the time of the Civil War. It has been producing outstanding equipment, with outstanding personnel, to our Nation's military for well over 100 years.

A few years ago, the military changed its procurement rules to require our Nation's arsenals, when they were bidding on a contract, to provide military hardware to our Army or Defense Department. It requires them to submit bids that not only include their marginal cost for producing the product but, in fact, requires them to add into their bid the entire overhead.

This new policy which the Defense Department established a few years ago has actually been harming taxpayers. Why, someone might ask, has that been harming taxpayers? What has been happening, as our Nation's arsenals—and there are three in this country; in addition to one in Illinois, there is one in New York and also one in Arkansas—go to bid on projects to provide supplies to the military, and they have to not only state their cost of building those supplies, they also have to add in the cost of their overhead. That means in analyzing those bids, the military is always going to prefer the bid of the private contractor.

In fact, our arsenals have been losing business from the U.S. Government. This has been harming taxpayers. The reason it has been harming the taxpayers is because once we pay the private contractor to build the weapon or perform on the contract, we are still paying to keep the arsenals open. So the taxpayers wind up paying twice for the project.

For example, a few years ago the military requested a new Light Towed Howitzer. They wound up giving the bid to a British defense firm. The Rock Island Arsenal lost out on the bid. The Government paid the British defense firm to start on the contract, but meanwhile, the Government and the taxpayers are still paying to keep the arsenals open.

My amendment is designed to correct this flaw which is wasting taxpayers' money. From now on, under this amendment, when domestic organic arsenals in this country bid on a military project, they will be able to state their incremental cost for building the product, if it is a Howitzer or other weapon for the military. This way, it will be more fair to the arsenals. They will be able to bid their actual cost and the playing field won't be tilted in favor of the private contractors.

Actually, the Department of Defense convened a defense working capital fund task force a couple of years ago that noted that the taxpayers were being billed twice for these military contractors; that it didn't make any sense. In fact, that issue paper which came out on February 25, 1999, and was issued by the defense working capital fund task force, concluded that

> [T]he Department of Defense will ultimately pay twice for maintaining the essential organic capabilities as well as contracting out for the goods or services.

It went on to say that these rules cause an artificial, a fictitious bookkeeping entry that overprices the arsenal services and not only encourages behavior that is not optimal for the military as a whole, but also leads to an increasing disparity between military and private suppliers that ''results in an increasing abandonment of arsenal services.''

Mr. President, I compliment the members of the Armed Services Committee and Chairman WARNER and also the ranking member for accepting my amendment. We should be able to help our Nation's arsenals and particularly the Rock Island Arsenal in Rock Island, IL, as well as save the taxpayers of this Nation some of their hard-earned money.

The PRESIDING OFFICER. The Senator from Nebraska.

HAPPY BIRTHDAY, UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the United States Army happy birthday. It was 225 years ago today, in 1775, that the Continental Army of the United States was formed. That Continental Army of the United States has had a rich, important impact on our country.

Millions of men and women over the last 225 years have served in the senior branch of services of our military forces of the U.S. Army. The Army is interwoven into the culture of America. Those who have had the great privilege of serving in this country in the U.S. Army understand that. It may have been a little difficult during basic training for some, but as we progressed through basic training and became Army men and women, formed, shaped, and molded from raw recruiting into something that America could be proud of, and we could be proud of ourselves, that touch, that impact, that molding, that shape, has defined our country, has defined our culture, and has, in fact, defined the world. The U.S. Army has had an incredible effect on our country and the world for the better.

''Duty, honor, country'' is the motto of the U.S. Army. It is America. It is who we are. Not one generation of Americans who have served in the U.S. Army have gone untouched by not only what America is about but what the Army is about. It is a shaping and molding that has touched lives in ways that are hard to explain, just as the Army has touched our national life and made the world more secure, more prosperous, and a better world for all mankind.

On this 225th birthday of the U.S. Army, as an old infantry-man who served in the U.S. Army, I say happy birthday to the veterans of this country. We recognize and acknowledge and pay tribute to those generations who have served before some of us had the opportunity to serve a newer Army.

It is the Army that has laid the foundation for our services today and for a stronger America. To that, we say, again, happy birthday and thank you, in the great rich tradition of the U.S. Army.

Mr. President, we say ''hoo-ha.''

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a few moments to commend the Senator from Nebraska for his remarks. I think he speaks for most of us, if not all of us. He speaks eloquently in congratulating the Army. That is something we shouldn't forget: The role of the Army, what the Army stands for, what the Army has done, often at a tremendous price, as we know. We shouldn't forget that.

I commend the Senator from Nebraska for his remarks.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 7475) making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the language of S. 2720 is before the Senate as amendment No. 3426.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the pending business before the Senate is the House bill, is that right, or the Senate bill?

The PRESIDING OFFICER. The House bill, with the Senate language as an amendment.

Mr. SHELBY. We have some procedural obstacles to clear, is my understanding here. In the meantime, what I will do is go ahead and make my opening statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, chairman STEVENS and the leader asked us to move quickly on this year's Transportation appropriations bill, and I'm happy to say that with the assistance of the senior Senator from New Jersey, we have reported a bill for the Senate's consideration. I am speaking of the Senate bill now. Considering that the Senate approved the Transportation appropriations bill in September last year, I suppose that presenting this bill during the second full week in June would qualify as moving more quickly this year.

I commend Senator STEVENS and Majority Leader LOTT for pushing this agenda.

Both Senator LAUTENBERG and I strongly support this package, though

neither one of us agrees with every decision and funding level that is included in the bill and report. However, this bill contains the essential elements of a Transportation appropriations bill that meets the challenge of adequately funding the Transportation programs within the budget constraints that we have set for Federal spending in fiscal year 2001.

I will spend a few minutes on the bill funding summary.

The bill provides a total of $54.7 billion, which is $4.7 billion more than the fiscal year 2000 enacted level. Because the firewalled highway and transit programs account for most of this growth—not to mention the increases in aviation capital investment anticipated in FAIR–21 that this body approved just a few months ago—we have been left with no choice but to constrain the growth in the FAA and Coast Guard operations accounts and Coast Guard capital account. Nevertheless, I am confident that, with responsible management, the funding levels for FAA operations and for the Coast Guard are adequate to meet the challenges of safely and effectively managing the nation's airways and the execution of the Coast Guard missions.

I note that the administration requested 15 percent growth in the Coast Guard operations account and 12 percent in the FAA operating expenses account. The bill before you today directly provides 9 percent growth in both those operating accounts with an additional 4 percent potential growth available to the FAA operations account if necessary to maintain aviation safety at the discretion of the Secretary of Transportation and the FAA Administrator.

That is a lot of money—and a great deal of growth under the budgetary constraints we are operating under. At the same time, the funding levels in our bill require the Secretary to balance the critical needs of both the Coast Guard and the FAA as he (or she) manages the Department. My concern is not that we haven't provided enough resources. My concern is that they won't be administered with an eye towards saving the taxpayers money or toward seeking efficiencies in program execution.

We have rejected the administration's proposal to divert highway funds in Revenue Aligned Budget Authority—or RABA—to other programs. This unrealistic proposal raised expectations, but is nothing more than a case of the administration wanting to say they support the highway firewalls while proposing to spend the money on nonhighway activities. You can't have it both ways.

We have also rejected the administration's proposal to levy new user fees. Three years ago during my first year as chairman of the Transportation subcommittee, we said no to the administration's new user-fee taxes, 2 years ago, we said no again to the new and improved user-fee taxes from the administration, and last year, we again said no thanks to the newly reconstituted user-fee tax proposal from the administration. Guess what? This is my fourth year as chair of the Transportation appropriation subcommittee, and the President's budget again includes $1.3 billion in new user-fees taxes—I am starting to recognize a pattern. Is anyone in the administration listening to what Congress is saying about new user-fee taxes?

Along these lines, I would note that the shortfalls that the administration will complain about in the FAA operations account in this bill are far short of the user-fee proposals that they have proposed for the FAA, not to mention the Coast Guard. If the administration would refrain from submitting budgets with new user-fee taxes as a budget gimmick that they know will never be enacted to hide other non-transportation spending, it would make all our jobs a lot easier to meet realistic targets and expectations for these operations accounts.

The bill before you meets the TEA-21 firewall levels for highway and transit investment. In highways, the RABA funding has all been distributed to the states in accordance with each state's share of the program consistent with last year's Senate appropriations bill. In short, every states gets more highway funds through the approach taken in the bill before you. I urge every Senator to refer to the table I will insert in the RECORD to see the total highway funds that will be available for highway construction in his or her state through the approach we propose.

