Coats	Harkin	Moseley-Braun
Cochran	Hatch	Moynihan
Collins	Helms	Murkowski
Conrad	Hollings	Murray
Coverdell	Hutchinson	Nickles
Craig	Hutchison	Reed
D'Amato	Inhofe	Reid
Daschle	Inouye	Robb
DeWine	Jeffords	Roberts
Dodd	Johnson	Rockefeller
Domenici	Kempthorne	Roth
Dorgan	Kennedy	Santorum
Durbin	Kerrey	Sarbanes
Enzi	Kerry	Sessions
Faircloth	Kohl	Shelby
Feingold	Kyl	Smith (NH)
Feinstein	Landrieu	Smith (OR)
Ford	Lautenberg	Snowe
Frist	Leahy	Specter
Glenn	Levin	Stevens
Gorton	Lieberman	Thomas
Graham	Lott	Thompson
Gramm	Lugar	Thurmond
Grams	Mack	Torricelli
Grassley	McCain	Warner
Gregg	McConnell	Wellstone
Hagel	Mikulski	Wyden

NAYS—1

Burns

The nomination was confirmed.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 1332 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ENZI. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, what is the business before the Senate and what is the pending question?

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER (Mr. GREGG). The clerk will report the pending business.

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.

Mr. BYRD. Mr. President I thank the Chair.

Mr. President, has the time under the Pastore amendment run its course?

The PRESIDING OFFICER. The Senator is advised that the Pastore rule will expire at 2:02.

Mr. BYRD. I thank the Chair.

I ask unanimous consent I may speak out of order.

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

Mr. BYRD. Mr. President, some days ago, the two distinguished Senators, Mr. CHAFEE and Mr. DOMENICI, offered an amendment which they proposed to call up at some point during the debate on the highway bill. There has been no floor discussion of that amendment. I have seen and read various things that are being written about the amendment and in criticism of the amendment which Senators GRAMM, BAUCUS, WARNER and I have offered for printing. My colleagues and I had offered an amendment several days ago and indicated we were offering it for printing, and that we intended to call it up at such time as the amendment tree was dismantled, and we would have an opportunity to call up the amendment.

There have been some discussions of our amendment, but I think it is appropriate to talk about the amendment now that has been offered, I assume, as an alternative to our amendment. I don't know what the prognosis of this bill is—whether it will be taken down and no action taken on extending the highway bill, or whether there will be a 6-month extension, or whether there will be a 6-year bill. I should think that the chances for the latter are diminishing with every passing minute.

In any event, it seems to me that there ought to be some discussion about the Chafee-Domenici amendment. I have spoken to Mr. CHAFEE a number of times about the amendment and have indicated to him that I thought we ought to have some discussion of it so that certain questions might be clarified. I personally have a few things to say about the amendment. I think the public is entitled to some enlightenment as to what it does and what it does not do. So that is the reason why I have chosen to take the floor at this time.

The sponsors of this amendment, my friends Senators DOMENICI and CHAFEE, have brought forward an amendment that claims to be an alternative to the Byrd-Gramm-Baucus-Warner amendment. I think when all Members thoroughly review the Domenici-Chafee amendment they will find that it is not an alternative at all. Rather, it is an effort designed to obfuscate and confuse Senators into thinking that they, the authors of the amendment, have accomplished the same ends as the Byrd-Gramm amendment.

Senators ought not be confused. I can understand how they are being confused, however. There have been no discussions of the Chafee-Domenici amendment on the floor. There has been discussion of it in memos that have been passed around, letters, articles in various publications, one of which was Congress Daily on yesterday, which was not accurate in many ways. Inasmuch as there has been considerable discussion of the Byrd-Gramm amendment, I think there ought to be an explanation of the Chafee-Domenici amendment and it ought to be out here on the floor in open view where everybody can see what is being said and hear what is being said and make up their own minds.

I feel very much like I am being shot at by someone behind a barricade. They don't come out in the open in public view and take their shots at the Byrd-Gramm amendment there, but I am being shot at. All kinds of things are being said about this amendment that I have offered, many of which things are absolutely not true. Also, many things are being claimed on behalf of the Chafee-Domenici amendment that are likewise inaccurate. So I think that there ought to be more discussion regarding the Chafee-Domenici amendment. Let's talk about it.

