

Mr. CHAFEE. 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.

AMENDMENT NO. 1314 TO AMENDMENT NO. 1313

Mr. CHAFEE. Madam President, I send an amendment to the desk to my amendment to the stricken text and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. WARNER, proposes an amendment numbered 1314 to amendment No. 1313.

Mr. CHAFEE. I now move to recommend the bill to the—

Mr. BYRD. I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will continue reading.

The assistant legislative clerk read as follows:

At the end of the amendment add the following: "of the Intermodal Surface Transportation Efficiency Act of 1997)".

Mr. BYRD addressed the Chair.

Mr. CHAFEE. I believe I have the floor.

The PRESIDING OFFICER. The Senator has lost the floor by offering an amendment.

QUORUM CALL

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 4 Leg.]

Chafee	Dorgan	Warner
Collins	Faircloth	
Daschle	Lott	

The PRESIDING OFFICER (Mr. FAIRCLOTH). A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators. 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 instruct. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—94

Abraham	Feinstein	Lugar
Akaka	Ford	McConnell
Allard	Frist	Mikulski
Ashcroft	Glenn	Moseley-Braun
Baucus	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Enzi	Levin	Wyden
Faircloth	Lieberman	
Feingold	Lott	

NAYS—4

Bennett
D'Amato

Gramm
McCain

NOT VOTING—2

Biden Mack

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader, the Senator from Mississippi.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. LOTT. Mr. President, a quorum being established, I now move to recommit the bill to the Environment and Public Works Committee with instructions to report back forthwith.

The PRESIDING OFFICER. Can we have order in the Chamber?

Mr. LOTT. I will repeat. I now move to recommit the bill, S. 1173, to the Environment and Public Works Committee with instructions to report back forthwith. And I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1317

(Purpose: To provide a complete substitute)

Mr. LOTT. Mr. President, I send an amendment to the desk to the instructions.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1317 to the instructions of the motion to recommit.

Mr. LOTT. I ask unanimous consent that further reading of the amendment be dispensed with. And I ask for the yeas and nays.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1318 TO AMENDMENT NO. 1317

Mr. LOTT. I send an amendment to my amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. CHAFEE and Mr. WARNER, proposes an amendment numbered 1318 to amendment No. 1317.

Mr. LOTT. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 44, strike line 6 and insert the following:

(e) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

- (1) \$301,905,000 for fiscal year 1998;
- (2) \$301,725,000 for fiscal year 1999;
- (3) \$302,055,000 for fiscal year 2000;
- (4) \$303,480,000 for fiscal year 2001;
- (5) \$310,470,000 for fiscal year 2002; and
- (6) \$320,595,000 for fiscal year 2003.

(f) APPLICABILITY OF OBLIGATION LIMITATIONS.—

Mr. LOTT. For the information of all Senators, this exercise, unfortunately, is necessary to keep the Senate's focus on the vital legislation to reauthorize our Nation's surface transportation programs for the next 6 years.

Really good work has been done by the Environment and Public Works Committee. In fact, I believe it was reported by a vote of 18 to 0—unanimous. While there are obviously some concerns—at any time you have concerns on a major transportation bill of this magnitude, there will be Senators on both sides of the aisle who will have amendments that will need to be offered and debated and voted on. And I am sure they will have support on both sides of the aisle.

In accordance with all Senate rules, I have now completed the amendment process with relevant and needed changes to the bill. It is the intention

of the manager to eventually have these necessary amendments agreed to by the Senate. However, in the meantime, these amendments will remain pending and the manager will agree to a consent that will lay aside amendment No. 1312 at any time any Member desires to offer a relevant transportation amendment.

We have been in touch with Members who have relevant amendments they would like to offer. We will have Senators prepared to begin offering amendments this afternoon, and we will continue on that tomorrow.

I look forward to making progress on this bill prior to our recess at the end of the week. I thank all colleagues for their cooperation. We do have cooperation from Senator BAUCUS, who has been working on this with Senator CHAFEE from the committee and Senator WARNER and others on both sides.

I know that there has been an agreement reached on some amendments coming up later on after we come back from the religious holiday and the Columbus Day recess, but we will have full time for debate.

I think this is perhaps the most important bill left that we need to get done before we go out for the year sometime later on this month or early in November. So my intent would be to stay on it and try to make progress.

I do not intend for this to become a campaign finance reform forum. There will be votes on that issue tomorrow. They are already scheduled. There will be other opportunities to debate this issue. But I think that the transportation bill is a very important bill, and we have a limited amount of time. The Senate is leading the way on this legislation, so we need to go ahead and get the process underway. I am prepared to give as much time as it takes to try to get it completed.

Now, I might say for the information of all Senators, there is the possibility of at least one more vote. I had hoped we could clear the HUD-VA appropriations conference report. The chairman and the ranking member are ready to go but don't have the papers yet, so apparently we are not going to be able to do that tonight. We hope to do that tomorrow. Then, if we cannot work it out, we may even have to have a recorded vote to go out for the night.

Now, we do not know exactly what time that would come. But I presume around 6 or 6:30. Perhaps it will not be necessary. But the Members should be on notice there is at this point the likelihood of one more vote tonight.

