Surface transportation program.
Sec. 1224. Design-build contracting.
Sec. 1225. Integrated decisionmaking process.

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

Sec. 1231. Definition of operational improvement.
Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.
Sec. 1233. Flexibility of safety programs.
Sec. 1234. Eligibility of projects on the National Highway System.
Sec. 1235. Eligibility of projects under the surface transportation program.
Sec. 1236. Design flexibility.

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. State infrastructure bank program.

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 1311. Short title.
Sec. 1312. Findings.
Sec. 1313. Definitions.
Sec. 1314. Determination of eligibility and project selection.
Sec. 1315. Secured loans.
Sec. 1316. Lines of credit.
Sec. 1317. Project servicing.
Sec. 1318. Office of Infrastructure Finance.
Sec. 1319. State and local permits.
Sec. 1320. Regulations.
Sec. 1321. Funding.
Sec. 1322. Report to Congress.

Subtitle D—Safety

Sec. 1401. Operation lifesaver.
Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.
Sec. 1403. Railway-highway crossings.
Sec. 1404. Hazard elimination program.
Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1406. Safety incentive grants for use of seat belts.
Sec. 1407. Automatic crash protection unbelted testing standard.

Subtitle E—Environment

Sec. 1501. National scenic byways program.
Sec. 1502. Public-private partnerships.
Sec. 1503. Wetland restoration pilot program.

Subtitle F—Planning

Sec. 1601. Metropolitan planning.
Sec. 1602. Statewide planning.
Sec. 1603. Advanced travel forecasting procedures program.
Sec. 1604. Transportation and community and system preservation pilot program.

Subtitle G—Technical Corrections

Sec. 1701. Federal-aid systems.
Sec. 1702. Miscellaneous technical corrections.
Sec. 1703. Nondiscrimination.
Sec. 1704. State transportation department.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Designation of portion of State Route 17 in New York and Pennsylvania as Interstate Route 86.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

Sec. 2001. Strategic research plan.
Sec. 2002. Multimodal [transportation research and development program] *Transportation Research and Development Program.*
Sec. 2003. National university transportation centers.
Sec. 2004. Bureau of Transportation Statistics.
Sec. 2005. Research and technology program.
Sec. 2006. Advanced research program.
Sec. 2007. Long-term pavement performance program.
Sec. 2008. State planning and research program.
Sec. 2009. Education and training.
Sec. 2010. International highway transportation outreach program.
Sec. 2011. National technology deployment initiatives and partnerships program.
Sec. 2012. Infrastructure investment needs report.
Sec. 2013. Innovative bridge research and construction program.
Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
Sec. 2015. Study of future strategic highway research program.
Sec. 2016. Joint partnerships for advanced vehicles, components, and infrastructure program.
Sec. 2017. *Transportation and environment cooperative research program.*
Sec. 2018. Conforming amendments.

Subtitle B—Intelligent Transportation Systems

Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Intelligent transportation systems.
Sec. 2104. Conforming amendment.

Subtitle C—Funding

Sec. 2201. Funding.

SEC. 2. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Surface Transportation Act of 1997''.

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be [used] *available* for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000