The transit new starts and bus projects are not earmarked, which is the way the Senate has handled these programs the last 2 years. This is an approach that has worked well for the Defense appropriations process with respect to the National Guard equipment account, and I believe that it is a good model for balancing congressional and administration priorities in the allocation of discretionary transit projects.

The bill provides $4.4 billion for the activities of the U.S. Coast Guard, and, as I mentioned earlier, there is an 9 percent increase for the operating expenses of the Coast Guard. I think we can all agree that it is essential to provide the Coast Guard with the resources they need to continue their tradition of maritime search and rescues, protecting the environment and our coastlines, and enforcing our laws on the seas.

There are a few general provisions that I would draw to your attention. One requires the administration to submit with their budget request an accounting of what programs are to be cut if the Congress does not choose to enact the next complement of new user-fee tax-budget gimmicks.

Although there are other issues that will be discussed during consideration of this bill, I will note one now. That issue is the national ''.08'' blood alcohol content provision. Senator LAUTENBERG, who is managing his last Transportation appropriations bill this year, makes a compelling case for why the states should adopt ''.08''. This language was included in the bill at his request and will vote to support its inclusion the bill the Senate passes. I urge you to look at it and consider it carefully.

The bill before the Senate sets the stage well for a conference with the House. The House 302b for Transportation appropriations has substantially more budget resources than the bill before us today. As a result, the House passed bill is higher in a number of accounts than the bill before the Senate today. Notably, the Coast Guard has $150 million more in the Operating Expenses account, $100 million more in the AC&I account—the Coast Guard's capital improvement account, and the FAA operations account is $200 million higher than the Senate bill. We have included a number of flexibility provisions for the Secretary of Transportation and for the FAA administrator to soften the impact of those cuts from the President's budget request, but the fact remains that we are below the House appropriated levels in those accounts in particular. In addition, there are a number of specific projects or procurements that are included in the House bill that are not in ours, and a number of initiatives in our bill that are not in the House-passed bill. I believe that we can resolve all of these issues in conference to the satisfaction of both bodies and present a conference report that the President will sign.

We know of a few amendments to the bill and we would encourage those Members who have amendments to come to the floor to offer them or to see if they can be accepted. We want to work with Members where possible and will seek time agreements on amendments so we can move the bill.

Mr. President, I also would be remiss if I did not note my colleague, Senator LAUTENBERG, has joined us. He is the former chairman of this subcommittee and is now the ranking Democrat. I have enjoyed working with him on this subcommittee. This will be the last Transportation bill he will help manage. I can tell my colleagues that he has rendered a great service to his State and to the country. He has been a lot of help to me as I have worked through this process, the same road which he has been down many more times.

Before yielding the floor, I ask unanimous consent that a list of revenue aligned budget authority be printed in the RECORD.

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

REVENUE ALIGNED BUDGET AUTHORITY

[In thousands of dollars]

STATE	Admin. Distr.	TEA–21 Distr.	Full RABA committee recommendation
Alabama	41,620	56,296	60,784
Alaska	24,403	33,019	35,733
Arizona	33,982	45,989	49,705
Arkansas	27,252	36,857	39,629
California	192,556	260,472	281,963
Colorado	23,972	32,437	35,005
Connecticut	31,060	42,018	45,543
Delaware	9,079	12,289	13,269
District of Columbia	8,094	10,950	11,865
Florida	98,866	133,774	144,775
Georgia	72,971	98,720	106,972
Hawaii	10,580	14,312	15,525
Idaho	15,797	21,359	23,146
Illinois	69,077	93,428	101,422
Indiana	48,609	65,756	71,291
Iowa	24,576	33,244	36,048
Kansas	23,951	32,399	35,139
Kentucky	36,905	49,925	54,114
Louisiana	32,778	44,332	48,127
Maine	10,896	14,739	15,782
Maryland	33,696	45,585	49,396
Massachusetts	38,389	51,919	55,894
Michigan	67,305	91,044	98,737
Minnesota	30,608	41,395	44,962
Mississippi	25,698	34,763	37,696
Missouri	50,947	68,911	74,579
Montana	20,374	27,577	29,776
Nebraska	15,929	21,557	23,296
Nevada	14,846	20,089	21,736
New Hampshire	10,601	14,335	15,483
New Jersey	55,014	74,409	80,765
New Mexico	20,219	27,353	29,641
New York	105,420	142,576	154,827
North Carolina	57,943	78,390	84,939
North Dakota	13,438	18,187	19,651
Ohio	71,674	96,952	105,159
Oklahoma	31,735	42,934	46,417
Oregon	25,248	34,140	36,537
Pennsylvania	102,976	139,222	149,607
Rhode Island	12,276	16,612	17,868
South Carolina	34,553	46,751	50,215
South Dakota	14,918	20,176	21,440
Tennessee	47,385	64,099	69,511
Texas	156,693	212,010	229,231
Utah	16,581	22,429	24,333
Vermont	9,372	12,682	13,715
Virginia	53,715	72,671	78,633
Washington	36,508	49,378	53,607
West Virginia	23,057	31,172	33,944
Wisconsin	40,737	55,111	59,726
Wyoming	14,316	19,373	20,846
Total	2,089,193	2,826,115	3,058,000

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)

States	Obligation limitation [1]	RABA	Total
Alabama	$478,393,294	$60,783,866	$539,177,160
Alaska	273,338,905	35,732,730	309,071,635
Arizona	386,599,345	49,704,732	436,304,077
Arkansas	312,654,965	39,628,622	352,283,587
California	2,211,981,611	281,962,890	2,493,944,501
Colorado	275,490,135	35,004,926	310,495,061
Connecticut	353,217,355	45,542,794	398,760,149
Delaware	103,731,809	3,268,662	117,000,471
District of Columbia	93,741,325	11,865,040	105,606,365
Florida	1,121,666,241	144,774,894	1,266,441,135
Georgia	832,178,590	106,971,898	939,150,488
Hawaii	121,240,964	15,525,466	136,766,430
Idaho	181,168,531	23,146,002	204,314,533
Illinois	795,299,213	101,421,628	896,720,841
Indiana	555,444,640	71,291,154	626,735,794
Iowa	283,379,331	36,047,704	319,427,035
Kansas	276,678,619	35,139,478	311,818,097
Kentucky	423,684,551	54,114,368	477,798,919
Louisiana	376,584,623	48,126,804	424,711,427
Maine	124,948,152	15,782,338	140,730,490
Maryland	386,612,173	49,395,874	436,008,047
Massachusetts	440,827,553	55,894,124	496,721,667
Michigan	770,487,758	98,736,704	869,224,462
Minnesota	352,733,729	44,961,774	397,695,503
Mississippi	295,425,345	37,695,966	333,121,311
Missouri	585,613,867	74,578,504	660,192,371
Montana	230,749,423	29,775,746	260,525,169
Nebraska	183,090,968	23,295,844	206,386,812
Nevada	169,145,618	21,736,264	190,881,882
New Hampshire	121,821,196	15,482,654	137,303,850
New Jersey	632,567,758	80,764,838	713,332,596
New Mexico	231,198,136	29,641,194	260,839,330
New York	1,211,655,529	154,826,540	1,366,482,069
North Carolina	662,205,968	84,939,008	747,144,976
North Dakota	153,765,807	19,650,708	173,416,515
Ohio	823,947,807	105,158,504	929,106,311
Oklahoma	364,937,744	46,417,382	411,355,126
Oregon	291,813,790	36,536,984	328,350,774
Pennsylvania	1,190,371,427	149,606,534	1,339,977,961
Rhode Island	139,958,730	17,867,894	157,826,624
South Carolina	393,474,564	50,215,418	443,689,982
South Dakota	171,367,488	21,439,638	192,807,126
Tennessee	544,746,298	69,511,398	614,257,696
Texas	1,785,645,239	229,230,738	2,014,875,977
Utah	190,699,752	24,332,506	215,032,258
Vermont	107,423,888	13,715,130	121,139,018

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)—Continued

States	Obligation limitation [1]	RABA	Total
Virginia	615,042,972	78,633,412	693,676,384
Washington	421,802,708	53,606,740	475,409,448
West Virginia	267,976,665	33,943,800	301,920,465
Wisconsin	465,112,354	59,725,798	524,838,152
Wyoming	163,917,007	20,846,386	184,763,393
Subtotal	23,947,561,460	3,058,000,000	27,005,561,460
Allocation Program [2]	2,656,244,540		2,656,244,540
Total	26,603,806,000	3,058,000,000	29,661,806,000

[1] Includes Special Limitation (Minimum Guarantee, Appalachian Development Highway, High Priority Projects).

