

than they said they were going to have, and rather than try to correct the error at the time it was made, they said, "Well, we will just save this until next year. We'll put it in the 1995 allocation."

Now, bear in mind that when you are allocating money in 1995, you are talking about money that the States are going to get in 1996, simply because we appropriate money a year in advance.

Mr. BAUCUS. Mr. President, if I might, a slight correction, 1995 is in 1997.

Mr. BUMPERS. Please feel free to interrupt.

Mr. BAUCUS. The 1995 determination affects the 1997 allocation, 2 years later.

Mr. BUMPERS. Say that again, please.

Mr. BAUCUS. The allocation made to States is determined by the receipts received 2 years earlier. So 1994 determines 1996, and the amount in the trust fund in 1995 determines 1997.

Mr. BUMPERS. You appropriate the money in 1995 for 1996, don't you?

Mr. BAUCUS. Yes.

Mr. BUMPERS. That is correct?

Mr. BAUCUS. That is correct.

Mr. BUMPERS. That is right, you allocate it 2 years later than the Treasury Department receives it. But the basic problem here is that the Treasury Department underestimated by \$1.5 billion 1994 receipts.

So when it came time to appropriate the money from the trust fund in 1995, it was appropriated, not realizing the fact that they had \$1.5 billion more than they thought they had. So this year, 1996, the States got an allocation of 1994 trust funds that was \$1.5 billion short—\$1.6 billion, to be precise.

Here is my problem. My State tells me that by the time the \$1.5 billion error had been discovered, everybody knew it, and the great State of Arkansas got less money in 1996 than we were entitled to, and we were told that we would get it made up in 1997, which is the bill we are debating here tonight, the 1997 bill.

So the 1997 money is being allocated here this evening and, lo and behold, an amendment is offered that would cause my State to be about \$6.5 million short. Now, that is not a lot of money to a very many people. However, in the State of Arkansas, \$6.5 million is a pretty good hunk of change.

So Arkansas got less money in 1996 than we were supposed to get. We did not get our share of that \$1.5 billion. And now they are taking it away from us again in 1997.

So, as I say, that is my understanding so far. And on that basis, of course, I do not have any choice but to vote against the Senator from Montana's amendment. I am hoping that a lot of other people will do likewise.

I also note that the managers of this bill would like to get this thing done tonight so they can get out of here. I

do not want to slow things up. But I would like, when all this conversation ends over here, to have somebody to comment on the things I have said, either refute the statement I made that we got less money in 1996 than we were supposed to get, or that we got more. But you should not penalize my State in 1997 and give us less money if we got penalized last year. That is what we call a double whammy. And it is not right and it is not fair.

I yield the floor and 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. HATFIELD. 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. HATFIELD. Mr. President, at 7:45 I will make a motion to table the Baucus amendment and ask for the yeas and nays at that time. I say that at this point in order to give Members due warning and opportunity to return to the Hill. And I say this. We will make no other compensation for people being off the Hill until we finish this bill tonight.

Everybody ought to be alert to the fact we may have votes at any time, and we are not going to delay a vote henceforth. But this vote will be called at 7:45. I, at that point, will make a motion to table. Mr. President, I ask unanimous consent that I be recognized at that time to make that motion.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I thank the Chair and 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. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3603

Mr. HATFIELD. Mr. President, on behalf of the leader, I propound a unanimous-consent agreement adopting the conference report accompanying H.R. 3603. This has been cleared on both sides.

I ask unanimous consent that when the conference report accompanying H.R. 3603, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1997, is received in the Senate, that it be considered as having been agreed to and the motion to reconsider be laid upon the table.

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

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 5142

(Purpose: To transfer previously appropriated funds among highway projects in Minnesota)

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to set aside the current amendment, and I send an amendment to the desk on behalf of Senator WELLSTONE and ask for its consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. WELLSTONE, proposes an amendment numbered 5142.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the 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 IV, insert the following:

#### SEC. 4. TRANSFER OF FUNDS AMONG MINNESOTA HIGHWAY PROJECTS.

(A) IN GENERAL.—Such portions of the amounts appropriated for the Minnesota highway projects described in subsection (b) that have not been obligated as of December 31, 1996, may, at the option of the Minnesota Department of Transportation, be made available to carry out the 34th Street Corridor Project in Moorhead, Minnesota, authorized by section 149(a)(5)(A)(iii) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17; 101 Stat. 181) (as amended by section 340(a) of the National Highway System Designation Act of 1995 (Public Law 104-59; 109 Stat. 607)).

