HIGHWAY FUNDING

Mr. GRAMM. Mr. President, when the distinguished Senator from West Virginia reaches the floor and is recognized, he will introduce an amendment that he and I are introducing with Senator WARNER and Senator BAUCUS. It is a very important amendment. It is the culmination of a long debate about highway funding and about using trust funds for the purpose that the trust funds are cumulated. My colleagues have heard a great deal about this debate to this point. They are going to hear a lot more about it in the next few days. But I wanted to outline how we got to the point of offering this amendment. I think it is a very important vote. I think it is important that it be an informed vote. So let me go back to 1993. What I want to do is outline how we got to the point that we find ourselves today. I then want to talk about the amendment, and I will leave the great preponderance of the details up to Senator BYRD.

In 1993, as part of the initial budget adopted with the new Clinton administration, the Congress adopted a 4.3-cent-a-gallon tax on gasoline. For the first time in the history of the country since we had the Highway Trust Fund, this permanent gasoline tax did not go to build roads or to build mass transit. Unlike any other permanent gasoline tax that we had adopted since the establishment of the trust fund, it went to general revenues.

When we had the debate, obviously much objection was raised to the fact that we were taxing gasoline and not funding roads. On the budget resolution this year, I offered an amendment that called on the Senate to do two things: One, to take the 4.3-cent-a-gallon tax on gasoline—which is an annual revenue, by the way, of about $7.2 billion—to take that money out of general revenue and put it into the Highway Trust Fund, where historically permanent gasoline taxes have always gone. The second part of this amendment was to require that the money be spent for the purpose for which it had been collected as part of the Highway Trust Fund, and that is that the money be spent to build roads. That amendment was adopted with 83 votes in the Senate. Every Republican except two voted for the amendment; 31 Democrats voted for the amendment. It was a strong bipartisan declaration of the principle that when you collect money from gasoline taxes that that money ought to be used to build roads as part of the user fee concept which has always been the foundation on which we have had gasoline taxes.

When we passed the tax bill this year, I offered an amendment in the Finance Committee to take the 4.3-cent-a-gallon tax on gasoline away from general revenue and to put it into the Highway Trust Fund. That amendment was adopted in the Finance Committee and that amendment was part of the tax bill both times it was voted on in the Senate. Those who opposed the amendment contemplated offering an amendment to strip away that provision and, after looking at the level of support in the Senate, decided not to offer it. As a result, in the new tax bill the transfer of the 4.3-cent-a-gallon tax on gasoline became the law of the land and it now is going into the Highway Trust Fund where historically our gasoline taxes have gone.

Now, in this last month, the transportation bill, the highway bill, was reported out of committee, but that highway bill did not provide that any of the funds from the 4.3-cent-a-gallon tax on gasoline be spent for roads. What would occur if in fact the bill as written by committee were adopted is that we now have—if you will look at this chart—we have $23.7 billion of surplus in the Highway Trust Fund. What that really means is that over the years we have collected $23.7 billion to build roads, but rather than building roads with those funds we have allowed that money to be spent for other purposes. And as a result, Americans have paid taxes on gasoline but that money has not been used for the purpose that they paid the taxes. Now, as a result of the adoption of the amendment that I offered on the Finance Committee bill, the 4.3-cent-a-gallon tax on gasoline is now going into the trust fund and, if we don't amend the transportation bill before us, by the year 2003 we could have a surplus in the Highway Trust Fund of $90 billion.

What does that surplus mean? It is simply an accounting entry to say that we have collected $90 billion that we told the American people would go to build roads, we have collected it by taxing gasoline, and yet every penny of that $90 billion will have been spent but not on roads. It will have been spent on many other things—some worthy, some not so worthy—but it will not have been spent for the purpose that the money was collected in the first place. And that purpose is to build roads.

The amendment that Senator BYRD and I are offering will basically do this. It will take the 4.3-cent-a-gallon tax on gasoline and it will allow it to accumulate for a year. And then, after the accumulation has occurred for 1 year, it will commit that revenue for the purpose that it was collected: To build roads. What it will mean is that over the period of our bill it will authorize about $31 billion of additional funds to build roads, and the actual expenditure will be about $21 billion.

If we don't pass this amendment, what will happen is this $90 billion will be collected, it will not be spent for roads, and every penny of it will be spent for something else. Senator BYRD the other day likened this procedure to the story of Ananias in the Bible, where, in the book of Acts, Ananias has sold his worldly goods to give the money to the new, fledgling church, only Ananias holds back part of the money. And God not only struck Ananias dead but struck his wife Saphira dead.

In a very real sense, what we have been doing on the Highway Trust Fund is we have been engaged in an action which is basically deception. We have been telling people that they are paying taxes to build roads when they pay at the gasoline pump, and we have not been building roads. We have, in fact, been spending that money for other purposes. The amendment that Senator BYRD will offer for himself and for me, for Senator WARNER, and Senator BAUCUS, will simply take the 4.3 cents of revenues and assure that they are, in turn, spent for the purpose that the tax is now collected, and that is building roads.

I would note that even under our amendment, the unexpended balance of the trust fund will grow from $23.7 billion today, to at least $39 billion by the year 2003.

The issue here is, should money that is collected for the purpose of building roads be authorized for expenditure for that purpose? Or should we continue to allow it to be spent for other purposes?

Let me address the issue of the budget. Nothing in our amendment busts the budget. Nothing in our amendment increases expenditures by one thin dime. Nothing in our amendment will allow the budget deficit to grow. All our amendment does is require that the funds that are collected on the gasoline tax to build roads be authorized to be expended on building roads. Obviously we cannot require, in the transportation bill, that the Appropriations Committee appropriate the money each and every year to fund the authorization. But I would remind my colleagues that 6 years ago we wrote a highway bill and we set out in that highway bill the authorization levels that would allow appropriations, and that highway bill, through 6 long years, was never changed.

Some of our colleagues will argue, ''Well, let's not authorize the building of roads with taxes collected to build roads now, let's wait a couple of years and write another budget and make a decision.''

Our decision today is about whether or not we are going to be honest with the American people and whether or not we are going to spend money collected to build roads for the purpose that they are collected.

That basically is the issue. This is not an issue about total spending. Nothing in our amendment changes total spending. It is an issue about truth in taxing, and that is, when we tax people on a user fee to build roads, do we build roads with the money or do we allow it to be spent for other purposes?

In our amendment, we say that we are not raising the total level of spending, but we make it clear we are serious about funding highways. We say that if savings occur in the future relative to the budget agreement and if Congress decides to spend any of those savings in the future, that those savings must be used to fully fund highways and meet the obligation that the

revenues collected in this gasoline tax be used for the purpose of building roads.

So there will be many issues debated, but they really boil down to a very, very simple issue: When we are imposing a tax on gasoline, a tax that people are paying when they are filling up their car and truck, and we tell them that that money is being spent for roads so that they are beneficiaries of the tax they are paying, are we going to fulfill the commitment we make to them when we tell them that or are we going to allow, incredibly, $90 billion to be collected over the next 6 years where people are told the money is going to build roads but, in reality, the money goes to fund something else?

There are many ways you can debate this issue, but it all comes down simply to priorities. What the Byrd-Gramm amendment will do is fulfill the commitment we have made by authorizing that funds collected in the gasoline tax be available to build highways. That is the issue. We do not change the formula in allocating the funds. We meet the same requirement the committee met, and that is, we guarantee that for the first time, every State, at a minimum, will get back 90 percent of their share of the gas taxes they send to Washington, DC. As a person who is from a donor State, which means we are currently getting 77 cents for every dollar we send to Washington, that is a dramatic improvement.

The amendment that Senator BYRD will be offering on behalf of some 40 or 50 cosponsors is an amendment basically that will allow us to fulfill the commitment that we have made to the American people.