[2] Includes Territorial High Priority Projects.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair. Mr. President, first, Senator SHELBY, with whom I have worked a number of years on more than one committee, has established a working relationship that, frankly, I treasure as one of the best I have had since I have been in the Senate. We rarely agree on policy differences, but one thing we do agree on is that we have respect for one another. We listen and try to resolve our differences.

As everyone knows, the way we finally resolve differences is the majority says this is what we are going to do, I concur, and we go ahead and do it.

It has been a pleasure working with Senator SHELBY and members of the subcommittee over these past few years. This is my last Transportation appropriations bill. I look forward to reaching agreement among our colleagues and sending the bill to the House, resolving whatever differences there might be, and the President signing it into law while there is still time before we have an omnibus appropriations bill before us.

This is a decent bill. It was reported out of the Appropriations Committee yesterday by a unanimous vote. I thank Senator SHELBY for his leadership and skill in maneuvering around the number of obstacles that invariably come up and still not have people angry or unwilling to discuss their issues.

During yesterday's markup, a number of amendments were adopted that I believe improve our initial subcommittee product. I, therefore, rise in strong support of the bill and encourage my colleagues to support it as well. Everybody is not going to get what they want in the bill. Senator SHELBY does not even though he is the chairman. I am the ranking member and I do not get what I want, for sure. I would have permitted Senator SHELBY to be even more generous than he has been. That is his choice. He treated me and the members of the committee fairly.

Over the last 14 years, I do not believe I have ever managed this bill without expressing the importance of balancing how we address the Nation's transportation needs, and that is to look at all modes. We cannot be attentive to highways without being attentive to transit, by way of example. It is not enough to look out for the marine safety agenda and the Coast Guard; we also have to pay attention to the aviation safety needs of the FAA. We must recognize that while some States are wholly dependent on highways and rural aviation to meet their transportation needs, other States depend heavily on commuter rail and Amtrak to move their citizens. A balanced approach is what is needed, and I believe the bill before us embodies that balance.

This bill fully funds the growth in highway and transit funding we called for in TEA–21, the highway bill that was enacted a couple of years ago. The bill also fully funds the request for Amtrak's core capital grant. While the funding levels for certain accounts in the FAA and Coast Guard might appear to be austere, a more indepth review of the bill before us and prior actions by the Senate sheds some further light on this situation.

Specifically, the bill before us would cut the Coast Guard by $257 million. However, it is important to note that only a few weeks ago the Senate passed a supplemental appropriation of over $800 million for the Coast Guard, and all of that supplemental funding will be available on a multiyear basis.

That is one of the anomalies: We give an agency such as the Coast Guard ever more responsibilities, whether it is just doing the navigation assists, the buoys, and the charts, or whether it is stopping illegal immigration, or whether it is pursuing drug transport by boat, or whether it is managing the licensing of vessels that ply our waters making sure they stay up to date and do not violate the standards that are required for ships entering our waters. They are now putting .50-caliber guns, and some larger, on helicopters in the Coast Guard to intercept or interrupt the drug flow that is devastating our country.

Whatever you need, the Coast Guard is always there. We are always squeezing and squeezing, but this year we have figured out a way to take care of it. There is no one who does not respect the Coast Guard for the job they do and looks to them when an emergency arises. Whether there is an oilspill or some other disaster that includes travel on the seas, the Coast Guard is there.

In the case of the FAA's operations account, it appears we reduced the administration's request by more than $240 million. It is important to note that within the appropriations for the FAA's facilities and equipment account, the bill includes $64 million for operating expenses. That shortage we talked about, again, was the operations account.

Moreover, as a result of an amendment I offered during the full committee markup, there is now an additional $120 million available for operating expenses from the $3.2 billion appropriations for airport grants.

I want to clarify what I am discussing. I am talking about putting in over $3 billion in airport grants, airport improvements, be it terminals or access routes in and out. There are all kinds of things for which the airports can use these funds so they can handle the expanding need for passengers who want to take airplanes. I support it 100 percent. We cannot continue to expand a facility without having enough of a crew—I will use the term—to manage it. One would never dream of taking a ship that needs a 1,000-person crew and saying: OK, we are going to put in new electronics, but we are going to cut down on the size of the crew. We would never understand it nor agree to it.

The changes we have made enable this bill to provide a $634 million, or 11-percent, increase for FAA operations. Nobody wants to be up in the sky with too few controllers guiding the traffic as they do.

I fly a lot in the second seat in airplanes. That is the way I prefer to travel. I know when the controllers are stressed or when the flight service stations are not giving the data needed or when it delays departures or takeoffs. We want to ensure safety, above all. When we put our families in an airplane, whether it is a flight from New York to Washington or whether it is a cross-country flight, we want to know they are traveling in as safe a condition as possible. Our aviation system is safe. I point that out.

But when it is not operating as it should, it comes out in delays. It is akin to borrowing to pay your bills. The longer it takes to get a flight started, the worse things become later on. We know that whether it is a flight from New York to Washington, to use that example, or if it is a flight from Denver to Los Angeles; what happens on that leg from New York to Washington affects what happens on the leg from Denver to L.A. That is the nature of the system. It is a huge system. It is all interconnected. We have to have enough people in the key spots to take care of things.

There are several other items of importance in this bill that I think bear mentioning at this time.

I thank my subcommittee chairman, Senator SHELBY, for including provisions in the bill to implement a national drunk driving standard of .08 blood alcohol content. This provision passed the Senate in 1998 by an overwhelming margin. However, the House never had an opportunity to vote on the measure.

The administration still strongly supports implementation of .08 as the national standard for blood alcohol content. It has been said by several institutions that have studied this problem that by reducing the standard across the country from .10—that is parts per million of alcohol to blood—we could save 500 to 700 lives a year. It does not sound like much in the abstract—500 to 700 lives a year—but if it is a child in your household or a family member in your neighborhood or a friend, the effects are devastating.

I remember one time I had a discussion with the occupant of the Chair about a friend of his son's who was badly injured in an automobile accident. The pain that permeates a community is unmatched. Thank goodness we are focused on what happens with our children. Whenever we have a chance to do something to protect them, we do it—protecting any member of a family.

So when we ask now for .08 to be the standard, we are saying to 500 to 700 families, who will never know they have been protected from disaster, that it was because we demanded a better standard for automobile safety.

This provision works in the same way as the minimum drinking age law which I authored back in 1984, signed into law by President Reagan, and assisted by Secretary Elizabeth Dole at the time. To this point in time, it is estimated that the minimum drinking age law saves over 1,000 lives a year. Over 15,000 families have been spared mourning over the loss of a child because this applies almost exclusively to very young people.

The .08 provision holds the promise of saving the lines of an additional 500 persons every year. So I thank Senator SHELBY again for including this provision in the bill.

The Members should be aware there is a separate provision in this bill that prohibits the administration from implementing its newly proposed ''hours of service'' regulations pertaining to truck and bus drivers. Many interested groups have voiced strong opposition to the administration's proposed rule. I personally oppose certain aspects of it, as well. However, I have concerns with the remedy that is proposed in the bill.

The administration has already shown renewed willingness to reconsider aspects of this rule by extending the comment period on their proposal by 90 days. So it gives those who have views about what this bill should look like or the conditions it should carry an extra 90 days to present those views, and then perhaps we will take the subject up again. I note that this prohibition is not included on the House side, so it is something that may come up in the conference.

I hope that before we go to conference, all concerned Members can discuss this issue in the time that is available with Secretary Slater, to discuss this issue and advance the cause of safety on our highways.

Finally, I thank all the members of the Transportation Subcommittee for their friendship and assistance throughout the process. I am not talking exclusively about the Democrats. We worked with Republicans. Sometimes there are disagreements in policy that can't be bridged, but we talk about it, and we try to iron out the problems and see if we can accommodate, by consensus, the bill. We have again delivered a unanimously supported bill to the floor.

I especially thank Senator SHELBY again. His leadership of the subcommittee has been excellent. He has always kept me, the minority ranking member, informed of his plans for the subcommittee. He has been evenhanded in his approach to addressing Members' funding priorities. We have developed a good friendship throughout this process.

I want to say, while the chairman of the full Appropriations Committee is here, that I thank him, as well, for his willingness to listen. Too much listening often kills the time that a chairman can get his bill through, but Senator STEVENS held his patience, his temper, and he permitted us to air our views, and we got the bill done in very good form.