(b) PROJECTS.—The Minnesota highway projects described in this subsection are—

(1) the project for Saint Louis County authorized by section 149(a)(76) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17; 101 Stat. 192); and

(2) the project for Nicollet County authorized by item 159 of section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2056).

Mr. LAUTENBERG. Mr. President, this amendment has been cleared by both sides. We are prepared to accept it.

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

The amendment (No. 5142) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. HATFIELD. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5143

(Purpose: To provide conditions for the implementation of regulations issued by the Secretary of Transportation that require the sounding of a locomotive horn at highway-rail grade crossings)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of Senator WYDEN of Oregon and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. WYDEN, for himself and Mr. KERRY and Mrs. MOSELEY-BRAUN, proposes an amendment numbered 5143.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 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 new section:

**SEC. . TRAIN WHISTLE REQUIREMENTS.**

No funds shall be made available to implement the regulations issued under section 20153(b) of title 49, United States Code, requiring audible warnings to be sounded by a locomotive horn at highway-rail grade crossings, unless—

(1) in implementing the regulations or providing an exception to the regulations under section 20153(c) of such title, the Secretary of Transportation takes into account, among other criteria—

(A) the interests of the communities that have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings as of July 30, 1996; and

(B) the past safety record at each grade crossing involved; and

(2) whatever the Secretary determines that supplementary safety measures (as that term is defined in section 20153(a) of title 49, United States Code) are necessary to provide an exception referred to in paragraph (1), the Secretary—

(A) having considered the extent to which local communities have established public awareness initiatives and highway-rail crossing traffic law enforcement programs allows for a period of not to exceed 3 years, beginning on the date of that determination, for the installation of those measures; and

(B) works in partnership with affected communities to provide technical assistance and to develop a reasonable schedule for the installation of those measures.

Mr. WYDEN. Mr. President, the purpose of this amendment is to give local communities time to work with the Department of Transportation and the Federal Railroad Administration to find grade crossing safety mechanisms that meet their needs.

Without this amendment, the Federal Government, beginning in November of this year, will impose a one-size-fits-all standard on every community in America with a railroad grade crossing. Many communities have banned the blowing of train whistles. But the Federal Government would preempt these local laws and impose a requirement that trains begin blowing their whistles within one quarter mile of any crossing that does not have the most expensive grade crossing safety equipment.

Without this amendment, every community in America that doesn't have the fancy, top-of-the-line grade crossing safety gates will be forced to go out and immediately spend upwards of \$300,000+ to install this equipment, or face Federal preemption. This means

small communities of several hundred will have to find \$300,000 for this equipment, or see their local train whistle bans preempted by the Federal Government.

Under current law, on November 2 of this year, all towns without complex and expensive grade safety requirements will be required to lift their train whistle bans. What this means for some towns in Oregon and across the country, is that day and night the communities are going to be barraged with train whistles.

These communities are essentially being blackmailed by cacophony into raising taxes and putting up exorbitant amounts of money to install highly sophisticated safety measures—when in many cases, much simpler measures would have the same desired results.

My friends, there is a better way to do this. Safety is paramount, but under these train whistle requirements, what we are seeing is cookie-cutter solutions to safety that may not be appropriate for all communities.

Many communities can make substantial improvements in safety through public education, highway markings, and signage, but right now it looks like their only choice is a costly four quadrant gates—otherwise, they are going to be doomed to whistling trains.

The original legislation, while placing an important emphasis on train safety, left out one key issue and that is community involvement in the decision making on train whistle bans.

My very simple amendment would encourage the Department of Transportation to work with communities to develop effective local solutions.

First, the Department would be required to take into account the interests of affected communities and the past safety record at the grade crossing involved when determining how to implement safety requirements.