So I am very proud to be an original cosponsor with Senator BYRD of this amendment. I think it is a very important amendment. I hope our colleagues will look at it. I hope they will decide that it is time to tell the American people the truth. It is time to stop collecting gasoline taxes and then using those gasoline taxes for purposes other than building roads.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Louisiana is to be recognized for 7 minutes.

Mr. BREAUX. I thank the President.

Mr. President, I want to associate myself with the remarks of the Senator from Texas. I think what he and Senator BYRD are doing is the correct thing to do. I am proud to be a cosponsor of their amendment and hope that the Senate recognizes that this makes a great deal of sense and is the right policy as well.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 1308 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is now recognized for up to 30 minutes.

Mr. BYRD. I thank the Chair.

Mr. BYRD. I thank my distinguished friend, Mr. GRAMM, who has spoken already on this subject. And I thank Mr. WARNER and Mr. BAUCUS, both of whom will speak. I thank them for being chief cosponsors of the amendment along with me.

I should state at this point that there are 40 Senators, in addition to myself, who will have their names on this amendment. I will not offer it today except to offer it to be printed. And at such time as I do offer it, I will then add additional names by unanimous consent.

So in the meantime, if any Senators wish to cosponsor the amendment, if they will let either me or Mr. WARNER or Mr. BAUCUS or Mr. GRAMM know, we will act accordingly and have their names added at the appropriate time.

Mr. President, S. 1173, the reauthorization of the Intermodal——

Mr. WARNER. Mr. President, would the distinguished Senator yield?

Mr. BYRD. Yes.

Mr. WARNER. Because this is such an important announcement you are making, and having had the opportunity to work with you and the others on this, there are 41 cosponsors, but we also know of others who made personal commitments to us over and above the 41 that intend to vote for the amendment.

Mr. BYRD. That is right. And I am glad the distinguished Senator from Virginia, Mr. WARNER, has pointed that out. I have had several Senators say, for one reason or another, they would not cosponsor the amendment but that they intended to vote for it when the time comes. I am glad the Senator has brought that to the attention of the Senate.

The reauthorization of the Intermodal Surface Transportation Efficiency Act, or ISTEA II as it is often referred to, will set the authorization levels for the next 6 years for major portions of our national transportation system. And I congratulate the distinguished majority leader, Senator LOTT, for his decision to take up this 6-year bill rather than the 6-month extension proposed by the other body.

In the end, however, the committee did not report a bill that in my view provides sufficient highway funding authorizations for either the Appalachian Development Highway System or the entire National Highway System.

The levels reported were constrained by the allocation of budget authority provided to the Committee on Environment and Public Works by the budget resolution. And that allocation does not allow anywhere near the levels of highway authorization that can be supported by the highway trust fund revenues over the coming 6 years, nor the levels that are seriously needed to prevent further deterioration in our National Highway System.

Senators will recall that last year I, along with Senator GRAMM and other Senators, urged the leadership to allow us an opportunity to vote on an amendment to a tax measure to transfer the 4.3 cents per gallon gas tax which was going toward deficit reduction into the highway trust fund where it could be used for increased highway and transit spending in the coming years. At the request of both the majority and minority leaders, I deferred offering such an amendment during last year's session.

On May 22 of this year, I joined 82 other Senators in voting for an amendment by Senator GRAMM in support of transferring the 4.3 cents gas tax—Mr. President, I think I left my cough drops in the office. I can assure all Senators, however, I do not have whooping cough nor do I have consumption, but I have had a severe cold. If I could proceed, I will do so by rereading the sentence that I stumbled on.

Earlier this year, I joined 82 other Senators in voting for an amendment by Senator GRAMM in support of transferring the 4.3 cents gas tax to the highway trust fund and spending it on our rapidly deteriorating transportation systems.

And then on July 14, I joined with 82 other Senators and expressed in a letter to Senators LOTT and DASCHLE, as well as to the chairman and ranking member of the Finance Committee, Senators ROTH and MOYNIHAN, the view that additional funding for transportation is urgently needed.

We 83 Senators urged that the conferees on the Reconciliation Act retain the Senate's transfer of this gas tax into the highway trust fund so that it could then be used for additional transportation spending in the future rather than being applied toward deficit reduction.

Ultimately, the balanced budget agreement did include the transfer of the 4.3 cents gas tax into the highway trust fund, beginning October 1, 1997. And as a result, the highway account of the highway trust fund will receive additional revenues totaling almost $31 billion over the next 5 fiscal years.

One would think that the budget agreement would have taken this additional revenue into account in setting the allocations of budget authority for the pending 6-year highway bill. Instead, under the reported bill, the cash balances in the highway trust fund will grow massively over the next 6 years.

The Congressional Budget Office tells us that under the committee reported bill the balance in the highway trust fund will be just over $25.7 billion at the end of fiscal year 1998. And according to CBO, that trust fund balance will grow each year thereafter, to an unprecedented level of almost $72 billion by the end of fiscal year 2003. In other words, if we accept the levels of contract authority provided in the reported bill for the next 6 years, we will have accomplished nothing by placing the 4.3 cents gas tax into the highway trust fund other than to build up these huge surpluses which have the effect of masking the Federal deficit.

I have called for increased levels of infrastructure investment for years. And yet, despite my pleas and despite the needs of our States and of our constituents, we in the Congress have allowed much of the Nation's physical infrastructure to fall further and further into disrepair.

As the chart to my left shows, the Federal spending for infrastructure as a percentage of all Federal spending, 1980 through 1996, has significantly declined since 1980. And it was more than 5 percent at that time. And as of 1996, it is less than 3 percent.

So in that year—in that year—Federal spending on highways, mass transit, railways, airports, and water supply and waste water treatment facilities amounted to just over 5 percent of total Federal spending. But as I have already pointed out, our 1996 Federal spending on these same infrastructure programs had dropped to less than 3 percent of total Federal spending—less than 3 percent of the total Federal spending.

Nowhere is there infrastructure investment more inadequate than on our Nation's highways. Our National Highway System carries nearly 80 percent of U.S. interstate commerce and nearly 80 percent of intercity passenger and tourist traffic. The construction of our national interstate system represents perhaps the greatest public works achievement of the modern era. But we have allowed segments of our National Highway System to fall into serious disrepair.

The U.S. Department of Transportation, the DOT, has released its most recent report on the condition of the Nation's highways. Its findings are even more disturbing than earlier reports. The Department of Transportation currently classifies less than half of the mileage on our interstate system as being in good condition. And only 39 percent of our entire National Highway System is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair or poor condition. Almost one in four of our Nation's bridges is now categorized as either structurally deficient or functionally obsolete.

There are literally over a quarter of a billion miles of pavement in the United States that is in poor or mediocre condition. There are over 185,000 deficient bridges across our country. If we allow the decay of our transportation systems to continue, we will vastly constrict the lifelines of our Nation and undermine our economic prosperity.

According to the Department of Transportation, our investment in our Nation's highways is a full $15 billion short each year of what it would take just to maintain current inadequate conditions. Put another way, we would have to increase our national highway investment by more than $15 billion a year to make the least bit of improvement in the status of our national highway network.

It is also critical to point out that while our highway infrastructure continues to deteriorate, highway use—highway use—is on the rise. Indeed, it is growing at a very rapid pace. The number of vehicle miles traveled has grown by more than one-third in just the last decade.

On the chart to my left we see shown U.S. highway vehicle miles traveled. The source is the Federal Highway Administration, highway statistics, 1983 through 1997.

As I say, the number of vehicle miles traveled has grown by more than one-third. And the chart represented here shows the miles traveled in billions, billions of miles. As a result, we are witnessing new highs in levels of highway congestion, causing delays in the movement of goods and people that costs our national economy more than $40 billion a year in lost productivity. And, Mr. President, it is clear that the requirements we place on our National Highway System are growing, while our investment continues to fall further and further behind.