I also extend my thanks to Senator ROBERT C. BYRD, who is the ranking member on the Appropriations Committee. I have worked with him since my first day in the Senate. He is a brilliant, patient man and has been a leader for me, a mentor for me. Even with all this white hair, we still can have mentors and enjoy a relationship. We can still learn. I have found that out. My kids teach me that every day. But the relationship between Senator STEVENS and Senator BYRD is excellent, as we have always seen in this Appropriations Committee.

I also give a special thanks to my team, to Peter Rogoff, who so skillfully manages the staff on our side, Denise Matthews, Laurie Saroff, and Mitch Warren on the Democratic side. And to Wally Burnett; he always knows what side of the aisle he works for and makes sure he is diligent about it, but he makes certain that our messages get through and that they do have a hearing before the bill gets put to bed. I appreciate Wally's leadership, and Joyce Rose and Paul Doerrer, as well.

With that, if there are any amendments Members want to bring to the floor, they ought to do that. This bill was moved expeditiously, carefully through the process. It is here. So we can eliminate much of the griping and complaining about having bills linger on forever and winding up—in the final analysis, before the October 1 fiscal year starts, the new year—in an omnibus bill, where a bunch of things are crashed together, without having a good, comfortable feeling about what is in the bill: How does it affect my State? How does it affect the country? If you get it the last minute, you do not have a chance to review those things.

Here we have a bill that has been carefully engineered and is ready to go. We would like to get it done. If I asked the chairman of the Appropriations Committee when he would like to get it done, he would say certainly this afternoon. But we will be taking amendments. That is the process. Hopefully, we can get it over to the conference committee and maybe have this bill signed into law by the time the next break comes at the end of June.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, the pending bill is on Transportation appropriations. I wish to comment not only on the content of the bill but on the managers of the bill.

I am sorry they are not here, though I note the chairman of the full committee is.

I thank the chairman, Senator SHELBY of Alabama, for the courtesies and cordiality he extended to me as he worked on the physical infrastructure needs of Maryland. I am continually grateful for his cooperation.

I also want to say something about a very dear friend, and pay my respects to someone I have worked with up and down the Northeast corridor, on the highways and byways of Baltimore, of Maryland, and our country. That is, of course, the very distinguished Senator from New Jersey, Mr. LAUTENBERG.

When I came to the Senate in 1986 and was sworn in in 1987, I was the very first Democratic woman ever elected to the Senate in her own right. At the time of my arrival, there was only one other woman in the Senate, the very wonderful Senator from Kansas, Ms. Nancy Kassebaum.

When I gave speeches out in the community, they would say: Senator MIKULSKI, what is it like to be the only Democratic woman Senator? I would say that although I was all by myself, I was never alone because there were wonderful men in the Senate who helped me get started, who showed me how to be effective, and how to be a very good Senator. Of course, I had a great senior Senator, Mr. PAUL SARBANES. I had the help of the then-chairman of the full committee, Senator BOB BYRD, and others, such as Senator KENNEDY and Senator DODD.

But also right there in appropriations was someone who I counted on and looked up to, and who was really a help, my very good friend, Senator LAUTENBERG. That is why I was never by myself because I could turn to Senator LAUTENBERG.

What a way he had on appropriations—bringing his businessman's savvy and yet his total compassion for people. He brought to the Appropriations Committee a need to see how we could be compassionate about people today and yet look at the long-range needs of our country.

That is what he brought to the Transportation Subcommittee.

While we were working on how to build America and its physical infrastructure, Senator LAUTENBERG looked beyond bricks and mortar. He was looking at people.

It was under his leadership that he brought to our attention the issue related to terrorism and how we could protect our people, whether it was on the high seas or at airports.

He was the one who talked about the impact of smoking and what it meant to both airline passengers as well as those who worked on the airlines.

Most recently, he has also talked about the issue of the impact of high blood alcohol levels on the whole issue of drunk driving.

Senator LAUTENBERG brought public health and a public safety agenda to the Transportation Subcommittee. It has served the Nation well because we not only built communities but we have been able to save lives because of what I call ''the Lautenberg approach,'' which is putting people along with bricks and mortar. We are building communities and saving lives.

I hope long after the distinguished Senator no longer officially serves the people of New Jersey that ''the Lautenberg approach'' can be an approach that the Senate continues always thinking about people—putting people first, looking at every opportunity to enhance the public safety and the public health of the people of this country and the people who visit this country.

Again, although I was all by myself, I was never alone. The American people owe Senator LAUTENBERG a great debt of gratitude. People are alive because of him today. I owe him a debt that I can never repay, except to follow the Lautenberg method.

Senator LAUTENBERG will always be with me in every day as long as I continue to be a Senator and a public servant.

Mr. President, I thank the Senators for their kind attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my pal from Maryland. We have been good friends. Senator MIKULSKI said something that got my attention. She said she has looked up to me. We have differences in height in a lot of places, but no one has ever looked down to Senator MIKULSKI. She is a giant. What a welcome addition she was when she first graced the Democratic Party with her presence, followed by nine others.

What a difference women have made in this body—not just cleaning up the language, which helped, but also in making sure that we understood there was a far different point of view on many issues. As Senator MIKULSKI so clearly said and has always said, she listened. We can steal a couple of things from commercials to say that when Senator BARBARA MIKULSKI speaks, people listen. The Members here listen.

We share a common background in many ways. We both have Polish roots. Second, we both have what I call an ordinary person's background; she in the bakery, and me in the newspaper store with our families trying to eke out a living each and every day.

One of the things that I thought we ought to do here, although probably would not get enough votes to carry, is every Senator ought to spend a week in poverty living with a family in either an urban our rural environment to kind of get a feeling for what it is to worry about putting food on the table, about putting decent clothing on a child's back, not stylish things but decent clothing, a roof over their heads, a grandparent or a parent aging and needing help. What a difference.

Senator MIKULSKI brought that background, as I hope I did to our function here. That is why we have a special kinship because we care about the people we serve.

One of the happiest moments I have had since I have been in the Senate was the other day. I went to visit a school for the blind in New Jersey, the only one that operates in New Jersey. It is run by the Sisters of Joseph of Peace. With help from colleagues on the Appropriations Committee and throughout the Senate, I was able to get some funding so they could build a relatively modest facility. They named a room after me in an ''Independent Life Section'' where they try to educate people on how to live by themselves, though visually impaired and sometimes in total blindness. How do you get by?

I came in and there was a little child. I have a weakness for little kids because my oldest grandchild is 6. I have seven, six following him, and No. 8 is going to be on the way before No. 1 turns 7. They are a beautiful litter of puppy dogs. They are so cute I can only smile when I think about them.

This little child was 7. She was smaller in stature because her mother was an alcoholic, and she has fetal alcohol syndrome, which reduces size, in effect, and physical and mental health. This child was as bright as any child I have ever met. I picked her up, she said: What's your name?

I said: Frank.

She said: OK, Frank.

She rubbed her hands through my hair. She said: It feels sticky. I said: Yes, I put stuff on my hair. She asked: What kind of stuff? I wasn't doing advertising so I didn't give her the name.

Her vision is impaired with similar to a mesh screen in front of her eyes. The only way she can focus her vision is turning her head. Her vision is like Swiss cheese; she had to constantly turn her head to catch the channel through which she could see.

She was so bright. We wound up with a picture of her and me in the paper, me laughing, with her hands running through my hair.

If there is ever a doubt about the work we do here, about what it is we debate so harshly at times, the things we legislate, the laws we write, about the ultimate test of whether or not we have done the right thing, how does it affect people? What is the impact on a family? What is the impact on a child?

What is the impact of a loss due to a drunk driver in a family? What is the loss when a child 6 years old takes a gun and kills another 6-year-old? What is the impact? It is not only that family; it is the entire community, the entire school. What affect did Columbine have? Was it only the kids who were shot at, the kids who were pleading for help from the police? The kids who were running away in fear? No, it was the entire character of our country.

We have to think about those things and their impact. Are these a question of States rights, of rights other than the rights to bring up a child in safety? What is the most important right?

What was the Million Mom March about? The million moms marched because they were so hurt, so anguished that no one was listening sufficiently to say, OK, sensible gun control. We weren't taking away everybody's gun. If people want to hunt, they have a right to hunt. People need them for law enforcement jobs. Or if someone really thinks they need it for protection, let them get a license and be identified. A million moms were down here to say: Please help us.

That is the measure. That is what I have always found from Senator MIKULSKI, who manages this very important bill, VA-HUD, that takes care of veterans, housing, the National Science Foundation, and NASA. She does a remarkable job and we keep squeezing.