Second, where the Department determines that a grade crossing is not sufficiently safe, my amendment requires them to work in partnership with communities to develop reasonable safety requirements.

In Oregon, there are two communities in particular that are concerned about the train whistle ban requirements, Pendleton and the Dalles. In these communities, trains may pass through certain neighborhoods every few minutes. Trains are required to blow their whistles one-quarter mile before reaching a grade crossing. Clearly this is a recipe for chaos.

I think that it is important that the Department of Transportation work with these communities to develop effective and timely safety measures, instead of mandating costly and perhaps unnecessary grade crossing equipment or threaten them with nonstop whistles.

My amendment will do just this and I urge the Senate to support its inclusion in this legislation.

Ms. MOSELEY-BRAUN. Mr. President, this amendment provides impor-

tant direction to the Department of Transportation with regard to the implementation of a provision of the Swift Rail Development Act of 1994.

Under this 1994 law, the Federal Government is required to develop regulations that direct trains to sound their whistles at all hours of the day and night at most at-grade railroad crossings around the country, unless the local communities can afford to act on a specified list of alternatives. The Swift Rail Development Act will require trains to blow their whistles at approximately 168,000 railroad crossings in the U.S. and more than 9,900 in Illinois—including about 2,000 in the Chicago area and 1,000 in Cook County alone.

This provision was inserted into the 1994 law without debate or discussion. Communities had no input into the process, even though it will be communities that will be most affected.

I am acutely aware of the need to improve the safety of railroad crossings. A recent tragedy in my home State involving a train and a school bus in Fox River Grove, IL, killed seven children and shattered the lives of many more families. According to statistics published by the Department of Transportation, someone is hit by a train every 90 minutes. In 1994, there were nearly 2,000 injuries and 615 fatalities caused by accidents at railroad crossings around the country. Clearly, ensuring the safety of our rail crossings is imperative.

The Swift Rail Development Act mandates that trains sound their whistles at every railroad crossing around the country that does not conform to specific safety standards. It does not take into consideration the affect of this action on communities, nor does it require the Department of Transportation to take into consideration the past safety records at affected at-grade crossings.

Requiring trains to blow their whistles at every crossing would have a considerable affect on people living near these crossings. It is unclear, however, that there would be a commensurate improvement in safety. In Fox River Grove, for example, the engineer blew his whistle as he approached the road crossing, but the school bus did not move.

At many railroad crossings in Illinois and elsewhere, accidents never or rarely occur, while some crossings are the sites of frequent tragedies. Just as we do not impose the same safety mandates on every traffic intersection in the country, we should not universally require trains to blow their whistles at every railroad crossing in the country.

When transportation officials decide to make safety improvements at a highway intersection, they consider a wide range of factors, including its accident history, traffic patterns, and conditions in the surrounding area. Every intersection is a case study.

There are guidelines, but not inflexible rules.

The approach to railroad crossing safety should be no less reasoned. The train whistle should be one tool in the transportation safety official's regulatory repertoire; it should not be the only one. Because every community has a different history and different needs, I do not believe that a one-size-fits-all, top-down approach to railroad crossing safety is appropriate.

In Dupage County, IL, for example, there are 159 public railroad crossings. In 1994, there were accidents at only 18 of these crossings, and 45 have not experienced an accident in at least 40 years. On one of METRA's commuter rail lines, 64 trains per day pass through 35 crossings. In the last 5 years, there have been a total of three accidents and one fatality along the entire length of this corridor.

Every one of the crossings on this METRA commuter line has a whistle ban in place to preserve the quiet of the surrounding communities. The imposition of a Federal train whistle mandate on this line would, therefore, have a considerable negative impact on the quality of life of area residents. The safety benefits, on the other hand, would, at best, be only marginal.

METRA's Chicago to Fox Lake line has 54 crossings and is used by 86 trains per day. A whistle ban is in place on 37 of these crossings. Between 1991 and 1995, there were a total of 13 accidents on this line, with five injuries and one fatality.