We are simply digging ourselves into a deeper and deeper hole. It is a proven fact that investments in highways result in significant improvements in productivity and increased profits for business as well as improvements to both our local and our national well-being. According to the Federal Highway Administration, every $1 billion invested in highways creates and sustains over 40,000 full-time jobs. Furthermore, the very same $1 billion investment also results in a $240 million reduction in overall production costs for American manufacturers.

And while we can easily see the economic impact of this disinvestment, we must not lose sight of the fact that deteriorating highways have a direct relationship to safety. Almost 42,000 people died on our Nation's highways in 1996. And that is the equivalent to having a midsized passenger aircraft crash every day killing everyone on board.

Let me say that again: 42,000 people died on our Nation's highways in 1996. That is the equivalent to having a midsized passenger aircraft crash every day killing everyone on board.

Substandard road and bridge designs, outdated safety features, poor pavement quality and other bad road conditions are a factor in 30 percent of all fatal highway accidents according to the Federal Highway Administration. The economic impact of these highway accidents costs our Nation $150 billion a year, and that figure is growing.

Now, Mr. President, I am pleased today to bring before the Senate, together with the very able Senators GRAMM, BAUCUS, and WARNER, an amendment that will increase substantially the highway authorization levels contained in the underlying bill. In doing so, the amendment will authorize the use of the increased revenues that began flowing into the highway trust fund on October 1 of this year. As shown on this chart to my left, the Congressional Budget Office estimates that over the 5-year period 1999 through 2003, increased revenue to the highway account will equal $30.971 billion. This amendment will utilize these additional revenues in full to authorize additional highway spending over the 5-year period 1999–2003.

Our amendment does not change the formulas of the underlying bill. Each State will receive its same formula percentage share of these additional authorizations as it did in the reported bill. For the donor States, the amendment still ensures they will receive a minimum of 90 percent return on their percentage contribution to the highway trust fund. Moreover, our amendment, like the committee-reported bill, utilizes 10 percent of the total available resources for discretionary purposes. Increased discretionary amounts of contract authority will therefore be available for the multi-State trade corridors initiative, as well as the 13–State Appalachian Development Highway System.

Adoption of this amendment will not change the scoring of the deficit by one dime. It has been a routine event in this Senate for us to adopt authorization bills that authorize spending levels that far exceed available appropriations. Within the education area, we have funding authorizations on the books that exceed actual appropriations by billions of dollars. The same is true in the area of health research, environmental programs, agricultural programs and the like. The actual obligation ceiling that will pertain to these highway programs will be set annually by the Appropriations Committees as has been the case for the past 6 years under ISTEA and for many of the highway authorization bills before that.

The real question at this time is whether we will allow the 4.3-cents-per-gallon gasoline tax that is now going into the highway trust fund to be authorized for use in the 6-year highway bill or not. Eighty-three Senators signed a letter this past July stating their support of the use of these funds for the purposes for which the tax is being collected; namely, for the construction and maintenance of our national system of highways and bridges.

Much has been made by the opponents of this amendment about the possibility that the increased highway spending authorized by the amendment will cause drastic cuts over the next 5 years in other discretionary spending.

Mr. President, I believe that this argument is unfounded. Enactment into law of the Byrd-Gramm-Baucus-Warner amendment does not cause any cut in any Federal program. Let me repeat again that the bill before us is an authorization bill. It is not an appropriations bill. Therefore, the Appropriations Committees in each of the next 5 years will have to determine what level of highway spending they can afford versus all of the other programs under the committee's jurisdiction. Each

year's transportation bill for fiscal years 1999 through 2003 will contain an obligation limit for total highway spending. That limitation will be set each year in light of the circumstances being faced by the Appropriations Committees in that particular year. The allocation of outlays to the Transportation Subcommittee hopefully will be sufficient to fully fund the entire contract authority provided in this amendment for each of the next 5 years. But, the Senate and House and the President will have the final say as to what is provided for highway spending and for all other areas of the discretionary portion of the budget. Put another way, if we do not adopt this amendment, we may have precluded for the next 5 years any additional highway spending.

Regarding the question of outlay caps on discretionary spending, I fully support and will strongly urge the Budget Committee chairman and the Senate to include in the budget resolution for fiscal year 1999 the necessary provisions to increase discretionary caps for the following 5 years if the economy continues to perform at a positive rate. As Senators are aware, since the adoption of the balanced budget agreement earlier this year, the projections of revenues have dramatically increased and the projections for spending have been dramatically cut. The result is a far better forecast than was thought to be the case when we voted for the balanced budget agreement this past spring.

As the chart to my left shows, a comparison of the budget agreement and OMB's Mid-Session Review now projects revenues to be a total of $129.8 billion greater over the 5-year period 1998 through 2002 than was projected in the balanced budget agreement —$129.8 billion greater in revenues than was projected at the time of the balanced budget agreement. For outlays, the forecast is also much brighter than it was a few short months ago. Compared to the balanced budget agreement, OMB now projects in its Mid-Session Review that total spending over the period 1998 to 2002 will be $71.6 billion less than was projected in that agreement.

The pending Byrd-Gramm-Baucus-Warner amendment takes note of the new projections in the following way. The amendment provides that if—if—savings in budgetary outlays for fiscal years 1998 through 2002 are still projected to exist in connection with the fiscal year 1999 budget resolution, and if that budget resolution calls for using any of the projected spending savings, an allocation of additional discretionary outlays for highways should be made sufficient to cover the costs of the pending amendment.

So what we are saying in our amendment is this: If any of the $71.6 billion in spending savings is to be used in the fiscal year 1999 budget resolution, $21.6 billion should go toward increasing discretionary caps in order to cover the outlays that will result from the increased authorizations of contract authority for highways contained in the pending amendment.

I am for increasing discretionary outlays sufficient to cover the costs of the additional highway construction that will occur under the pending amendment if the economy continues to perform favorably as projected. But, we are not here today to debate the budget resolution. The time for that debate is next spring when the budget resolution for 1999 is before the Senate. We are here today to decide whether to authorize additional highway levels for the next 5 years or whether to let the 4.3-cents gas tax be used instead as a bookkeeping mechanism to build up huge surpluses to mask the Federal deficit. I urge all Senators to vote to waive points of order on this amendment so as to allow it to be voted on, and I urge all Senators to vote for its adoption. In so doing, Senators will be voting to restore public trust in the highway trust fund, and they will be voting to take the next step toward providing substantially increased highway investments for all States—not just one, not just 10, but all States—over the next 6 years.

Let us take a step forward in restoring confidence in Government policies by using gas tax revenues as we have told the people that they would be used. Taxes collected at the pump are intended to be used to construct and maintain safe and modern highways and also to provide needed transit systems.

It is unconscionable that we should continue to hold back public moneys from our Nation's highways when they are slipping into such deplorable disrepair. Promise keepers we certainly are not when it comes to the highway trust fund. The money is there. It has been specifically collected and designated to be plowed back into highways for the benefit of the taxpayer, and yet we are stubbornly sitting on it. We are stubbornly sitting on that money.

It is wrong. It is deceitful. It is bad public policy. It is deplorable in terms of its detrimental impact on our economy. It is contributing to the death and accident rates on our highways. It ought to be stopped. This amendment gives Senators a way to stop it.

I ask unanimous consent to have printed in the RECORD certain tables, and I shall send the amendment to the desk not for the purpose of it being offered today but only for the purpose of it being printed and available for all Senators to see it.