My relationship with Senator MIKULSKI, my relationship with other dear friends in the Senate is what I will miss terribly. This has been one great experience. My desk is a couple rows back. If only my father or my mother could have seen what happens when I open the top of my desk. It says: Harry Truman, Missouri. He sat where I sit now. My parents came here from Ellis Island with not a dime. They didn't understand the language. My parents were brought here as little kids. They wanted to be in America; they wanted to talk English; they wanted to be part of the society. And they worked at it.

We are in this illustrious place. As Senator BYRD will state, about 1,800 Members have served in the Senate since the founding of this country. And here we are, two good friends, sharing the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GORTON. Mr. President, each and every one of my colleagues has received a letter signed by this Senator and by Senators BRYAN and FEINSTEIN on the subject of CAFE standards—that is to say, the Corporate Average Fuel Economy standards—relating to gas mileage of automobiles.

In that Dear Colleague letter, we indicated there would be a sense-of-the-Senate resolution on that subject that would come before the Senate during the course of the debate on this Transportation appropriations bill. The reason we had adopted that course of action, identical to the course of action we took last year, is that the Senate bill itself has no reference, one way or another, to automobile and small truck fuel economy. The House bill, however—as it has for at least 10 consecutive years—prohibits the use of any funds appropriated in this bill for even the study of increasing the mandated fuel economy of automobiles and small trucks in the United States.

As a consequence, it seemed to us the only way we could get at this subject, and perhaps reverse that very head-in-the-sand policy that has plagued us for so long, was somehow or another to express the views of the Senate on the subject.

A year ago, 40 Senators voted with us, if my memory serves me correctly; 57 voted against us.

This year, however, the situation on appropriations bills has changed. It has changed effectively by the readoption of rule XVI and the extension of rule XVI, not only to substantive amendments but to sense-of-the-Senate amendments as well. As a consequence, we now need to notify our colleagues we will deal with this question in a different fashion.

The proponents of better fuel economy standards have not yet met formally to discuss our various alternatives, but in my view they are basically two in nature. Technically, what is before us at this point is the House bill, including the prohibition against spending any money on Corporate Average Fuel Economy standards, with an amendment that strikes everything after the enacting clause and substitutes the Senate-reported bill for the House bill.

So at this point, an amendment is in order to strike that funding prohibition in the House bill, which will give us a direct vote on the issue, though that House provision, together with every other House provision, will eventually be stricken in any event by the adoption of the Senate amendment.

Our other option is to wait until the end of the debate, wait until final passage of the Transportation appropriations bill, and make a motion to instruct the Senate conferees to uphold the Senate position, something the Senate conferees have notoriously failed to do during the course of the last decade.

I am inclined to favor that latter course of action, but the group has not yet made its decision. But we do wish all of our colleagues to know we are not going to be engaged in any procedural legerdemain by any stretch of the imagination. We will be debating this issue. We regard the issue as vitally important.

Perhaps most significantly, I should like to say the ground of the debate may be somewhat different from the debate a year ago, for several reasons—at least three in number. The first of those reasons is we were still living as a country in a fool's paradise a year ago, a fool's paradise of abnormally low retail prices for gasoline. During the course of the last 12 months, of course, we have been subjected to a huge runup in gasoline prices motivated almost entirely by the reanimation of OPEC and its throttling back on petroleum production among its various members.

This left us earlier this year with what I considered to be the humiliating spectacle of a Secretary of Energy traveling from one OPEC country to another, hat in hand, asking those OPEC countries: Please, please, please, resume higher production of your product and, thus, lower those product prices.

The point was that we had no bargaining ability as the United States of America whatsoever to accomplish that goal, and while there was a brief respite, though nothing like a return to the original status quo in gasoline prices, we now know they are, once again, very much on the rise: increases of 30 to 50 cents a gallon in many places in the Midwest that have special air pollution requirements, the highest prices reported yesterday in the Washington Post, perhaps forever.

We can look forward with apprehension but with a real expectation of regular gasoline prices hitting $2 a gallon in the relatively near future. I cannot possibly emphasize enough the fact that this is a pricing structure that is simply beyond our control because we have allowed ourselves to become so dependent on foreign oil. The largest single percentage of our trade deficit, which is itself alarmingly high, is due to the importation of foreign oil. We have three possible answers to that question: We must either increase domestic production, encourage to an even greater extent than we do the use of alternative fuels, or to use the fuels we have more efficiently and more effectively. The latter not only has a very positive impact on the cost of gasoline to every consumer in the United States but also will, in a very significant fashion, help clean up our air. We will bring this subject up once again.

Second is the proposition that last year we were told—I am not sure entirely accurately—the law under which fuel economy was mandated did not allow the Department of Transportation to consider the safety of vehicles that would be designed to meet these standards.

It is our explicit intention this year, whatever the validity of that argument, to allow the Department of Transportation, in fixing new corporate average fuel economy standards, to consider factors of safety. That was a major argument a quarter of a century ago against the original CAFE standards. We were told everyone would be driving a subcompact and death rates would go up markedly. We

are not driving subcompacts. Our highways are far safer than they were 25 years ago, and will be, again, I am convinced, if we once again significantly increase our mandated fuel economy. In any event, we are explicitly allowing that consideration.

Third, whether one is on this side of the political aisle or the other side of the political aisle, it is obvious this process will not be completed during the course of this administration. It will be another administration, whether a Democratic or a Republican administration, that will make that final decision, and the final decision will, for all practical purposes, be subject to the same kind of prohibition that has prevented the study of corporate average fuel economy for the last two and a half decades.

This is a vitally important matter. I commend Chairman SHELBY and Chairman STEVENS, once again, for not including any such prohibition in the Senate bill. This time we want the prohibition stricken from the final package, as well as not being included in the Senate bill itself. It seems to me to be paradoxical and foolish that the United States of America should consistently say, in spite of our magnificent technologies, in spite of the huge advances in technologies in the last couple of decades, that this is a subject we will not even study. And that, in effect, is what the present law requires of us.

It makes Luddites of us. It says we are afraid of such a study. It is perfectly acceptable to increase our dependence on petroleum products each and every year; that in spite of the technology, we are going to be as ostriches with our heads in the sand and not go forward at all.

I believe that to be an indefensible position, but as I say, this is just simply both the invitation to join us in this cause and a statement that there will be a vote on this issue. Whether in the form of an amendment to the House bill or in the form of instructions to the conferees is not yet certain.

There will be plenty of additional time to debate this issue, and debate it we will and vote on it we will. I am confident of a greater number of votes this year, for the reasons I have already outlined, than was the case last year. I hope my colleagues will join me in saying the United States will, once again, lead not only in abstract technology but in applied technology, and begin at least not only to clean up our air but to reduce our dependence on foreign oil, and save money for our constituents every single day of their lives in which they drive automobiles and trucks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3427 TO AMENDMENT NO. 3426

(Purpose: To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself and Mr. ASHCROFT, proposes an amendment numbered 3427 to amendment No. 3426.

Mr. DORGAN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) SHORT TITLE.—This section may be cited as the ''Interstate Transportation of Dangerous Criminals Act of 1999'' or ''Jeanna's Act''.

(b) FINDINGS.—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) DRUG TRAFFICKING CRIME.—The term ''drug trafficking crime'' has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) PRIVATE PRISONER TRANSPORT COMPANY.—The term ''private prisoner transport company'' means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) VIOLENT PRISONER.—The term ''violent prisoner'' means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) STANDARDS AND REQUIREMENTS.—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) FEDERAL STANDARDS.—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) ENFORCEMENT.—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

Mr. DORGAN. Mr. President, it is my intention, just for purposes of understanding, to speak on this amendment for a few minutes. I understand that some will raise rule XVI on this issue. This is an important issue, and I want to have the opportunity, in this context, to discuss this legislation.

This amendment is in the form of a bill that I have introduced with my colleagues, Senators ASHCROFT, GRAMS,

LEAHY, and others. A bipartisan group of Senators introduced a bill dealing with the interstate transportation of violent criminals around this country.

I want to describe why I think this is important. I have spoken about this on the floor several times in the past.

I show you a picture of a man named Kyle Bell. Kyle Bell is shown standing in this picture in shackles and handcuffs. He is a man who murdered an 11-year-old girl in Fargo, ND. But that was not all of his crime spree. He has committed other unspeakable acts, criminal acts. His criminal behavior culminated in the murder of a young girl named Jeanna North in Fargo, ND.

Kyle Bell was apprehended, sent to trial, and convicted of murder. When convicted of murder in the State of North Dakota, Kyle Bell was to go to the penitentiary to spend the rest of his life. But instead, Kyle Bell was put on a bus that was operated by a private company called TransCor. TransCor is a pretty good size company that hauls prisoners around America by contract. TransCor put Kyle Bell on a bus with about 12 other prisoners. He was being transported, under the Prisoner Exchange Program, to another prison in another State to be incarcerated.