In Des Plaines, IL, one of my constituents reports that she lives near five crossings. In the last 11 years, there has been only one accident at any of these crossings. She will hear a train whistle at least 64 times per day and night.

In Arlington Heights, IL, there are four crossings in the downtown area about 300 feet away from one another. 5,400 residents live within one-half mile of downtown, and 3,500 people commute to the area every day for work. Sixty-three commuter and four freight trains pass through Arlington Heights every weekday between the hours of 5:30 am and 1:15 am.

Train whistles are blown at nearly 150 decibels, and depending on the weather, they can be heard for miles. According to one Burlington Northern railroad conductor, a train traveling from Downers Grove, IL to La Vergne, IL—a distance of approximately 12 miles—would have to blow its whistle 124 times. 144 trains travel this route every day.

Mr. President, the residents of these communities, and others across Illinois and the country, are confused by the 1994 law that will require train whistles to sound at all hours of the day and night in their communities—in some cases hundreds of times per day—at railroad crossings that have not experienced accidents in decades, if ever.

Under a Federal train whistle mandate, home-owners in many of these

communities would experience a decline in their property values, or an increase in their local taxes in order to pay for expensive safety improvements. The 1994 law, in this respect, represents either a taking of private property value, or an unfunded mandate on local communities.

The train whistle mandate places the entire burden on the community. Trains will keep rolling through quiet, densely populated towns at all hours of the night, and both the railroads and the passengers will experience no disruptions.

In aviation, by contrast, airline flights are routinely routed to minimize the disturbance to surrounding communities. Flight curfews are established, and restrictions are placed on certain types of aircraft in efforts to minimize the disruption to area residents. These restrictions place burdens on airlines, passengers, and the communities; it is a joint effort.

The pending amendment provides the Department of Transportation with important direction on how to implement the train whistle law in a more rational and flexible manner. It directs the Secretary of Transportation to consider the interests of affected communities, as well as the past safety records at affected railroad crossings. The concerns of local communities must be heard—not just the sounds of train whistles.

It also addresses safety concerns. In situations where railroad crossings are determined not to meet the supplementary safety requirements, communities will have up to a maximum of 3 years to install additional safety measures before the train whistle mandate takes affect. In these situations, the Department of Transportation will work in partnership with affected communities to develop a reasonable schedule for the installation of additional safety measures.

Mr. President, I have been concerned about the implementation of the Swift Rail Development Act since Karen Heckmann, one of my constituents, first brought it to my attention more than a year ago. Since that time, I have spoken and met with mayors, officials, and constituents from Illinois communities, and visited areas that would be most severely affected. In response to their concerns, I have written several letters to, and met with Transportation Secretary Peña and other officials numerous times, and have been working with the Department of Transportation to ensure that they implement the 1994 law in a manner that both works for communities and protects safety.

This amendment provides important congressional direction to the Department of Transportation that is consistent with the ongoing discussions that I, and other members of Congress, continue to have with the Department. I urge all of my colleagues to vote for this important amendment.

Mr. KERRY. Mr. President, today I was pleased to join with Senator

WYDEN to cosponsor an amendment concerning an issue of great importance to a number of my constituents. Many of them have contacted me about the 1994 Swift Rail Development Act [SRDA]. As you know, the SRDA allows for Federal preemption of local train whistle bans so that all trains would begin sounding their whistles one-quarter mile before reaching any grade crossing.

My home State of Massachusetts has 88 grade crossings in some 27 communities whose whistle bans would be preempted by this law. Many of these communities have good safety record: From January 1988 through June 1994, the Federal Railroad Administration [FRA] noted 34 accidents involving one fatality and 15 injuries at these crossings. Some of these communities are strongly opposed to Federal preemption of their whistle bans.

Their concerns were not allayed by FRA officials at a meeting that took place in Beverly on October 25, 1995 to discuss the SRDA. A member of my staff reported that many who attended desired outright repeal of the SRDA. As Christopher Smallhorn of Beverly Farms wrote:

I doubt your representative will transmit to you the feeling of frustration and anger taken away by those taxpayers attending the meeting.