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

PAVEMENT MILES IN POOR TO FAIR CONDITION [1]

State	Mileage poor & mediocre	Federal aid miles
Alabama	3,628	23,230
Alaska	1,259	3,010
Arizona	1,705	11,869
Arkansas	1,994	19,744
California	14,985	48,165
Colorado	5,571	15,965
Connecticut	1,384	5,579
Delaware	584	1,428
District of Columbia	184	389
Florida	7,858	24,378
Georgia	224	29,777
Hawaii	306	1,321
Idaho	4,719	8,594
Illinois	10,681	33,207
Indiana	5,028	21,586
Iowa	4,545	23,395
Kansas	10,987	22,274
Kentucky	3,380	14,389
Louisiana	4,943	14,503
Maine	1,377	6,138
Maryland	1,704	7,404
Massachusetts	3,028	9,154
Michigan	10,032	30,729
Minnesota	13,252	29,501
Mississippi	6,853	20,257
Missouri	8,191	30,178
Montana	5,336	12,058
Nebraska	6,120	15,086
Nevada	633	5,472
New Hampshire	832	3,291
New Jersey	2,318	9,382
New Mexico	4,715	9,787
New York	7,656	25,268
North Carolina	7,467	20,036
North Dakota	5,226	13,294
Ohio	4,316	27,791
Oklahoma	6,813	25,716
Oregon	5,454	17,535
Pennsylvania	4,864	27,105
Rhode Island	852	1,589
South Carolina	4,598	17,274
South Dakota	6,527	14,559
Tennessee	4,282	16,733
Texas	19,277	73,003
Utah	950	7,520
Vermont	1,869	3,760
Virginia	5,198	20,352
Washington	5,231	18,422
West Virginia	2,223	10,114
Wisconsin	8,806	27,606
Wyoming	3,664	7,329
Total	253,629	886,246

[1] Includes only pavement mileage eligible for federal highway funds.

Sources: The Road Information Program (TRIP). Federal Highway Administration.

TOTAL DEFICIENT BRIDGES

State	Bridges >20′ in inventory	Total deficient bridges
Alabama	15,418	5,201
Alaska	849	212
Arizona	6,147	613
Arkansas	12,530	3,793
California	22,563	6,216
Colorado	7,688	1,688
Connecticut	4,070	1,259
Delaware	775	192
District of Columbia	239	143
Florida	10,823	2,628
Georgia	14,306	4,001
Hawaii	1,070	564
Idaho	4,002	790
Illinois	24,915	6,154
Indiana	17,782	5,112
Iowa	24,844	7,437
Kansas	25,460	7,973
Kentucky	12,961	4,391
Louisiana	13,664	5,178
Maine	2,353	874
Maryland	4,524	1,418
Massachusetts	5,021	2,931
Michigan	10,417	3,561
Minnesota	12,555	2,668
Mississippi	16,725	6,801
Missouri	22,940	10,533
Montana	4,808	1,145
Nebraska	15,584	5,284
Nevada	1,150	214
New Hampshire	2,281	874
New Jersey	6,209	2,855
New Mexico	3,475	615
New York	17,308	10,946
North Carolina	16,085	6,006
North Dakota	4,617	1,436
Ohio	27,795	8,664
Oklahoma	22,710	9,021
Oregon	6,516	1,789
Pennsylvania	22,327	9,771
Rhode Island	734	356
South Carolina	8,999	1,884
South Dakota	6,108	1,750
Tennessee	18,658	5,458
Texas	47,192	11,752
Utah	2,586	714
Vermont	2,653	1,112
Virginia	12,679	3,602

TOTAL DEFICIENT BRIDGES—Continued

State	Bridges >20′ in inventory	Total deficient bridges
Washington	7,025	1,947
West Virginia	6,477	3.023
Wisconsin	13,165	3,348

TOTAL DEFICIENT BRIDGES—Continued

State	Bridges >20′ in inventory	Total deficient bridges
Wyoming	2,889	664
Total	574,671	186,559

FY 1999–2003 TOTAL INTERMODAL SURFACE TRANSPORTATION EFFICIENT ACT II, BYRD/GRAMM AMENDMENT

[Preliminary data—dollars in thousands]

State	S. 1173 FY 1999–2003 total as reported by committee	Percent	Byrd/Gramm amendment [1]	Total	Percent
Alabama	2,211,500	1.9970	556,579	2,768,080	1.9970
Alaska	1,373,201	1.2400	345,600	1,718,802	1.2400
Arizona	1,719,893	1.5531	432,854	2,152,748	1.5531
Arkansas	1,472,869	1.3300	370,684	1,843,553	1.3300
California	10,134,190	9.1512	2,550,537	12,684,727	9.1512
Colorado	1,412,391	1.2754	355,465	1,767,856	1.2754
Connecticut	1,895,552	1.7117	477,038	2,372,590	1.7117
Delaware	520,488	0.4700	130,994	651,481	0.4700
District of Columbia	500,536	0.4520	125,973	626,508	0.4520
Florida	5,099,176	4.6046	1,283,335	6,382,510	4.6046
Georgia	3,882,378	3.5058	977,098	4,859,476	3.5058
Hawaii	861,113	0.5970	166,380	827,492	0.5970
Idaho	908,085	0.8200	228,542	1,136,627	0.8200
Illinois	3,683,946	3.3266	927,157	4,611,103	3.3266
Indiana	2,693,608	2.4323	877,914	3,371,522	2.4323
Iowa	1,461,433	1.3197	367,807	1,829,240	1.3197
Kanasa	1,450,185	1.3095	364,977	1,815,162	1.3095
Kentucky	1,921,071	1.7347	483,486	2,404,557	1.7347
Louisiana	1,967,553	1.7767	495,201	2,462,754	1.7767
Maine	636,102	0.5744	160,097	796,199	0.5744
Maryland	1,668,720	1.5069	419,975	2,088,696	1.5069
Massachusetts	1,968,441	1.7775	495,412	2,463,853	1.7775
Michigan	3,493,538	3.1547	879,236	4,372,775	3.1547
Minnesota	1,655,828	1.4952	416,732	2,072,558	1.4952
Mississippi	1,396,953	1.2614	351,580	1,748,533	1.2614
Missouri	2,635,864	2.3802	663,387	3,299,251	2.3802
Montana	1,173,866	1.0600	295,433	1,469,296	1.0600
Nebraska	929,790	0.8396	234,004	1,163,794	0.8396
Nevada	808,417	0.7300	203,458	1,011,875	0.7300
New Hampshire	575,859	0.5200	144,929	720,788	0.5200
New Jersey	2,668,883	2.1400	671,691	3,340,574	2.4100
New Mexico	1,162,791	1.0500	292,646	1,455,437	1.0500
New York	5,640,544	5.0934	1,419,503	7,060,046	5.0933
North Carolina	3,129,880	2.8263	787,713	3,917,593	2.8263
North Dakota	808,417	0.7300	203,458	1,011,875	0.7300
Ohio	3,812,849	3.4430	959,599	4,772,448	3.4430
Oklahoma	1,745,495	1.5762	439,300	2,184,796	1.5762
Oregon	1,426,177	1.2878	358,934	1,785,111	1.2878
Pennsylvania	4,199,341	3.7920	1,056,906	5,256,247	3.7920
Rhode Island	642,304	0.5800	161,652	803,956	0.5800
South Carolina	1,759,595	1.5889	442,846	2,202,441	1.5889
South Dakota	863,788	0.7800	217,394	1,081,182	0.7800
Tennessee	2,506,281	2.2632	630,768	3,137,049	2.2632
Texas	7,623,695	6.8842	1,918,693	9,542,388	6.8842
Utah	955,428	0.8628	240,460	1,195,888	0.8628
Vermont	520,488	0.4700	130,994	651,481	0.4700
Virginia	2,834,290	2.5594	713,320	3,547,610	2.5594
Washington	2,035,955	1.8385	512,401	2,548,356	1.8385
West Virginia	1,131,708	1.0219	284,833	1,416,541	1.0219
Wisconsin	2,011,684	1.8165	506,291	2,517,975	1.8165
Wyoming	841,639	0.7600	211,820	1,053,459	0.7600
Puerto Rico	508,260	0.4590	127,917	636,176	0.4590
Total	110,742,037	100.0000	27,871,000	138,613,037	100.0000

[1] Source of additional contract authority: CBO.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Virginia.

Mr. WARNER. Madam President, if I might just enter into a colloquy here with our distinguished former Senate leader and now the distinguished ranking member of the Appropriations Committee and reflect a little on the very important work which the Senator has led on this amendment, together with Senator GRAMM, Senator BAUCUS, and joined in by myself.