Several Senators addressed the Chair.

Mr. BYRD. I do not want to go ahead of my own leader here. I prefer he go ahead of me.

Mr. LOTT. I will be glad to yield the floor or respond to questions.

Mr. BYRD. I want my own leader first. And then I would like to—

Mr. DASCHLE. Mr. President, if I could just respond, I appreciate very much the consideration of the distin-

guished senior Senator from West Virginia.

Let me just say, I regret that we are back into a situation very similar to that which we were in during the debate on campaign finance reform. The leader, as is his right, has chosen to now fill the tree once more. In so doing, it will now require his consent before anybody has the opportunity to offer an amendment. He has the right. That is the prerogative of the majority leader. But he will determine the relevancy of any amendment.

I will say that it is our right to provide the unanimous consent required to move off this legislation for any other purpose. We will certainly invoke that right as the situation warrants. I regret that this is necessary.

I regret that we could not take these issues up one by one and resolve them, as I know many colleagues on both sides of the aisle would like to do. We are precluded from that. So we are now faced with a very difficult set of circumstances. I am hopeful that we can find a way to address it.

The majority leader has indicated this is an important bill. And certainly it is. I give great credit to the chairman and the ranking member for their work in committee to bring us to this point. There is a lot of work that needs to be done, and I hope we can get it done.

But it isn't the only important bill. There is another very important bill that we have been precluded from having a good debate on, and that is campaign finance. At least for the moment we are precluded under these circumstances. But, again, I repeat what I have said before. This is a temporary set of circumstances that will be addressed successfully before we move on conclusively.

I yield the floor. Again, I thank the senior Senator from West Virginia for his willingness to allow me to make my comments.

Mr. LOTT. Mr. President, if I could just respond. I am glad to hear the minority leader's comments. As the leader of the Democrats, certainly he has an obligation to represent their views.

I agree this is certainly important legislation, and we should continue to look for ways that we can have it freely debated and amended and move forward. We will keep talking, and maybe we will find a way to do that. It is my preference to have every Senator have a chance to make his case.

I would like to get out of the process we are in, but I want us to stay on the transportation bill and not have this become another debate on campaign finance reform. There are other ways that will be done. There are other opportunities that I am sure will come along, but we are trying to keep the focus on the highway bill.

I have discussed with other Senators amendments they have in mind. I am going to do everything I can to assure every Senator, he or she, who has an amendment will be able to offer it. I

would prefer it not be done in this process, if we can work out some kind of arrangement whereby we would not go with this, where any Senator, as is usually the case, can get up and offer an amendment.

I know Senator BYRD, Senator GRAMM, and others are working on an amendment that there will be a lot of interest in. I want to make sure that amendment has a freestanding opportunity to be fully debated and voted upon. I do not think we can ever complete this legislation without that occurring. I would like for a lot of other amendments that you have—this is important to every Senator. Every State will be affected by this, by the formula and by various parts of this bill—urban mass transportation. It is not something that is partisan. It is not something that is regional. It cuts all kinds of different ways.

So if we can come up with a way over a period of time—I am not rushing to judgment, but I do want us to get on—I promised the chairman and the ranking member a week ago or more—and we had met earlier—that we would begin this bill today, the 8th of October. So I am trying to fulfill that commitment. I think we will find a way to get it done in a way that will allow us to complete our work, and then hopefully the House will follow our leadership on this.

I would be glad to yield to the Senator from West Virginia.

Mr. BYRD. Are you finished?

Mr. LOTT. As a matter of fact, I will yield the floor.

Mr. BYRD. No, I do not suggest you yield the floor.

I just wanted the recognition to state for the record that I do have a measure to the bill, to the ISTEA bill. I wanted all Senators to be aware of that. I would like them to take a look at my amendment when it is ready. Before they make any judgment to go with anybody else's amendment, I have an amendment that I think will appeal to them, to every State. But the leader has already stated that I have an amendment, so that takes care of that situation.

Secondly, I just want to say that whenever we can do our conference reports on appropriations, I would like to do them. They are privileged. I would like to get as many of those bills down as we can get down so we do not have to include them in a continuing resolution.

If the President is going to item veto any of them, I want him to do that in ample time for us to offer a resolution to put those items right back on his desk. If he wants to veto that, OK. He has that right under the Constitution. We, likewise, have the right to either override or sustain. But I would like for him to have time to veto those.

I hate that item veto with a passion. But it is there, until the Supreme Court knocks it down. I cannot see how the Supreme Court can avoid knocking that—killing that bill which most Senators voted for, which most Members

voted for, but it is coming home to roost now.

Mr. LOTT. If the Senator will yield for a comment, I think there are probably more Senators and House Members that would agree with you this week than last week, I say to the Senator.

Mr. BYRD. Well, I am heartened by that. I thank the leader.

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

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be very brief. In my discussions with the majority leader over a period of discussions of the campaign finance reform bill, I told him that I would come back with an amendment that I wanted an up-or-down vote on. I want to repeat again my intentions to have that. I do not desire to tie up the Senate. I do not desire to cause problems with ISTEA or other pieces of legislation between now and when we go out, but I will have an amendment that I believe is important and one that I think should be considered by the Senate. This issue should be resolved, I hope, before we go to recess.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Vermont.