They got to New Mexico. In fact, he was not going south, he was going straight west, over to the State of Oregon. But they got to New Mexico, and this Kyle Bell escaped.

The bus stopped for gas, apparently. One security guard from this private company was buying gas. Another two were asleep in the bus. And another was probably in buying a cheeseburger, as best we can tell. And so with both guards in the bus asleep—Kyle Bell apparently produced a key for his shackles and handcuffs, crawled out the roof of the bus, and while he was in civilian clothing being transferred in this bus, walked through the parking lot of a big shopping center, and they didn't see him again.

Kyle Bell, this child killer, was on the loose for several months. He has now been apprehended and he is back in prison. But I started evaluating what happened. It sounds as if the three stooges were given custody of a convicted child killer: two guards asleep, another guard buying a cheeseburger. What happened here? The more I look at it, the more I understand that there is something fundamentally wrong on our highways.

Do you know we have private companies taking possession of violent offenders, murderers, and others, to transport around the country, and there is not one regulation they must meet in order to hire themselves out as transport companies? You can be a retired county sheriff, and you and your brother-in-law and your wife can rent a minivan and say you are in business to haul prisoners, someone will turn a convicted murderer over to you, and away you go.

Interestingly enough, when they were transporting Kyle Bell, this child killer—he escaped in New Mexico—do you know how long it took them to understand he was gone, that he was not on the bus anymore? Nine hours later they finally counted their prisoners on the bus, to discover they had lost a child killer—9 hours later.

We have a circumstance in this country where when you pull up to the gas pumps next to a minivan or a small bus, you may not know it but you may be pulling up next to a minivan with four convicted murderers being transported by a retired police officer and his brother-in-law.

In fact, in Iowa, a man and his wife, hiring themselves out as a transport company, showed up at a prison to take possession of five convicted murderers and a convicted kidnapper. And the prison warden said: You've got to be kidding me. You and your wife have come to take possession of five convicted murderers and a convicted kidnapper? The Warden said: You've got to be kidding me. But the warden turned the prisoners over to this man and his wife. And, of course, they escaped. It is absurd for us to be turning violent criminals over to private companies that do not have to meet any basic or reasonable standards.

As I indicated, Kyle Bell is now back in prison.

We do not know what he did when he was on the loose. He was on the loose for some long while. They apprehended him in Texas, as a matter of fact.

Then, just a couple of weeks ago, I read in the newspaper that the State of Nevada was going to send a convicted murderer to North Dakota under the Prisoner Exchange Program, a man named James Prestridge. So Nevada was going to send a murderer to North Dakota. James Prestridge, along with an armed robber, escaped in California while being transported. The two of them were gone. Once again, we had apparently a kind of three-stooges approach by the people who were supposed to have been guarding these violent criminals.

They found the armed robber who escaped with Mr. Prestridge just south of the Mexican border with a bullet through his head, dead. They apprehended James Prestridge recently. He is now back in prison.

Here is a man who is serving a life sentence without parole for first-degree murder, and he is turned over to a private company and that private company loses him. Extraditions International is the name of that company.

My proposition is this. When we in our criminal justice system convict violent criminals, convict people of murder, convict Kyle Bell of killing Jeanna North, I do not want those prisoners turned over to a private company that is going to put them in a minivan and transport them across the country with guards who are ill-prepared and ill-trained and follow no procedures. I do not want that to happen.

The private companies, if they are going to transport criminals across State lines in this country, ought to have to meet basic standards.

The amendment I have introduced—again, a bipartisan amendment—says the Department of Justice should establish regulations that must be met by private companies that are going to haul violent offenders. The standards should be no more than the standards that exist for law enforcement when they transport the same criminals.

I should mention, incidentally, the U.S. Marshals Service has a service, for a flat fee, of taking these child killers and violent offenders anywhere in the country. In fact, I don't believe State and local governments ought to contract with private companies to transport violent criminals, as they now do.

The legislation I propose would require that a private company that is preparing to do this must meet basic safety standards with respect to training and other kinds of security circumstances that would give the American people some comfort that they are not in jeopardy by driving down the highway only to confront a minivan or a bus carrying 20 criminals coast to coast.

It might be useful to read into the RECORD other circumstances that persuade me there is something wrong in this area.

On January 22 of this year, three prisoners escaped while a van transporting them stopped at a minimart for a restroom break. While the two guards weren't looking, two inmates jumped into the front seat where the keys had been left in the ignition. How much judgment did that take? You are hauling criminals around the country. You stop at a gas station to go to the bathroom. You leave the keys in the vehicle. I am sorry; something is wrong. It is serious.

On July 24, last year, two men convicted of murder escaped from a van while being transported from Tennessee to Virginia. The two guards went into a fast food restaurant to get breakfast for the convicts. When they returned, they didn't notice the convicts had freed themselves from their leg irons, possibly with a smuggled key. While one guard went back into the restaurant, the other stood watch—there is some improvement; at least they are standing watch—but he forgot to lock the van door. The inmates kicked it open and fled.

On July 30, 1997, convicted rapist and kidnapper Dennis Glick escaped from a van while being transported from Salt Lake City to Pine Bluff, AR. While still in the van, Glick grabbed a gun from a guard who had fallen asleep, took seven prisoners, a guard, and a local rancher hostage and led 60 law enforcement officials on an all-night chase across Colorado. He was finally recaptured the next morning.

I won't read all of these, but there are plenty of them.

A husband-and-wife team of guards showed up at an Iowa State prison to transport six inmates, five of them

convicted murderers, from Iowa to New Mexico. When the Iowa prison warden saw there were only two guards to transport six dangerous inmates, he reportedly responded: ''You've got to be kidding me.'' Despite his concerns, the warden released the prisoners into the custody of the guards when told the transport company had a contract. Despite explicit instructions not to stop anywhere but the county jails or State prisons until they reached their destination, the guards decided to stop at a rest stop in Texas. Of course, the rest is predictable. The six inmates escaped, stole the van, led police on a high-speed chase, and so on.

My point is, I wasn't aware, and I will bet most Members of Congress are not aware, that State and local governments are routinely turning violent criminals over to the hands of private companies for transport across this country. Yet there is no basic standard, no set of regulations to guarantee the safekeeping of those violent offenders. I believe there ought to be. Republicans and Democrats who have joined us on this amendment believe there ought to be. That is the purpose of the amendment.

I understand this will probably be subject to rule XVI. I also understand the chairman of the subcommittee, Senator SHELBY, is trying to get this subcommittee markup moving. I sympathize with that. Senator LAUTENBERG wants the same thing. They want to get this through. I fully understand that. I hope the authorizing committee, where we hope to have a hearing on this legislation, will allow us to get that hearing and to advance this matter in another way, if in fact it is subject to rule XVI.

It is my belief, and I think the belief of almost everyone, that something needs to be done in this area to set some commonsense rules. My first choice would be, if you have a violent offender, a criminal who has been judged violent by his or her behavior, they ought never leave the embrace of a law enforcement official. The address of someone convicted of murder ought to be their prison cell until the end of their term, with no time off for good behavior. Convict them and put them in prison.

Instead, what is happening is, too often they are being convicted and then under prisoner exchanges turned over to a private company for transport, only to discover that it is not very secure with respect to this transport: Guards who are ill prepared, vehicles that are not sufficient, procedures that are nonexistent.

Lest one doubt that, when Kyle Bell escaped in New Mexico, a child killer walked off the bus, a vicious child killer walked off the bus. The guards in that bus didn't count heads to find out that 1 of their inmates had escaped for 9 full hours. They didn't miss a child killer for 9 hours. Does anybody think this might be an area ripe for some thoughtful regulations and some thoughtful restraint? I think it is. That is why I offer the amendment.

I thank the Senator for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on behalf of the manager of the bill, I make the point of order that the amendment violates rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2729 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise to discuss a matter that will be before the body tomorrow. That is a motion to instruct conferees on an issue we have debated last year and in previous years dealing with corporate average fuel economy, CAFE. That is an acronym that many Americans are not familiar with, but it is something that can have a profound and important impact on their lives. Perhaps a little background will be instructive.

In the early 1970s, our economy was sent into a convulsion as a result of our dependence on imported oil, primarily from the Middle East. The OPEC oil embargo, followed by the fall of the Shah of Iran later in the decade, sent fuel prices skyrocketing, plummeted the economy into a situation known as ''stagflation,'' and the effect was devastating.