I think it is important to share with our colleagues what this amendment does not do. It doesn't break the budget. We have reviewed that in the number of sessions that the four of us have had.

I wonder if my colleague would recount some of the things to dispel, if I may say, some rumors that seem to be circulating at the moment.

Mr. BYRD. Madam President, I have read and heard some things that are being said about the amendment that do not conform to the proper rules of exactitude. I don't say it is intentional. I think some of these things have been said, perhaps all, through a misunderstanding. I am willing to see it in that way.

There is a great deal of misinformation that has been spread. I can understand why, to some extent. The amendment has not been available for Senators to read. Now it is available, and Senators and their staffs will be able to read for themselves.

It does not bust the budget. It will not intrude upon other programs. It will not mean that other programs will be cut.

I have read a letter or memo recently which indicated certain other programs—by the way, many of them are funded by my own Appropriations Subcommittee on the Department of the Interior, and I have supported those programs for years and years and intend to continue to support them. I would not vote to cut them. It would not result in the cutting of any programs.

I can think of those two things in particular. As we go along further in the debate, there will be other matters that I hope can be straightened out and the light of truth can be focused on them.

If the Senator thinks of other things being said, I will be happy to respond.

Mr. WARNER. If I might follow along, in drafting this bill we have made it very clear that any additional funds next year would be subject to a budget resolution, but they would flow and be distributed precisely as provided in the committee bill, which I hope will eventually become law.

So there would be a law in place next spring by which those funds as designated in this amendment would flow immediately pursuant to the terms of the committee bill.

Now, the key point, Madam President, is that it would not require the

Senate to have another bill, but alternative measures that I have heard about, Madam President and colleagues, that may be offered in the second degree to the amendment we are now discussing would require a new bill.

Now, that, to me, is very important because we would take an existing law, move the funds through it under a formula, hopefully, that Senators will find equitable and not have to revisit in an election year. Madam President, those of us who have been here a while know—and I certainly defer to the experience and knowledge of the former majority leader of the U.S. Senate—in an election year, the chances of getting through a bill of this nature, allocating funds, is exceedingly difficult. I ask my colleague, does he not agree with that observation?

Mr. BYRD. I agree with the distinguished Senator. He is preeminently correct. We should do it in this bill that is before the Senate now. It should not be a 6-month bill or a 1-year bill. We ought to do it in this year, in this bill. Then we will have notified the highway departments of the 50 States more accurately as to what they can depend upon over the next 5 years insofar as planning is concerned.

Mr. WARNER. The distinguished Senator brings up a key point. I hope each Senator will consult with their respective Governors and highway officials on this matter, because particularly in the Northeast States and the Far West, Madam President, weather will close in. There is a shorter period within which to do the vital construction for surface transportation. And unless there is in place a piece of legislation that gives the certainty of 6 years, then they are put at a severe disadvantage. I think that is key to this bill.

One last thing and I will yield the floor. Another situation that is being discussed, should we say, in the hallways, is a means to stop the amendment we are discussing by repealing altogether the 4.3-cent gas tax. Now, Madam President, if that measure is brought forward, that is a very significant step that I think we should give a great deal of consideration to before anybody takes that initiative.

So, Madam President, I conclude by putting a question to the ranking member of the Appropriations Committee, the former chairman and former majority leader, what would be the consequences, in his judgment, if such a measure as repealing the 4.3-cent tax were to be brought before this body—with the extensive debate that we have and the unlikely nature of it being accepted—but in the event it were?

The PRESIDING OFFICER. Under the previous order, the 30 minutes of the Senator from West Virginia have expired, and under the previous order, the Senator from Montana was to be recognized, followed by the Senator from Virginia. Is there objection?

Mr. BAUCUS. I yield to the Senator from West Virginia such time as he needs.

Mr. WARNER. I ask unanimous consent that the time allocated to the Senator from Virginia be consumed by what we have just covered in this colloquy.

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

Mr. BYRD. Madam President, I would view that happening with some disappointment, if not sadness. I hope that no effort will be made to repeal the gas tax. If that happens, that would mean an increase in the deficit. And if the author of such an amendment happens to think that that would bar the amendment that has been offered by the distinguished Senator and two others of my colleagues, and myself, and has been cosponsored by 37 additional Senators—if the author of such an amendment thinks for a moment that that would bar the carrying into the effect of the amendment we have been discussing, that Senator would be sadly mistaken because there are moneys in the trust fund sufficient to carry out the purpose of the amendment that I am offering, or will be offering at the appropriate time, which I have sent to the desk for printing. So, No. 1, it would increase the deficit. No. 2, it would have no effect on the amendment that is being offered by the other Senators and I.

Mr. WARNER. I thank my distinguished colleague.

Mr. BYRD. That would enable the funds in the trust fund to carry out their purposes.

Mr. WARNER. We clearly looked at our amendment to make certain it would be operative irrespective of the Senate and, indeed, congressional action on such a proposal as to repeal the 4.3-cent gas tax.

So, again, Mr. President, I join my colleagues, Senator BYRD, Senator GRAMM, and Senator BAUCUS, to increase the authorization levels in ISTEA II using funds generated by the 4.3 cents per gallon gas tax.

Along with the support of many of my colleagues, we have waged strong efforts this year for higher funding levels for our nation's surface transportation programs.

I initiated that effort and my amendments to spend additional revenues from the highway trust fund earlier this year failed by 1 vote.

Later, during the debate on the conference on the budget resolution, 85 Senators urged—by letter—the conferees to raise the allocation to the highway program so that a portion of the 4.3 cents Federal gas tax could be spent. That effort received no response.

Once again, with the amendment we offer today, we have another opportunity to ensure that additional funding is made available to modernize and expand our nations surface transportation system.

I continue to believe that investments in our transportation system—highways, rail and transit—are a wise and essential investment for the American taxpayer.

Almost every economic effort by the U.S. private sector is met by competition worldwide. Mr. President, for every dollar invested in transportation, there is an economic return of $2.60. Transportation dollars are, in military terms, a strong force multiplier.

The Department of Transportation also confirms that transportation spending is important for American workers. For every $1 billion spent on transportation, there are 50,000 new jobs.

Only with such forces can we survive in this one market world. So, Mr. President, I urge my colleagues to carefully consider the amendment we offer today.

The Byrd-Gramm, Warner-Baucus, amendment is the most realistic chance for us to provide needed funds for transportation based on actions by this Congress in future budget resolutions.

I have joined this amendment because it ensures that the underlying formula, for distribution of funds, of the Committee bill remains intact.

For donor states, this is critically important because every state will continue to receive 90 percent of the funds distributed based on each state's contributions to the highway trust fund.

Ninety percent of the additional funds, provided under this amendment, will likewise be apportioned to each state. Apportioned in the same manner as the formula provides under the committee bill.

Simply stated, this means that no state's percentage share of the program will change with the additional funds provided in the Byrd-Gramm amendment.

Ensuring that every state gets a fair return of 90 percent of the funds sent to the states under the formula is a fundamental principle of ISTEA II.

It is a principle that I will not abandon.

I am satisfied that this amendment is compatible with the formula revisions established in the committee bill.

For this reason, I am pleased to join my colleagues in support of this amendment.

My colleague from New Mexico, Senator DOMENICI, may offer a different approach that makes it very difficult for more funds to be directed to our nation's highways.

The amendment which may be offered by Senators DOMENICI and CHAFEE will provide an expedited process to pass another bill to allow for more transportation spending following action on next year's budget resolution.

That expedited process, however, requires the Senate to pass a new bill. No additional funds that may be provided in a future budget resolution can be released unless we enact a new bill.

Mr. President, the benefits of the Byrd amendment ensures that our states will not have to wait again for

the Congress to act. If any additional funds are provided in a budget resolution, they will go out through the normal process in an appropriations bill and then be allocated by the provisions, then in law hopefully, in this committee bill.