The differences between these amendments—the Chafee amendment on the one hand; and my amendment on the other—are as simple as they are stark. The Byrd-Gramm amendment authorizes an additional $31 billion in contract authority for investment in our Nation's highways over the 6 years covered in the underlying ISTEA bill.

The Domenici-Chafee amendment authorizes not even one, not even one additional dollar in contract authority for this 6-year period.

The Byrd-Gramm-Baucus-Warner amendment authorizes the spending of a 4.3-cent gas tax that is now going into the highway trust fund on our transportation needs over the next 6 years. The Domenici-Chafee amendment does not authorize any of this gas tax revenue to be spent on our highway, bridge and safety needs. That is a big difference. Our amendment authorizes the spending of the 4.3-cent gas tax that is now going into the highway trust fund.

We say it ought to be spent. The American people are being told that that is what it's for. They are not being told that if it goes into the general fund, it will be spent on the various

and sundry other programs, such as Indian roads, research, Head Start, education, parks, or just put into the General Treasury. They are not being told that. They think it is going into the highway trust fund to be spent on transportation needs—highways, mass transit, bridges. I think we owe them, in all honesty, an explanation. We ought to try to see to it that that money is spent for highways, mass transit, bridges, and so on.

We are not saying in our amendment that it ''shall'' be spent. But we are authorizing contract authority, and then come next spring when the Appropriations Committees meet and we have debate on the budget resolution, we will get into discussions as to whether or not there will actually be obligation authority to spend that money and, if so, how much, and so on. We are saying if savings are there, from which the $31 billion will come, and if we are going to spend those savings, then, transportation needs are top priority.

But the Domenici-Chafee amendment does not authorize any of this gas-tax revenue to be spent on our highway, bridge, and safety needs. Members should not be surprised by this. My friend, the Senator from Rhode Island, had stated in earlier debate on this bill that he does not believe that the 4.3-cents gas tax should be spent on our transportation needs. That is his view, and I respect him for that. He isn't running for a rock to hide under. He is just announcing from the steeple tops that he doesn't believe that the gas tax ought to be spent on transportation needs. He thinks it ought to go toward reducing the deficit. He is very plain and open about that, and you have to admire him for that. That is his view, and I respect that.

However, that is not my view. It was not the view of the 83 Senators who voted in favor of an amendment on this floor on May 22 of this year that called for the 4.3 cents to be transferred to the highway trust fund and spent on our transportation needs.

The Byrd-Gramm-Baucus-Warner amendment keeps faith with our vote on May 22. It keeps faith with the millions of American citizens who fill their gas tanks and pay their gas taxes, with the expectation that these funds will be spent on the construction and rehabilitation of our highways and mass transit and bridges. The Domenici-Chafee amendment tells those millions of Americans and those 83 Senators that they must wait for another day, wait until next spring, wait until we have the next budget resolution before the Senate, and, perhaps, maybe—we don't know—we might consider authorizing the spending of your gas taxes on the Nation's highways and bridge needs, and then again, we might not. We don't make you any promises. But, by all means, don't do anything on this bill; don't take action on this bill, the highway authorization bill. Wait.

The Domenici-Chafee amendment says that notwithstanding the fact that we are currently debating a 6-year highway authorization bill, now is not the time to decide the authorization level for highway spending for the next 6 years. Don't do it now—not now, not here. Wait. You Members here who are waiting with open mouths and open arms to see legislation pass that will assure your State and your State's transportation department of so much contract authority so that they can at least begin to think about it and plan about it, all of you just wait, don't do anything now. This is that old 6-year highway bill that comes out of the Environment and Public Works Committee. Wait. Don't do it on that bill. Wait. Wait until some day in the future—maybe never.