Mr. LEAHY. I thank the Chair.

Mr. President, I just want to make reference to the comments just made by the distinguished senior Senator from West Virginia, my friend and colleague of 23 years. He has served here much longer than that. I have had the opportunity to serve with him for now almost 23 years.

Mr. President, I have made it very clear in speeches on the floor and comments to the public and people back in my home State of Vermont that I completely agree with the distinguished Senator from West Virginia on the question of the line-item veto.

I was one of those, as he knows, who voted against the line-item veto. I recall when he first came trying to say something to me about it. He may well recall this: I said, "You don't even have to lay out the arguments. I can't imagine why anybody in any legislative body would want to give up the power of the purse strings to the Executive."

Again, I do not blame the Executive for asking for it. If any Executive thought that the legislative body would be foolish enough to just hand over the most significant part of their power to them, well, few Executives could resist the temptation.

Mr. BYRD. George Washington took the viewpoint that he had to veto the entire bill or sign it or let it become law without his signature. He could not do it piecemeal. Now the Senate and House have made it possible for any President to do just that. I do not think George Washington would have done that.

Mr. LEAHY. I say to my good friend from West Virginia, who has as strong and abiding history as any person I have had the privilege of serving with, that it goes back to George Washington, that more of us should say we want to go back to George Washington.

Unfortunately, we have a lot of people who give discussions about what were the Founders' intention, what was in the Constitution. I sometimes wonder if they have read either the Constitution, the Federalist Papers, or any history less recent than their latest poll.

I say this because I heard some Members say in the last couple days that they wonder whether they made the right decision in voting for that line-item veto but did not go on to say, "But it was so popular in the polls"—so popular in the polls.

My good friend from West Virginia has read much on decisions made by those who were at the drafting and introduction of the Magna Carta, has certainly read The Federalist Papers more than anybody else here. He has read the decisions that have been made at very difficult times in our history. And I suspect at most of those nobody was doing any polling.

I do not think that the Founders in Philadelphia—I do not think there were many polls being taken. There were certainly discussions among people who had a great sense of not only history but the history they were creating and the country they were putting together.

I suspect also, and my friend from West Virginia would probably agree with this, I suspect also there were many, many there who read, as the distinguished Senator from West Virginia knows, what happened to the Roman Senate. Caesar was given the power of the purse.

I think it is an interesting thing because shortly after the breakup of the Soviet Union, we had many visits here from parliamentarians coming to see how to set up a democracy. I am still struck by one group from Russia who sat in my office asking, how do you do some of these things? Suppose your President said, "No, we will build this weapon and we will do that," and you said, "No," how could you stop him? I said we would not give him the money, and they said, "You mean you can do that?" That is why, after 200 years of being the most powerful nation on Earth, we are still a democracy. We are not a dictatorship because there is that check and balance.

I hope some who feel set upon because their own projects may have been vetoed, if they would go back and read history and think not just to be concerned because they are discomfited for the moment, but be more concerned that they put an enormous hole in the walls that set up the checks and balances in our Nation.

Does a Congress always use the power of the purse wisely? Of course not. I can point to times I have been on

the losing end in battles on appropriations and spending bills. The distinguished Senator from West Virginia rarely loses, but can still think, I am sure, of times he may have. But it was the Senate working its will. It was the other House working its will. And then, if the President doesn't like it, veto it, veto the bill.

I might say, and my friend from West Virginia will remember, we have had a number of times in appropriations bills that we pass where the President really was against one particular point, and we sent it down, and he vetoed it. Then we entered into a process of negotiation and the bill gets passed again, and maybe that item, that one item he wanted out, was taken out. But he had to make that whole decision of thinking they lost the whole bill in doing it, and we had to, too. It is a two-way street up and down Pennsylvania Avenue. Now we just send it to the other end of Pennsylvania Avenue.

I say to my friends here in the Senate, don't always jump to what is popular in the polls, especially if it hurts the country. The most popular part of the Contract With America, the most popular part, was term limits. Now, that struck so close to the bone that those who would sign the Contract With America made darn sure no term-length-limit bills went through.

There were five or six different versions, so everybody could vote for something, but no one version would pass. That struck close to home so that went through. Things that strike close to home like that are pay raises and what not.

What I say is, think about the country itself. The line-item veto is not a way in any democracy for a parliamentary party to give up its powers.

I thank my friend from West Virginia for raising the point. I yield the floor.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

EXPLANATION OF ABSENCE

Mr. BIDEN. Mr. President, I rise very briefly to explain my absence on roll-call vote No. 271. This was a procedural vote to instruct the Sergeant at Arms. I was attending a conference with Ambassador Richard Holbrooke and was involved in a discussion of Bosnia and the enforcement of the Dayton Peace accords. I was unable to return to the Senate for the vote.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 7, 1997, the Federal debt stood at \$5,415,085,048,979.17. (Five trillion, four hundred fifteen billion, eighty-five million, forty-eight thousand, nine hundred seventy-nine dollars and seventeen cents)