As a result, America's transportation system will benefit. Americans will not be left stalled in gridlock waiting for the Congress to pass another bill in an election year.

Mr. CHAFEE. Madam President, I wonder if the distinguished senior Senator from West Virginia would yield for a couple of questions.

Mr. BYRD. I will be happy to. I may have to ask my friends who are on the committee and are far more expert than I on the subject matter to answer, or to help answer.

Mr. CHAFEE. First, I say to the Senator that I am very pleased that the amendment has now been submitted. It is submitted for printing—I guess not formally submitted. Anyway, this is the amendment that we are going to act upon, as I understand it.

Mr. BYRD. Yes.

Mr. CHAFEE. I thank the Senator for that because, so far, we have not been sure what we were dealing with. But now we know.

I say this to the Senator. I ask the Senator, I listened to the statements on the floor here from the Senator from Texas and others, and there has been a lot of talk about truth in taxes and how wicked it was that this 4.3 cents has not gone for highways, and that it was deceptive to the American motoring public that when this tax was levied, it was levied on the basis that it would be used for bridges, highways, and so forth. Yet, I ask the Senator, was it not true when that tax was enacted, the 4.3-cent additional gasoline tax, in 1993, it was crystal clear to everybody that that was a deficit reduction; am I correct in that?

Mr. BYRD. Let's go back to 1990 just a bit. The distinguished Senator has specificated the 4.3 cents. Let's go back to 1956, when I was in the Congress. We passed the interstate highway bill during the Eisenhower administration and I voted for it. We passed legislation providing for a highway trust fund and for taxes on fuels that would be deposited into that highway trust fund. And it was clearly understood by the American public then that that money was going to come back to the public in meeting their highway and other transportation needs. So that thought was thoroughly ingrained into the minds and hearts and pocketbooks of the American people more than 40 years ago.

Now, we come up to 1990, 34 years subsequent thereto, and we go to the meeting that was held over at Andrews Air Force base. I was part of that meeting. We passed the legislation as part of a package. President Bush entered into that agreement. I believe that former Speaker Foley was there and was part of it. Several us were there. A part of that package provided that 2.5 cents of the fuels taxes be for deficit reduction, temporarily, and that we would put it into a trust fund. That was in 1990. It was to go back into the trust fund in 1995.

Tomorrow, I am going to lay a clearer outline in the RECORD. But I know that our friends—and they are our friends; I consider them friends—are going to argue that the American people did not understand this money to be used for transportation needs, that the American people, all along, have known otherwise. But that is not the case. I go back to 1956, and there are people who were infants at that time—I should even say babies, some who hadn't been born yet who, for the next 34 or 36 years after that period were paying taxes on gasoline at the pump and who believe clearly and had good reason to believe because that is what they were told and that was a fact, that those gas taxes were going to be returned to the States by way of transportation infrastructure. So that's what the American people have been told. We know now, and it has been made clear in a recent study titled, ''What Americans Think About Federal Highway Investment Issues.'' This is presented by the Transportation Construction Coalition Commission' Opinion and Survey.

It is not surprising then that fully 75 percent of Americans say that the United States should use the gas tax exclusively to pay for road and bridge improvements and not on nontransportation programs. Fully 71 percent of Americans want the $6 billion in gas tax revenues, now spent on nontransportation programs, shifted to highways and bridge safety improvements. Indeed, 69 percent of the majority say the U.S. Government should place an even higher priority on highway and bridge improvements of any type than it does now.

So I thank the distinguished Senator for asking the question. I say, yes, there was a brief interlude in those years between 1956 and 1997 when some of the gas taxes were to be used on reduction of the deficits. But that is not the case now, and it was not the case for 34 years prior to the year 1990.

Mr. CHAFEE. Well, Madam President, the point I am making here is that, in 1993—and we were all here at the time—the President of the United States came forward with a deficit reduction program. In that deficit reduction program—this was in 1993—there was a 4.3-cent added gasoline tax imposed. It was crystal clear to everybody who paid any bit of attention to it that that was for deficit reduction. That went into the general fund. It wasn't for gas, it wasn't for highways or bridges, it was for deficit reduction. I voted against it. Every single Republican voted against it, but that is neither here nor there. The fact is that it passed. In those days, there were a majority of Democratic Senators in this body, and those 1993 moneys were clearly for deficit reduction. So the reason I am stressing this is because we have heard some powerful discussion here on the floor about truth in taxes and how unfair it is to the American public that when our wives go and pump the gas into the car, they believe that every tax they pay on that is going into roads and bridges. That may be what they think, but that isn't what the facts are. In 1993, it was crystal clear. There was all kinds of debate here. I am not saying that was wrong. I voted against the entire package but, as I said, that is neither here nor there. It is clear that the money for gasoline taxes was to go for deficit reduction.

Mr. BAUCUS. Will the Senator yield on that point?

Mr. CHAFEE. I don't even have the floor. I am here by sufferance.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is entitled to the floor at this point.

Mr. BAUCUS. How much time do I have left?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. CHAFEE. I will give you all of my time that I don't have.

Mr. BAUCUS. I say to the Senator, back in 1993, it was a very difficult time. The President and the Democratic majority of the Congress were trying to figure out a way to get us on the path toward deficit reduction.

I might say to my good friend from Rhode Island that I think it worked. That package dramatically set us on a glidepath which has enabled us to begin to reduce our budget deficit. In fact, the budget resolution which was passed this year, which allows us to balance the budget was due in large part to that 1993 package.

Having said that, I can remember when I cast that vote. At first, some were proposing a higher tax than 4.3-cents per gallon. I think it was up to a nine cents or so. I argued that I opposed using a gasoline tax for deficit reduction. And because of these arguments, the final number was 4.3 cents. So while I didn't like the idea of a gas tax for deficit reduction, I supported it for the greater good of getting the deficit reduced. And again, that package led get down the road to deficit reduction. But I knew at that time, that once the deficit was reduced, we would be working get this money back to the trust fund for transportation uses.

Indeed, that is what this Congress has done. We have voted to transfer the 4.3 from deficit reduction to the trust fund. That vote passed by a very large margin with a majority of Republicans voted for it.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I am not going to argue against the action that was taken at that time. I think the Senator may well be right, that those actions started a glidepath toward significantly reducing the deficit. All I am saying here is that nobody was under any illusions at the time. I am just trying to rebut the statements being made

here that what we need is truth in taxation, truth in gasoline taxation, and that this is a great deception to the American people. There was no deception. It was absolutely clear in 1993 when those votes were taken—I am not arguing with people who voted for or against it, but nobody in this Chamber was under any illusion that that money was going to build roads or bridges. It was going to go to deficit reduction.

Mr. BAUCUS. Madam President, I would like to ask the Senator, if he is going to speak, not to speak in my time because I would like to finish my statement, and I see it slowly slipping away.

Mr. CHAFEE. I think we better let the Senator get on with his statement. I have no time.

Is the Senator the last speaker?

Mr. BAUCUS. I have no idea.

Mr. CHAFEE. Go to it.

Mr. BAUCUS. I appreciate the good points made by my friend from Rhode Island, but they are really sort of obfuscation. They really don't get to the central point, the central point being should we or should we not pass the Byrd-Gramm-Baucus-Warner amendment which will increase the contract authority or authorization of transportation programs.

There have been a lot of statements from my colleagues about this amendment already. So I will be very brief. The most important point is one the Senator from West Virginia has so correctly made. We have tremendous transportation infrastructure needs, and that they are not being met. Indeed, the Department of Transportation has concluded under the current highway program we need about $15 billion a year in additional spending to meet our highway needs.

And these investments help us compete globally. It is this competition that has helped us reach the economic growth we have today. But we have to invest more in the engine of the economy, our transportation network. Other nation's are investing more in infrastructure in order to catch up to us. If you look at what other countries spend on infrastructure, Japan is four times as a percentage of GDP and Europe twice as much as we do. Just look around the D.C. area. Anybody who drives around here, with all the pot holes and congestion, knows how much we need to improve the highways in this country.