A sampling of my correspondence from other constituents reveals that others share Mr. Smallhorn's concerns. John J. Evans from Beverly Farms wrote:

This proposed new regulation \* \* \* will render my home uninhabitable as my house sits between two grade crossings.

Fay Senner wrote:

The safety at these railway crossings is a local issue and one that we have been able to manage effectively in the 150 years that railroads have been a part of life in Acton.

Scott and Sharon Marlow of Andover wrote:

My daughter was born with a cardiac muscle defect and I do not even want to think about the anguish loud whistle blasts would have caused my family or any other family with a heart condition.

William C. Mullin, chairman of the Acton Board of Selectmen, wrote:

If train whistles once again pierce the peace and quiet of our community, the anger of our residents will be quickly felt.

Richard and Nancy Silva of Beverly wrote:

The horn blowing will change the value of our home and add more stress in an already stressful environment.

Diane M. Allen, chairman of the Wilmington Board of Selectmen, wrote:

We do not wish to have the Federal government set unjustifiable standards for our local roads nor do we want those decisions of our duly elected officials to be overridden by the Federal government.

Nevertheless, the safety of railroad grade crossings is clearly a real issue, as the October 1995 school bus accident in Illinois sadly illustrates.

The FRA has released a study showing that accidents occurred at fewer

than 6 percent of the Nation's grade crossings where whistle bans are in effect. A one-size-fits-all approach is therefore not appropriate. I am thus proud to cosponsor this amendment, which contains a more sensible strategy for dealing with this issue, and I compliment the Senator from Oregon and his staff for bringing it before the Senate.

Knowing the impact that the SRDA is having on communities and constituents in both Massachusetts and other States, I look forward to working with the FRA and my colleagues to ensure the safety of grade crossings without hurting the quality of life in our communities. I urge my colleagues to join in supporting the amendment.

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

The amendment (No. 5143) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. HATFIELD. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I indicate at this point, that with one exception, we have completed all the Members' amendments that we know about and were part of the unanimous-consent agreement we reached last night, which means the only amendments we have left, namely, two relevant amendments for Senator LOTT, six amendments on terrorism for Senator LOTT, and the McCain amendment, as I understand it, and the Biden amendments, five of them on antiterrorism. We are about ready to have a completion of the Bradley amendment.

We have completed all but the antiterrorism issue. Mr. President, first of all, it is not relevant to this bill in terms of it being legislative action on an appropriation. I am very hopeful that we can have an agreement reached to remove that encumbrance to completing this bill and having final passage.

I believe that is the only other vote that we will have to have on this bill. We can do that following the vote that we are about ready to take up, on a tabling motion of the Baucus amendment.

I urge any Member or any Member's staff person who has knowledge of these amendments that we had included in our unanimous-consent agreement, if they have any different viewpoint, or if they have any question, they better address those questions during the next vote and come to Senator LAUTENBERG and my desk here to go over the list to make sure they have been taken care of in our efforts to cover the remaining business.

Otherwise, we will proceed to end in a couple of colloquies for the other two amendments, and hopefully by that time the leadership can give us some indication of what kind of an agree-

ment may have been reached at a meeting that began at 6 o'clock tonight relating to the issue of antiterrorism.

## AMENDMENT NO. 5141

Mr. HATFIELD. With that, Mr. President, under the unanimous consent, I move to table the Baucus amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table, the amendment No. 5141.

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 260 Leg.]

## YEAS—42

Abraham	Feinstein	Lott
Ashcroft	Frist	Lugar
Bond	Glenn	Mack
Boxer	Graham	McCain
Breaux	Gramm	Mikulski
Brown	Grams	Nickles
Bumpers	Hatfield	Nunn
Campbell	Helms	Robb
Coats	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Coverdell	Johnston	Specter
DeWine	Kohl	Thompson
Faircloth	Kyl	Warner
Feingold	Levin	Wellstone

## NAYS—57

Akaka	Ford	McConnell
Baucus	Frahm	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Grassley	Murkowski
Bingaman	Gregg	Murray
Bradley	Harkin	Pell
Bryan	Hatch	Pressler
Burns	Heflin	Reid
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Cohen	Jeffords	Shelby
Conrad	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
Dodd	Kerry	Stevens
Domenici	Lautenberg	Thomas
Dorgan	Leahy	Thurmond
Exon	Lieberman	Wyden

## NOT VOTING—1

Pryor

The motion to lay on the table the amendment (No. 5141) was rejected.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. 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. HATFIELD. 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 Senate will be in order.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, we have one colloquy to be delivered on the floor between Senator BRADLEY and the leader, Senator LOTT. Then we have the possibility of another perfecting amendment, or an amendment dealing with the subject we have just failed to table; we have a Cohen amendment to be dispensed with, and then we are ready for third reading.