I have said as clearly as I can what the Domenici-Chafee amendment does not do. Allow me to take a moment to explain what the Domenici amendment does do. The Domenici-Chafee amendment seeks to establish a complex and convoluted process that basically enables the Senate to hide under a rock when it comes to the issue of highway taxes and our highway needs. The Domenici amendment proposes a new, Rube Goldberg, fast-track process for each of the next 5 years that would allow the Congress to increase highway and/or mass transit authorizations in some yet-to-be-determined amount each year, if the budget resolution for any such year allows it. You can just forget about this highway bill. Just wait, wait until another time, and if the budget resolution allows it, then we might increase highway and/or mass transit authorization. That will be determined next year—maybe, but not now.

Not surprisingly, the amendment would also allow the Congress to ignore all those new procedures and do absolutely nothing. Members know that I am not in favor of fast-track procedures. I don't favor fast track on trade, and I am not going to vote for fast track. I don't favor fast-track procedures. We have too many of them now. In my view, they trample on the rights of all Senators and they cut off meaningful debate. When it comes to the Domenici-Chafee amendment, I think all Members should cast a careful eye on this so-called fast-track procedure, because this fast-track amendment may very well be the slow track to additional highway spending.

So they say, take a look at our amendment, and if you are going to increase contract authority for your State and your State and your State and your State, we will know that at some point next spring—not now. This is the highway bill. That is the way we have been accustomed to doing it. But forget it, that is that old 6-year highway bill. Don't fool with it or pay any attention to that.

I am quite surprised that Senator CHAFEE, the chairman of the Environment and Public Works Committee, would go along with that idea. His committee has been the key committee when it comes to jurisdiction in authorizing contract authority. But now he has joined in an amendment that says: Not now, maybe next year sometime—maybe. There is no guarantee. Maybe next year and, if next year, we are going to have a fast-track procedure.

When I was a boy, I read a book called ''Slow Train Through Arkansas.'' Well, that was in the old days when they believed in voodooism and snake oil and patent medicines that were sold by traveling con salesmen, and so on. So, next year, under the Chafee-Domenici amendment, we will have a fast track—not the ''Slow Train Through Arkansas,'' but a fast track.

If Senators vote for the Domenici-Chafee amendment, you are not voting for a single dollar in your State for contract authority over the next 6 years—not a single dollar. The Chafee-Domenici amendment is saying: Wait until next year, we will take a look at it then. And then in the budget resolution, when that comes along, we will take a look at it then. Mind you, we are not saying in the Chafee-Domenici amendment that we are going to spend any of that gas-tax money on highways. We are going to let that stay in the Highway Trust Fund. Let that money accumulate, and next spring, other governmental needs can compete with highways in the use of that money in the trust fund.

Mr. CHAFEE and Mr. DOMENICI are not assuring you Senators that that money in the highway trust fund is going to be spent on highways. They are saying we are not even sure we can do that at all. We are not assuring you that you are going to get any extra money. We are going to wait until next year, they say. When the budget resolution is up here next spring, then we will talk about it, they say. Then we will decide what we do with that money. We may spend it on highways; we may not. We may spend it on Indian roads; we may not. We may spend it on parks and recreation. We may spend it on the national forests. We may spend it on Head Start. We may spend it on welfare. There are a lot of things we may spend it for, they say. But we don't make that decision here. Mr. CHAFEE and Mr. DOMENICI say that we will make that decision when we have the budget resolution.

So if you are on the Budget Committee, you are going to have control of that. The Domenici-Chafee amendment says that on this 6-year highway authorization bill we should do nothing, nothing, nothing toward authorizing additional highway funding. We should put that decision off until another day. That other day may never come. That other day need never come.

If Members want to know how the authorized spending levels contained in the Domenici-Chafee amendment differ from the levels in the Byrd-Gramm amendment, they need look no further than the first section of the Domenici-Chafee amendment. I say the same to

Commerce Daily. When Commerce Daily gets ready to write again, I suggest they look at the Chafee-Domenici amendment. Look at it. Don't take somebody else's word for it. Don't take some aide's word for it. I am not speaking disparagingly of aides. We have to have them, and I have some excellent aides on my staff, and so have other Senators. But go look at the amendment yourself. Look at the Chafee-Domenici amendment. Read it. They will find it stated very clearly there.