So how do we meet these transportation needs? We begin by increasing the authorizations for transportation spending. We have to do that with the Byrd-Gramm amendment because we are faced with a budget resolution which has limited the amount of money that the Environment and Public Works Committee can spend. And these limits are too low.

So the amendment Senator BYRD is offering is a very creative way to meet the needs of our highway system. It is very simple. It says that if the savings, or a portion of the savings projected in OMB's midsession review are realized and if Congress decides to spend them, then transportation programs should be fully funded. Let me emphasize the key words here. If there are additional savings from the economy and if Congress decides to spend them, then transportation should be fully funded. So nothing is mandated. There is no automatic increased spending. All of that will be decided by Congress next year and in future years. We are only saying that we should authorize these additional funds so that if additional spending is available, the authorization process is complete. We do not mandate anything. We are not mandating the Budget Committee to take action. We are not mandating the Appropriations Committee to spend any additional money. We are just saying they should spend the additional savings if that savings is available.

Now, the total savings available, if OMB's midsession review is accurate, will be about $200 billion. That is to say that we in the Congress will have $200 billion more than we thought we had when we passed the last budget resolution. That is, the economy has been doing so well that there will be about $71 billion less in spending—that is less in unemployment compensation insurance, for example—and about $130 billion in additional revenues because the economy is doing so well. This is over a 5-year period. It is these savings that we are targeting in this amendment.

Let me also say what this amendment does not do. Some Senators have said, and I think it is true that it is based on incorrect information—it is not their fault; the amendment has not been available for them to read. Some Senators said, well, this amendment will cut other programs. It is going to cut Head Start. It is going to cut education programs.

Let me be clear. This amendment in no way cuts funding for any program. Let me repeat that. The effect of this amendment is not to cut any program. That is because we are only authorizing additional spending with the anticipation that future economic savings will be available to fund these authorizations. If we do not do this, if we are locked into the lower numbers in the underlying bill, we will not be able to increase these numbers during the six year authorization. Not unless the Environment and Public Works Committee writes a new bill to do so. We do not want to have to write a new highway bill every year. That does not make sense. But the important point is that increasing the contract authority will not cut the spending for other programs.

And this amendment does not bust the budget. Again, that is because it only increases the contract authority for transportation programs.

Another point. If this amendment does not pass, the balances in the highway trust fund will be $71 billion by the year 2003. That is not right. Congress would continue to use this money to mask the true budget deficit. It is phony business. It is smoke and mirrors to let that happen. It just is not right to let these balances accumulate to such a large degree to mask the true budget deficit. That is wrong. And again that would happen if this amendment does not pass. It just happens automatically if it doesn't pass.

I might also add, Madam President, that I hear some Senators who are unhappy with the formula in the underlying bill. They have asked for more money for their States. I have heard from many States. It is a rare State that doesn't make that plea.

There is only one way to help States get more money and that is to vote for the Byrd amendment. Every State will receive more contract authority. If we do not have this extra contract authority, there is no way we can help States get more money. So if you need more money and if you feel you are not being dealt with fairly, this amendment will help bring that result. We will not be able to help any States or any programs without more money.

Madam President, I have more points I want to make, but I think it is probably more appropriate to bring those points up when the amendment is actually before us. But I just wanted to summarize by saying that I ask Senators to read the amendment now that it is available and they will see it does not cause all these problems that some fear it will cause. And on the contrary, they will see that it does not bust the budget and will not cause a funding cut to other programs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I want to call to the attention of my colleagues, both here on the floor and elsewhere, that there will be a Domenici-Chafee amendment which will provide a simple, fast-track method to increase highway spending without requiring an entire new ISTEA bill. So let's put to rest the suggestion that all kinds of complications are going to have to be gone through in order to increase highway spending under the bill that is before us, plus the amendment that Senator DOMENICI and I will submit.

So, therefore, you say, what's the difference? What's the difference between the two bills? Domenici-Chafee provides a fast-track method to provide additional funding and the so-called Byrd bill, Byrd-Baucus-Warner-Gramm bill says there will be increased funding for highway spending. But, let me just tell you the difference, Madam President. What the Byrd bill says, it says, now, what the contract authority will be, and since that is to be apportioned in just the present proportions that exist amongst the States, that applies a chart immediately that will go out, telling each State what it will get for each successive year.

There is a hitch there, though. That's a promise, it appears. But the sponsors

are stressing that it is not a promise, that the appropriators do not have to provide that amount of money. Here is the problem under that approach. I just look here on page 2, ''Authorization Of Contract Authority: There shall be available from the Highway Trust Fund . . . to carry out this subsection [$5.x billion] for fiscal year 1999,'' $5.471 billion the next year, on and on it goes until it gets up to $5.781 billion.

That is contract authority. And, absent something occurring, that is what the States will get. But the question is, is that what the appropriations are going to be? Here is the hitch. Every State department of transportation will look, as I say, at these amounts, everybody can figure out what their percentage is now and, since the promise is they are going to get the same percentage, we will figure let's see, what does Rhode Island get out of this? Let's see, in fiscal year 2001 things look pretty good. You just take $5.573 billion, which is on top of the amounts we have already, the $21 billion, you just add that in and figure this is what we are going to get in Rhode Island. But Rhode Island is not—or Maine, or Montana or West Virginia—is not necessarily going to get these amounts which appear to be promises because they are not promises because the appropriators have to act.

So, it seems to me the proponents of the bill are riding two horses here. One, they are saying to every State, you are going to get 25 percent more, isn't that wonderful? At the same time they are saying, oh, there are no commitments. Nothing is done. We are not breaking the budget. We are just going to leave it to the appropriators. Other programs can get what they want.

The problem, it seems to me, is once you get these sums out there in contract authority, as is in the Byrd bill, that every department of transportation, every Governor will figure that is what is coming and there will be tremendous pressure on this body to come through on the promise, seeming promise. They will stress, rightfully, it is not a promise. But who knows what the requirements are going to be for the budget, on the budget in the year 2001? Or 2002? Or 2003? It may well be we want to spend more on education. We may want to spend more on health care. It may be we want to cut taxes. But here this is locking us in.

I know they will deny it is locking us in. Why, contract authority, that is just there, you can change it. But I will guarantee by this time tomorrow every State will have a chart showing what they are going to get for 1999, 2000, 2001, 2002, and 2003. And it will appear to be a promise. That, to me, I believe, is a definite flaw in this measure.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If the Senator will yield, if I understand the Senator, he is saying under the Byrd-Gramm-Baucus-Warner amendment it is true that it is up to the discretion of the Budget Committee and appropriations committees to make these decisions, but that they will be under such pressure that they will not be able to decide responsibly what is right for the country? That is what I understand the Senator to be saying.

Mr. CHAFEE. What I am saying is these amounts are listed here as contract authority. I mean that is the word. And that means that every single State will anticipate—they can work these percentages out. You don't have to be a Phi Beta Kappa to do that. And they will anticipate what they are getting.

Indeed, proponents are already saying every State is going to get 25 percent more. They don't know they are going to get 25 percent more. That is what I mean. They are riding one horse saying you are going to get 25 percent more because there it is, ''in contract authority.'' At the same time they are saying we leave it completely up to the appropriators, it is not necessarily 25 percent.

Which is it?

Mr. BAUCUS. I think it is very clear. The point of this is we transferred 4.3 cents to the highway trust fund. Those are dollars that Americans expect to be used for highways. And I think the Senator is correct in saying there is a very strong presumption that that contract authority will be spent someday. The Budget Committee and the Appropriations Committee along with the rest of Congress will decide if the contract authority will be spent. But that is only if economic savings are realized. But the beauty of the amendment is if for some reason it does not make sense next year to increase transportation spending, they still have that discretion. That is the beauty of it.