## AMENDMENT NO. 5141

The PRESIDING OFFICER. The pending question is the Baucus amendment. Is there further debate on the Baucus amendment?

Mr. HATFIELD. I ask unanimous consent to temporarily lay aside the amendment at the moment to engage in a colloquy.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, I will not object to proceed with business outside the scope of the Baucus amendment, but I want to preserve the right to offer or to join with others in offering an amendment on that subject. So I just want to put Members on notice that this bill is not going to go forward until we have that opportunity to do so.

Mr. HATFIELD. Mr. President, I think I indicated the other part of the business was to complete that issue, so we are not cutting off anybody's right to offer an amendment.

Mr. BIDEN. Mr. President, will the Senator yield for a comment?

Mr. HATFIELD. Yes.

Mr. BIDEN. Mr. President, I have placed, I think, three or four spots for amendments.

Mr. HATFIELD. Five.

Mr. BIDEN. Five spots. I want to report that due to the great work of the full committee, Senator HATCH and I have elements of a bipartisan agreement on terrorism, and as a consequence of that I am not going to offer any of the amendments on this legislation.

Mr. HATFIELD. I thank the Senator. That will also affect five or six other amendments on both sides.

Mr. BIDEN. I understand they have placed five or six slots based on that. I do not think there will be any amendments on terrorism on this legislation.

Mr. HATFIELD. Senator BRADLEY.

The PRESIDING OFFICER. Without objection, the Baucus amendment is set aside.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I have an amendment that deals with newborns and insurance coverage for newborns, a bill that Senator KASSEBAUM and I introduced last year. It is a bill that had been improved greatly with the help of Senator FRIST and Senator DEWINE and a bill that I care deeply about.

Mr. LOTT. Mr. President, will the Senator from New Jersey yield?

Mr. BRADLEY. I am pleased to yield to the majority leader.

Mr. LOTT. I would like to say I have been aware of this issue the Senator from New Jersey is discussing. There was an attempt made earlier to get it cleared for unanimous consent. We did not get that done. But I want to tell the Senator I will be glad to work with him to get this issue considered the first week in September. I think it is something that we should take up and have an opportunity to consider. In order to help expedite this legislation but also because I think he has a good point, I want to make the further statement I will work with him to get that accomplished.

Mr. BRADLEY. I thank the majority leader for his statement and his commitment, and I will not pursue the amendment based on what he has said. I think that Senator FRIST of Tennessee concurs.

I simply want the Senate to know that this is an enormously important issue in terms of children who are born and forced out of the hospital in the first 24 hours instead of the first 48 hours, and we hope to revisit this issue when we come back in September.

I am prepared to yield to Senator FRIST if he has anything to say on this amendment.

Mr. FRIST. Thank you, Mr. President. I would just like to say that we have worked long and hard on this bill, the Newborn's and Mother's Health Protection Act of 1996. It is a bill we worked on in a bipartisan way and provides a safe haven for mothers with young children. I am delighted the majority leader—

The PRESIDING OFFICER. The Senator will withhold. The Senate will be in order. The Senator from Tennessee deserves to be heard. The Senate will be in order.

Mr. FRIST. Thank you, Mr. President.

This bill does provide a safe haven for mothers and young children over a 48-hour period. It is a bill we have worked on in a bipartisan way, and do appreciate the consideration the majority leader has given to take this up after Labor Day.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I think we have two final technical amendments to dispose of?