Congress responded in 1974 with a piece of legislation designed to make the U.S. less dependent upon foreign oil and to provide for better fuel economy, thereby saving American consumers millions of dollars each year in fuel costs and improving the quality of the air and reducing our trade deficit.

In 1974, before these CAFE or fuel economies were established for the first time, the average fuel economy of all vehicles in America was 13.8 miles per gallon. As a result of those CAFE standards adopted in 1975, the current average is 28.1 miles per gallon. That is slightly more than twice the average economy in 1974. The effect of that has produced each and every day a savings of 3 million barrels of oil that would otherwise have been consumed.

That issue was not an easy issue for the Congress to deal with in 1974 because testimony before the congressional committees suggested if such standards were required, and they were set on an incremental basis to be expanded over the course of a decade, it was asserted that terrible things would happen in terms of consumer choice and size of the vehicle. In 1974, the Ford Motor Company testified this proposal for the fuel economy standards, which ultimately doubled fuel economy, would require a Ford product line consisting of either all sub-Pinto-sized vehicles—some may recall that was the smallest automobile that Ford made at the time—or some mix of vehicles ranging from a ''sub-subcompact'' to perhaps a Maverick. The clear thrust of the testimony is, if these fuel economy standards are imposed upon the industry, a full-sized four-door vehicle would be impossible to produce.

Let me skip for a moment to the present. Today, the largest automobile—I am not talking about a sport utility vehicle—that Ford makes has better fuel economy than the smallest produced in 1974. There is, indeed, a full range of vehicle choice available to American consumers.

Chrysler Motors also joined in with the Big Three and made this statement in 1974:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-sized sedans and station wagons. It would restrict the industry to producing subcompact-sized cars—or even smaller ones.

That was the testimony by Chrysler.

General Motors went on to say:

> This legislation would have the effect of placing restrictions on the availability of 5 and 6 passenger cars—regardless of consumer needs or intended use of vehicles.

Once this legislation was enacted, the automotive industry, with some of the best and brightest engineering minds anywhere in the world, went to work. Indeed, astonishing technological developments occurred and today Americans enjoy a full range of automobiles in terms of size and choice. We have been successful in saving 3 million barrels of oil each and every day, reducing to some extent our dependence on imported foreign fuel and alleviating, in part, the trade deficit.

Unfortunately, no new fuel requirements have been enacted since 1975. Once again, the auto industry is suggesting that if, indeed, new fuel economy standards are required, that customer choice, size of vehicle, and a whole host of safety concerns, will place the American public at risk.

I am not sure what it is. I happen to be an automobile buff. I am of the age that I can recall the excitement of the introduction each year of the new models, the changes and the configuration of lights, the chrome, the fins, all of the things that in my generation were pretty exciting stuff. And I love automobiles today.

So I come to the floor as a Member of this body not with any antipathy toward automobiles. I freely acknowledge both my dependence and my love of the American automobile. However, I must say there is something that

must be part of a corporate culture in the auto industry which has resisted over the years virtually any significant technological improvement dealing with fuel efficiency, safety, or air pollution.

For decades, the automobile industry resisted the introduction of airbags. It took my colleagues, Senator GORTON and I, a decade ago to get that language changed. Today, Americans have a choice in their safety. Many lives have been saved as a result of that. But the auto industry strenuously resisted that effort.

Indeed, when catalytic converter technology came online, even though the engineers acknowledged its significance, there was great resistance to requiring the introduction of catalytic converters. Our air is cleaner, our tailpipe emissions substantially less. Some of the major cities of America that still struggle with pollution now have perhaps twice as many vehicles on the road, but their air is cleaner than it would have been but for these technological advancements.

There must be something in the corporate culture of the automobile industry that resists this technology. These are remarkably able and talented engineers, the best and brightest. I wish they had more confidence in themselves.

We are placed in an anomalous situation wherein none of the technology that has been available for the past quarter of a century, 25 years, that might have enabled us to move forward and to improve fuel economy, to reduce our dependence on imported oil, has been used to help improve quality.

Since 1975, a rider has been added in the other body to this appropriations bill that prevents the Department of Transportation from even considering, even looking at any technological changes. In effect, it is a provision that requires us all to be deaf, dumb, and blind to any technology that has been developed in the last quarter century. I need not remind my colleagues and the American public that the last 25 years has been the most remarkable quarter of a century since human history was recorded in terms of technological advances; 25 years ago all but a handful of people would have been totally mystified if the term ''Internet'' was used. E-commerce was not a part of our conversation. Nobody discussed e-mail or m-commerce. Indeed, most Americans had never heard of cellular telephones. I just cite but two of the more obvious and more dramatic technological changes that have had a profound impact upon our economy.

Here are the facts that we confront today. Unfortunately, once again in America we are becoming increasingly dependent on foreign oil. Mr. President, 54 percent of the oil consumed in America is imported.

That leaves us vulnerable to the vicissitudes of foreign policy considerations, instabilities, and political crises in the other parts of the world. Our thirst for fuel continues. Now, even more timely, we are seeing the price of gasoline rise to record levels. Earlier in the year it achieved a high point, then dropped down, and now, with the onset of the heavy driving season in the summer, we are seeing those prices increase. So Americans are beginning to get hit in the pocketbook. About 40 percent of all the oil we consume in America is consumed by automobiles and light trucks or the sport utility vehicles.

So we have an opportunity to consider a number of public policy issues. No. 1, is it possible to achieve improved fuel economy, still leaving us a range of choice in selection of our vehicles? Would anyone argue that would be a bad result if it could be achieved? Fuel costs are responsible for roughly a third of the enormous trade deficit we generate each year in this country, the one economic indicator—in a field which otherwise has nothing but bright horizons in front of us—that is troubling to us economically. We cannot long sustain those kinds of trade imbalances, not for an indefinite period of time.

So we have the opportunity, by a policy initiative, to perhaps reduce at least the one-third of that trade deficit that is attributed to the foreign oil we import each year. Would anyone argue it would be a bad policy for us to be less dependent and, therefore, to reduce our trade deficit to an extent by improving fuel economy? I think not.

I believe this past winter was the warmest on record in the Northeast. There is no question dramatic changes are occurring to our climate. Not everyone will agree those are attributable to global warming, but I think there is a growing consensus in the scientific sector that global warming is for real, that there is an impact that is occurring. One of the elements that contributes to that global warming is carbon dioxide emissions. With improved fuel economy, we reduce those emissions.

So there are three public policy initiatives that could all benefit if we could improve fuel economy. We would reduce the amount of fuel we consume in the automotive sector; we could reduce our trade imbalance; we could improve the quality of air; and as Americans are increasingly concerned about the price of filling up at the gas station, we could save Americans millions and millions of dollars each year.

Notwithstanding all those positive public policy potentials, we are left with a situation that the legislation before us will preclude the Department of Transportation from even looking at the possibility that an increase could occur. So the purpose of the motion to strike, which Senator GORTON and Senator FEINSTEIN and I and others will be offering tomorrow, is not to set a standard at a precise or numerical number—that was done in 1975—but simply permitting the Department of Transportation to examine the technology that has been developed in the last 25 years.

I believe it is almost impossible to argue that in a quarter of a century there is not new technology that could be applied to automobile efficiency that would not enable us to improve fuel economy. To resist that argument is akin to saying, as some did in the early part of the 19th century, we ought to lock up the U.S. Patent Office and close it down because everything that can be invented has already been invented; there are no new inventions. That is utter folly. We know the technology of the last 25 years has been remarkable, extensive, and pervasive in its impact.

So our plea tomorrow as we go to the floor will be: Unmuzzle, unshackle, allow us to remove the blindfold and look at the technology in a way we can improve fuel economy, in a way that will produce real benefits for consumers, reducing the amount they have to pay, helping clean up the environment, reducing the trade deficit, and reducing our dependence on foreign oil.

These are public policy issues that we ought to be able to examine without the restrictive riders that have been added each year since 1995. I look forward, as part of a bipartisan effort, to continuing this discussion and argument tomorrow as we further process this legislation. My purpose today is simply to alert my colleagues that this debate will occur sometime tomorrow and ask them—indeed, plead with them—to simply allow us to look at the technology.

We are not mandating anything. We are not setting any standards. We are not making any policy judgments or pronouncements other than let's take a look at what the technology of the last quarter of a century might make possible and see if we cannot get better fuel economy, particularly on the sport utility vehicles and light trucks that today make up such a substantial part of the product mix that Americans are purchasing for their personal transportation.

I yield the floor.

I do not believe any of my colleagues seek recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending Transportation bill and subject to relevant second-degree amendments only.