So, in answer to the Senator, it is very clear. It could not be more clear. Yes, there is a very strong presumption because the amendment says it should be spent. But it does not say it must be spent. It does not mandate that. But I personally feel it should be spent. The cosponsors of this amendment very strongly believe that those dollars should be spent.

But, still, we can't totally predict the future. I can't. I don't think anybody in this body can. So next year if for some reason the Budget Committee and Congress decides it wants to make some other decision, it can. And the Senator knows, under the terms of this amendment, the Budget Committee can. But the Senator also is correct in saying there is a strong presumption under this amendment that this money should be spent on highways if the savings are realized. Again, the amendment provides ''if the savings are realized.''

I have one question for the Senator. When are we going to see the amendment of the Senator?

Mr. CHAFEE. It will be available tomorrow.

Mr. BAUCUS. Tomorrow. Good.

Mr. CHAFEE. I might say I think the Senator is on weak ground to suggest I am slow. If I understand, the first discussion of the Byrd amendment was on October 9th. I know there is a gestation period here, but this has been unusually long. Whereas we have not been discussing our amendment publicly and talking about it, it is going to come. I think it was first going to come on the 10th; then it was going to come on Monday the 20th. Then we looked forward with bated breath for it on the 21st. Indeed, it has not even been submitted yet.

You could perfectly well revise this. I don't know why you haven't filed it.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CHAFEE. Sure.

Mr. BYRD. Madam President, I call the attention of the Senator to a letter dated October 9th, signed by Mr. CHAFEE and by Mr. DOMENICI, to colleagues, in which the two Senators promise that there will be an amendment forthcoming. They even enclose an one-page summary of their amendment. And they say, ''We hope that we can have your support for this important matter.'' So on October 9th they had an amendment. That was before the recess occurred. They had an amendment, apparently, then, because they sent this to all their colleagues. I don't believe I received one. Maybe I did. I'm not sure.

In any event, they had the amendment then. Why have they waited until this date? They had it on October 9th. Today is October the 22nd, and we still don't see the amendment. But that is not so important.

May I say to the distinguished Senator from Rhode Island that the States know that they may not get the full authorized level. They never did under ISTEA, under ISTEA I, in previous years. They didn't get the authorized level.

May I also add I will be glad to join with the Senator and with Mr. DOMENICI in raising the caps. I will be happy to do that at the proper time, and I will urge that that be done. But there is time for that, yes.

Yes, the pressure is going to increase. No doubt about it. The pressures will increase because the people are going to want to get what they have been promised. Say what you like, but on May 22, 83 Senators voted that 4.3 cents should be returned to the trust fund and be spent on highway needs. That was 5 months ago. Only half of the task has been done, the transfer of the tax, but no spending of that revenue is currently authorized. So, I think when the people out in the various States, the hills and hollows, the seashores, read about this amendment they are, indeed, going to increase pressure to have us live up to the commitment that we know has been made and which was being urged by 83 Senators on May 22nd.

I thank my good-natured friend, Mr. CHAFEE. He is always very good natured, humorous, pleasing to get along

with. I enjoy serving with him. I thank him for yielding.

If he will yield just one moment further, I ask unanimous consent, Madam President, that the amendment that I am offering today on behalf of myself, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER and 36 other Senators, be printed in the RECORD so that all Senators may read it tomorrow.

(The text of the amendment No. 1397 is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BYRD. And, while I am on the floor on my feet, I shall read the names of the other cosponsors. And we are expecting additional cosponsors, as I indicated earlier today, with several Senators saying they won't cosponsor but they would vote with us.

The following Senators have agreed up to this point to cosponsor the amendment: Senators AKAKA, ASHCROFT, BAUCUS, BREAUX, BRYAN, BUMPERS, BURNS, BYRD, CLELAND, COATS, COVERDELL, DEWINE, DORGAN, FAIRCLOTH, FEINSTEIN, FORD, GRAMM of Texas, GRAMS of Minnesota, HARKIN, HOLLINGS, HUTCHINSON of Arkansas, INHOFE, INOUYE, JOHNSON, KENNEDY, KERREY of Nebraska, KERRY of Massachusetts, LANDRIEU, LEAHY, LIEBERMAN, MCCAIN, MCCONNELL, MIKULSKI, REID of Nevada, ROCKEFELLER, SANTORUM, SESSIONS, SHELBY, SPECTER and WARNER.

I thank the Senator for allowing me the privilege of reading these names into the RECORD.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Rhode Island.

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate now resume the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee/Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee/Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee/Warner amendment No. 1314 (to amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to amendment No. 1317), to strike the limitation on obligations for administrative expenses.

CLOTURE MOTION

Mr. CHAFEE. Mr. President, I now send a cloture motion to the desk to the pending committee amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, Pat Roberts, Slade Gorton, Jon Kyl, Dan Coats, Ted Stevens, Mitch McConnell.

Mike DeWine, John W. Warner, Larry E. Craig, Don Nickles, Jesse Helms, Chuck Hagel, Dirk Kempthorne, Lauch Faircloth.

Mr. CHAFEE. Mr. President, for the information of all Senators, the cloture vote will occur on Friday of this week if cloture is not invoked earlier on Thursday. All Senators will be notified as to the exact time of this cloture vote.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

ONE-CALL NOTIFICATION

Mr. FORD. Mr. President, I would like to clarify the intent of a portion of the Commerce Committee's ISTEA amendment that deals with State one-call (''call-before-you-dig'') programs. I'm interested in this language as it relates to the treatment of railroads. I understand that the provisions proposed to be added to the ISTEA legislation are the same as the provisions of S. 1115, the ''Comprehensive One-Call Notification Act of 1997.''

The Leader, together with the Minority Leader, introduced this bill as S. 1115 in July, and the Committee on Commerce, Science and Transportation already held a hearing on this bill in September.

Mr. LOTT. Senator FORD is correct. Thank you for focusing attention on this important safety aspect of the amendment. Our country increasingly depends on a reliable, safe, dependable underground infrastructure of pipelines and communications networks. To protect these facilities against damage from excavation activities, States have developed one-call programs. These programs notify facility owners of imminent excavation in the vicinity of those facilities. The owners can then mark the location of those facilities, protecting both the facilities and the excavator. My legislative goal is to augment and improve the effectiveness of these State programs.

Mr. FORD. Does the legislation impose mandates on States and require them to change their programs?

Mr. LOTT. The answer is an emphatic ''no.'' The legislation does not impose any federal mandate on the States to modify their existing one-call programs. The bill does not dictate the content of these programs from Washington. Period. The legislation does, however, encourage States to improve their programs, and it makes funding available for that purpose.

To be eligible for the funding, the State programs must meet certain minimum standards, but even those standards are performance-based, not prescriptive.

Frankly, legislation that contained a federal mandate for a one-call system was tried a few years ago, and it failed. There were endless fights over how the bill should be written precisely due to the fact that there are indeed 50 differing perceptions. Valid perceptions and experiences which match up to the many programs already in existence. This year, this mistake was avoided with this legislative approach—no mandates. And I am pleased to say that is why it enjoys broad support on both sides of the aisle.

In fact, at the conclusion of my remarks, I will ask unanimous consent to have printed in the RECORD a letter from Secretary of Transportation Slater, dated October 16, recognizing the importance of including one-call legislation as part of the reauthorization of the ISTEA legislation.

Mr. FORD. Among the minimum standards required for a program to be eligible for federal assistance is the requirement for ''appropriate participation by all excavators.'' However, the bill does not define these terms. Isn't that going to lead to a variety of inconsistent outcomes?

Mr. LOTT. What I have found is that there is not one single one-call definition that applies equally to all 50 States. The various State laws on the books have certain elements in common, but there are just as many differences, and those differences often are appropriate. Montana will not need the same law as Mississippi. For that reason, the bill allows States flexibility by not mandating a single definition written in Washington.