Mr. LAUTENBERG. That is correct. We are also reviewing a matter with the Senator from Maine and the Senator from New Hampshire. I hope we will be able to have that resolved.

Mr. HATFIELD. I believe the Senator from Maine said he would withdraw his?

Mr. CHAFEE. No, I do not believe that is correct.

Mr. HATFIELD. OK, let us do the technical amendments.

AMENDMENTS NOS. 5144 AND 5145, EN BLOC

Mr. LAUTENBERG. Mr. President, I have a technical correction to the bill that simply changes the wording with-

out changing any sums; and one that makes reference to direct loans. We have cleared this with both sides. I send them to the desk for their consideration.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, the clerk will report the amendments.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 5144 and 5145, en bloc.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5144

(Purpose: To make a technical correction)

On page 19, strike lines 10 through 12 and insert "For the cost of direct loans, \$8,000,000, as authorized by 23 United States Code 108."

AMENDMENT NO. 5145

(Purpose: To make a technical correction to the bill)

On page 60, line 20, strike "103-311" and insert "103-331".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments, en bloc.

The amendments (Nos. 5144 and 5145), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I might indicate following any action to be taken on the subject of the Baucus amendment, we are ready for third reading of the bill and final passage. I thank the Senators on the antiterrorism amendments, of which we had 11, for reaching an agreement to not pursue them on this particular bill but to have them as a matter of business to be taken up at a later time.

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. HATFIELD. 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. HATFIELD. Mr. President, I move, after final passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I cannot hear what the Senator has asked for in his request.

Mr. HATFIELD. I will repeat. It would be to move ahead on the premise

we are going to pass this bill in final passage in a few moments, and to go ahead and appoint the conferees.

Mr. BYRD. Mr. President, I have to object. That is getting a little ahead of the game.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. The only reason I do object, I think that request should wait, I say this with apologies to my dear friend, until the final vote on the bill occurs.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. 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. 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.

Mr. DORGAN. Mr. President, I simply rise to inquire of the Senator from Oregon when we might expect final passage on the legislation? I have a couple of young children who go to bed at 9 o'clock, and it would be kind of nice to get home.

It appears we are through the end of the amendment process. I had a couple of amendments that I referenced that I did not offer. I wanted to expedite the process of this legislation. But if we are near completion, I wonder if the Senator can inform us when he can expect final passage.

Mr. HATFIELD. Mr. President, I will respond that we have a piece of unfinished business before we can go to third reading. The Baucus amendment was not tabled, and we have not disposed of that amendment. There is a process now, I am hoping, of finding some accommodation in order to dispose of the Baucus amendment.

The Senator from North Dakota certainly made a correct point. We should have had this bill passed yesterday. If we are going to do the HUD-VA and independent agencies tomorrow, Friday and Saturday, we have to get this bill behind us. So consequently, we are waiting for that occasion to accommodate the Senators who have an interest in that. As soon as that resolved issue is brought to us, we will do that and third reading.

Mr. DORGAN. I appreciate the Senator's response. None of us enjoy waiting. On behalf of the Senator from Connecticut, Mr. LIEBERMAN, who has a young daughter who expects to wait up for him as well, to the extent we can move ahead, I think all of us would appreciate it.

Mr. HATFIELD. I might say, we have a parliamentary situation beyond an accommodation here to the Senators. We are in a parliamentary situation. We cannot go to third reading until there is a final disposition of either adopting the Baucus amendment or modifying the Baucus amendment. So that is where we are locked in.

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. LOTT. 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. LOTT. Mr. President, I thank the chairman of the Subcommittee on Transportation and the ranking member for their efforts. I believe we are about ready to wrap up this very important appropriations bill. There are good-faith negotiations underway right now. I am hopeful in the next few minutes we will have an agreement on how to deal with the Baucus-Gramm matter. I think we have a reasonable suggestion that can be agreed to. Certainly we hope so.

Then when that is done, we will be able to go to third reading and final passage of the transportation appropriations bill tonight. There has been some suggestion that we carry this over until tomorrow, but as we know, things have a way of growing overnight.