That amendment reads, and I quote from section 3001(A)(2) of the Chafee-Domenici amendment:

(A) For fiscal year 1999, $0.

(B) For fiscal year 2000, $0.

(C) For fiscal year 2001 [guess what?], $0.

(D) For fiscal year 2002 [guess again, and I'll give you three guesses], $0.

In fiscal year 2003, try again. What is your guess? How much do you guess? Zero dollars. That is a joke.

Members, if you want to vote for the Chafee-Domenici amendment, do you know what you are voting for? Zero dollars—next year, the next year, the next year, and the next year. Look at it. Don't take my word for it. Read it. Get that amendment and look at it. Members will find that same paragraph repeated throughout the amendment when it refers to each of the highway and mass transit components of the amendment.

Here on the chart to my left is the difference between the two amendments. Here is the difference between the Domenici-Chafee ISTEA II amendment and the Byrd-Gramm-Baucus-Warner ISTEA II amendment.

Let me read it. It is in fine print. Maybe we ought to read the fine print, or just plain read the print instead of taking somebody's word for it. Go get the amendment. Read it for yourself. Don't read the propaganda that comes to you in a memo or a letter. But get the amendment, and read it yourself. Don't take everything the preacher says for being true. Read the Bible yourself. Go to the basic text.

All right. Here it is. ''Comparison of authorization of levels for highway and bridge construction Intermodal Surface Transportation Efficiency Act (ISTEA II).''

I am going to ask my assistant to point out what I am reading so that the viewers can look through that electronic eye up there and follow me and see if I am reading it correctly. I do not want to mislead you. ''Fiscal year 1992–1993 total.''

For those 5 years, what is the total under the Domenici-Chafee ISTEA II amendment? What is the total additional contract authority for highways during those 5 years? Let's see. Under the Domenici-Chafee ISTEA II amendment, the total for those 5 years that you will be voting for, if you vote for the Chafee-Domenici amendment, you are going to be voting for zero dollars. There it is right there, a big cipher!

All right. What about the Byrd-Gramm-Baucus-Warner ISTEA II amendment? What additional contract authority are you voting for? $30,971,000,000 over a period of 5 years. That is the difference. The difference between $30.971 billion, and zero—zero. That is the difference between the two amendments.

Members will find that paragraph, as I say, repeated throughout the amendment when it refers to each of the highway and mass transit components of the amendment.

Now, later in the amendment, we read that all those zeros—zero for 1999, zero for 2000, zero for 2001, zero for 2002, and zero for 2003; all those zeros we find, if we read the Chafee-Domenici amendment—we read that all those zeros may be further amended someday in the future under a ''fast track'' procedure, or they may not. And the funding levels that may substituted for the zeros throughout the amendment can be found later in the amendment under the heading ''additional highway funding.''

So if Senators look later in the amendment, you will find the funding levels that may be substituted for these zeros for the 5 years—''may be substituted'' for the zeros. You will find those funding levels that may—may—at some time in the future be substituted for the zeros. You get the zeros now. But maybe sometime in the future there will be funding levels substituted. What are the numbers that may be substituted? Well, you will find them in the Chafee-Domenici amendment under the heading ''additional highway funding''.

That part of the amendment—let's take a look at it—reads as follows:

Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

(1) in subparagraph (A), by striking ''$0'' and inserting —

How much?

''blank'';

So maybe sometime in the future we will substitute for this old big zero—hold your breath. We are going to substitute for that zero—get ready now. I am going to pull a rabbit out of the hat. We are going to substitute for that zero—''blank.''

Let me see it. Could I be telling the truth here? That is what it says here on page 7. Is that the Chafee-Domenici highway amendment? Yes. On page 7:

Section (1). Additional highway funding.

In subparagraph (A), by striking ''$0'' and inserting . . .''

Well, there is a dollar sign—dollar sign, and a long line —''blank.''

Paragraph (2) in subparagraph (B), by striking ''$0'' and inserting ''blank'';

And so on for all the paragraphs, A, B, C, and D.