They include:

Three amendments by Senator MCCAIN: One on Big Dig, one on airport revenue, and one relevant;

One amendment by Senator GORTON on CAFE;

One amendment by Senator ALLARD on debt repayment;

Two amendments by Senator COCHRAN: One technical amendment and one relevant;

One amendment by Senator COLLINS on SOS on high gas prices;

One relevant amendment by Senator WARNER;

One amendment by Senator VOINOVICH on passenger rail flexibility;

The managers' package by Senator SHELBY, and two relevant amendments;

One amendment by Senator NICKLES on BAC;

One relevant amendment by Senator GRAMM;

One amendment by Senator DOMENICI on rural air service;

One amendment by Senator BAUCUS on the Beartooth Highway;

Two relevant amendments by Senator BYRD;

One amendment by Senator BOXER on proposed rule on trucking;

One relevant amendment by Senator CONRAD;

Two relevant amendments by Senator DASCHLE;

One relevant amendment by Senator FEINGOLD;

One amendment by Senator FEINSTEIN on farm worker safety;

One sense-of-the-Senate amendment by Senator KOHL on Coast Guard funding;

Two relevant amendments by Senator LAUTENBERG;

Two amendments by Senator LEAHY: One on nonpublic personal disclosure, and one which is relevant;

Three relevant amendments by Senator LEVIN;

Two relevant amendments by Senator REED;

Two amendments by Senator ROBB: One on the Bristol Rail, and one on the Coal Fields Expressway;

Two relevant amendments by Senator TORRICELLI;

One relevant amendment by Senator WELLSTONE;

And, two relevant amendments by Senator WYDEN.

Mr. President, Senator DOMENICI wants to be added as one amendment to that list. It is described as rural air services.

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

Mr. STEVENS. Mr. President, I hope in the morning or early afternoon we can obtain consent on a time for these amendments to be filed so we can determine what we can work out, what we can accept, and what will have to be debated and voted on.

I also am anxious to deal with the problem of adoption of the basic bill that has come to the Senate from the Appropriations Committee. I would like to also have that resolved tomorrow early in the afternoon, if possible.

I am constrained to say as chairman of the committee that this year is passing very quickly. We are now well into June. We have to have all of these bills finished by July before we go to the recess and the conventions during the August recess.

I urge Members to help us define the amendments that they wish to offer and enter into time agreements once we are certain they are going to offer them.

I thank the managers of the bill. I thank my friend, the chairman of the committee, and the ranking member for what they are doing. I am hopeful we can move this bill along. We have other bills that will be ready to go as soon as this one is finished.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I salute the fact that the appropriations chairman is anxious to get this finished. The subcommittee chairman and I are also anxious.

But the one thing that concerns me—and I am not going to object to the request that was made—is this: Normally, there is a time lapse for filing the report during which there is time to review the report. Suddenly, we are at a pell-mell pace. I want to get it finished.

I think it is fair to Senator SHELBY, myself, and the Appropriations Committee chairman to make sure this doesn't trample on anybody's rights so that Senators have the opportunity to review. We are picking up the pace considerably. Thus far, we have had three bills: MILCON, legislative, and Defense. So we are not in the back of the pack by a long shot.

This is a bill in which lots of people have an interest. I want to ensure that our people have a chance to look at the report which was filed today. It won't even be seen until tomorrow. We may have to stretch our tolerance level a little bit to give folks a chance. I don't want to drag my feet. Certainly, the Senator from Alabama knows that. I want to be cooperative, and I want people to respond.

It is always a frustrating experience when we bring a bill to the floor when time goes by and people who want to offer amendments don't bring them down.

I hope someday there will be reform—it won't be during my tenure—that says if you have amendments, you have to bring them up but that you have every right to examine the documents that relate to a bill before you are crowded out in a stampede. I offer that as a suggestion.

Mr. SHELBY. Mr. President, is the unanimous consent request made by Senator STEVENS, the chairman of the full Committee on Appropriations, before the Senate right now?

The PRESIDING OFFICER. That has already been agreed to.

Mr. SHELBY. What is the pending business at the moment?

The PRESIDING OFFICER. The substitute amendment is the pending business.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3428 TO AMENDMENT NO. 3426

(Purpose: To modify a highway project in the State of Iowa)

Mr. SHELBY. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. HARKIN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3428.

Mr. SHELBY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent a vote occur in relation to the pending amendment at 5:40 p.m. and no second-degree amendments be in order prior to the vote.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LAUTENBERG. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3428. The question is on agreeing to amendment No. 3428. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Domenici	Moynihan	Rockefeller

The amendment (No. 3428) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3426

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending amendment be agreed to, which is the committee substitute for the House bill, and the amendment be treated as original text for purposes of further amendment, and that no points of order be waived.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The amendment (No. 3426) was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate resumes the Transportation bill at 9:45 a.m. in the morning, Senator VOINOVICH be recognized to offer his amendment regarding passenger rail flexibility.

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

Mr. SHELBY. Mr. President, in light of this agreement, on behalf of the leader, I announce that there will be no further rollcall votes tonight.

It is the hope of the managers—Senator LAUTENBERG and I—that this bill will be passed by 1 p.m. on Thursday, tomorrow. All Members have a lot in this Transportation appropriations bill. I hope all Members who have amendments will come forward. A lot of Members are already coming. We are working them out. If we work together, I think we can work this out tomorrow.

Mr. STEVENS. Mr. President, I thought there was supposed to be a time agreement for a vote on the amendment of Senator VOINOVICH. Was that not in the agreement?

Mr. SHELBY. It is not.

Mr. STEVENS. I hope early in the morning we can get an agreement for a specific time so we can move this bill forward. The other body is working on the Health and Human Services bill. We have already reported that bill out of committee. We were able to take that bill up. We also have the foreign assistance bill that will be ready to be taken up on the floor as soon as the House passes it. I hope we will be able to finish this bill early tomorrow afternoon.

I thought we were going to get an agreement to vote on the Voinovich amendment early tomorrow morning. But I hope we will be able to meet early in the morning and get some timeframe on that amendment. I hope my friends on the other side will agree with that.

We are coming in at 9:45, and the Voinovich amendment will be the first amendment. But there is no time limit to vote on it.

We are hopeful we can finish this bill sometime early in the afternoon, at 1 o'clock or so, go back to the Defense bill, and be ready to take up another appropriations bill on Friday morning, the next day.

I hope the parties will consider doing what we did in the Defense bill and set a time limit for when these amendments that were listed in this agreement will be filed tomorrow so we can take a look at them and, hopefully, work many of them out without a vote.

Mr. REID. Mr. President, I say to the managers of the bill and to the chairman of the full committee that on our side, in regards to the Transportation appropriations bill, we believe we are in very good shape to move forward just as quickly as the other side. We had one amendment we were concerned about that would take a lot of time, but the Senator stated that it will not be offered.

We are at a point where we think, if the Voinovich amendment doesn't take very long, we can finish this fairly quickly.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BROADBAND TAX INCENTIVE BILL

Mr. BURNS. Mr. President, I rise to today in support of a bill I introduced last week along with my friend Senator MOYNIHAN and 26 other members on both sides of the aisle. The bill, S. 2698, the Broadband Internet Access Act of 2000, crates tax incentives for the deployment of broadband (high-speed) Internet services to rural, low-income, and residential areas.

This bill will ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

The legislation provides graduated tax credits to companies that bring qualified telecommunication capabilities to targeted areas. It grants a 10-percent credit for expenditures on equipment that provide a bandwidth of 1.5 million bits per second (mbps) to subscribes in rural and low-income areas, and a 20-percent credit for delivery of 22 mbps to these customers and other residential subscribers.

This bill has been endorsed by a number of organizations, including Bell Atlantic, MCI/Worldcom, Corning Incorporated, the National Telephone Cooperative Association, the Association for Local Telecommunications Services, the United States Distance Learning Association, and the Imaging Science and Information Systems Center at Georgetown University Medical Center.

Mr. President, in a few short years, the Internet has grown exponentially to become a mass medium used daily by over 100 million people worldwide. The explosion of information technology has created opportunities undreamed of by previous generations. In my home state of Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

The pace of broadband deployment to rural America must be accelerated for electronic commerce to meet its full potential, however. Broadband access is an important to our small businesses in Montana as water is to agribusiness.

I am aware of all of the recent discussion regarding the ''digital divide'' and I am very concerned that the pace of broadband deployment is greater in urban than rural areas. However, there is some positive and exciting news on this front as well. The reality on the ground shows that some of the ''gloom and doom'' scenarios are far from the case. By pooling their limited resources, Montana's independent and cooperative telephone companies are doing great things. I encourage my colleagues to support this bill.