The chairman and the ranking member are absolutely right, as we are very close to completing this appropriations bill. So if Members will be patient a few more minutes, I think we can get it completed and go to final passage.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, we will go tomorrow morning at 9:30 immediately to the reconciliation bill, which is the welfare package. Under the rules I think there are 10 hours allowed for that. Some of that time may be yielded back. So we would spend the bulk of the day tomorrow on that issue with the vote coming sometime late tomorrow afternoon. I believe the Democratic leader would appreciate it coming later on in the afternoon. We will work with him to get a time that meets with his needs.

Then we would go to some conference reports that may be available. Recorded votes may be requested on those—legislative appropriations, D.C. appropriations. Then we would hope to take up the HUD-VA appropriations bills tomorrow night, and stay with that until we have other conference reports that may be available.

There has been an agreement reached and the conferees' signatures acquired on the health insurance reform package. Senator KASSEBAUM, Senator KENNEDY, many others have done a lot of good work on that. So we should be able to take up that health insurance package on Friday.

I understand agreement has also been reached on the safe drinking water conference report, which is a very important bill. And we have sort of a deadline on that one. If we do not act on it

by Friday, there is some \$725 million that would move over into another fund. So really good work is being done.

Also, there has been a press conference this afternoon with regard to the terrorism task force efforts. We have had our colleagues on both sides of the aisle working with the Chief of Staff and the White House. And they had announced earlier this afternoon, or about 2 hours ago, that they had made substantial progress. We believe we can take up an agreed-to package on the terrorism issue hopefully tomorrow or Friday.

So a lot of good work has been done today. We will have this final vote here hopefully in just a few minutes and begin with welfare reform in the morning. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

Mr. COHEN. 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. 5146

(Purpose: To prevent the Department of Transportation from penalizing Maine or New Hampshire for non-compliance with federal vehicle weight limitations)

Mr. COHEN. Mr. President, on behalf of myself, Senator SNOWE, Senator SMITH, and Senator GREGG, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Ms. SNOWE, Mr. SMITH, and Mr. GREGG, proposes an amendment numbered 5146.

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

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

The amendment is as follows:

Insert at the appropriate place:

No funds appropriated under this act shall be used to levy penalties prior to September 1, 1997 on the States of Maine or New Hampshire based on non-compliance with federal vehicle weight limitations.

Mr. COHEN. Mr. President, this is an amendment that pertains to the States of Maine and New Hampshire, dealing with weight limit for trucks.

We have worked in close conjunction with the Senator from New Jersey, the Senator from Montana, and the Senator from Rhode Island. They have agreed that the amendment should be adopted. It would defer imposition of penalties or the use of funds to impose penalties prior to September 1, 1997.

That is acceptable to both sides.

Mr. LAUTENBERG. Mr. President, I think this is a good solution to a difficult problem. I commend the Senators from New Hampshire and Maine for their cooperation here. We accept it on this side.

Mr. HATFIELD. Mr. President, the amendment has been one of long standing on our list. I am happy to be able to dispose of it.

It has been cleared, as indicated by the Senator from Maine, by the authorizing committees, by the ranking member, as well as the chairman of the authorizing committee, and has been cleared by the two managers.

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

The amendment (No. 5146) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. HATFIELD. I move to table the motion.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. 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. 5147 TO AMENDMENT NO. 5141

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself, Mr. BOND, Mr. COATS, Mr. ABRAHAM, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. LEVIN, and Mr. WARNER, proposes an amendment numbered 5147 to Amendment No. 5141.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . Prior to September 30, 1996, the Secretary of the Treasury and the Secretary of Transportation shall conduct a review of the reporting of excise tax data by the Department of the Treasury to the Department of Transportation for fiscal year 1994 and its impact on the allocation of Federal-aid highways.

If the President certifies that all of the following conditions are met:

1. A significant error was made by Treasury in its estimate of Highway Trust Fund revenues collected in fiscal year 1994;

2. The error is fundamentally different from errors routinely made in such estimates in the past;

3. The error is significant enough to justify that fiscal year 1997 apportionments and allocations of Highway Trust Funds be adjusted; and finds that the provision in B appropriately corrects these deficiencies, then subsection B will be operative.