So the amendment strikes ''zero'' and inserts ''blank'' in each paragraph. You strike the zero. We had five zeros up there earlier, but maybe sometime in the future, if Senators vote for this amendment, we will substitute at some time in the future for that zero, we would substitute a dollar sign. This says ''zero'' dollars. We will leave the dollar sign, take out the zero, and just draw a straight line, and substitute ''blank.''

Well, that sums it all up, Mr. President. The Domenici Chafee amendment is shooting blanks. We shoot real bullets in ours—Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, and I—no blanks. That sums it up. The Domenici-Chafee amendment is shooting blanks.

That is about all that these publications, commenting on the Chafee-Domenici amendment, will find in the amendment. Have they taken a look at the Chafee-Domenici amendment? Go see it for yourself. Read it. It is a public matter.

There is no real new contract authority in the Chafee-Domenici amendment. It is an amendment about process. And, if any of you Senators want to know how much of the additional 4.3-cents gas tax this Chafee-Domenici process may spend on highways, the answer is we don't know. We can't tell you. Maybe some of it will be spent. Maybe none of it. Maybe a little of it. Maybe a lot. Maybe a lot one year, and none the next year.

Under the Chafee-Domenici proposal, who will decide whether any additional funding is authorized over the next 6 years? Certainly not the Environment and Public Works Committee. No, no, no. That committee might as well disband as far as this subject matter is concerned. Who will decide? It will be the Budget Committee. The Domenici amendment says that, depending on what the ''budgeteers'' decide in the budget resolution every year between now and 2003, we may be able to get considered in the Senate a new fast-track highway and transit funding joint resolution.

So it will be the Budget Committee, not the authorizing committee, not that old Environment and Public Works Committee, and not the Appropriations Committee. Take your choice. It won't be either of them. Am I right? It is going to be the Budget Committee.

We will not need the authorizing committee. We will just let the budget committee decide it all. They will decide whether it is going to be zero dollars or whether it is going to be ''blank'' dollars. And then, whatever it is going to be, that committee will decide whether we are going to have a fast track, a slow track, or no track. And each year that budget resolution may or may not spit out a new kind of joint resolution, a highway and transit funding joint resolution. If the budget committee decides that there should be such a joint resolution, then it would be treated under a very tight fast-track procedure. It would be unamendable, except for amendments to either raise or lower the dollar amounts. Then, after no more than 10 hours of consideration, the Senate would proceed without intervening action or debate to vote on the final disposition of highway and transit funding joint resolutions to the exclusion of all motions

except a motion to reconsider or to table.

Finally, a motion to recommit would not be in order, and all points of order against these funding joint resolutions would be waived.

That is the fast-track procedure that Senators will find outlined in the Chafee-Domenici amendment to the highway bill.

There are no procedures expedited or otherwise for our colleagues in the other body to take up such a joint resolution. We are just going to bind and gag the Senate, you understand; that is all. Senators will be limited to 10 hours. And Senators can only offer certain amendments to raise or lower the dollar level. But if Senators are not satisfied with the formula, forget it. You can't offer an amendment to our fast-track bill dealing with formulas. If any of you are unhappy about formulas, you can't offer an amendment on that bill. That is a fast-track bill. And, besides, there is nothing outlined in this so-called ''fast-track'' procedure that guarantees Senators of anything once the bill is passed by the Senate and sent to conference, or sent to the other body.

If Senators turn to the very end of the Domenici-Chafee amendment, they will see subparagraph 3. That subparagraph reads as follows and I quote:

In the House of Representatives.—''Blank.''

There it is again. More blanks.

There are no procedures for this so-called ''Highway and Transit Funding Joint Resolution'' to be considered in the other body.

So, if such a joint resolution gets out of the Senate, it might just sit in the other body until the end of the Congress or until the crack of doom, whichever comes first. Or the House might amend the resolution and insert new substantive legislation—perhaps a complete new highway formula. Even though Senators would be strictly limited in the amendments they can offer to this resolution, there is no limit to what changes and amendments might be entertained in the other body. Of course, we don't have jurisdiction over their procedures. But why should we bind and gag and virtually blindfold Members of this Senate when it comes to fast-track procedure? We could be required to have a formula fight with the House over highway funding each and every year for the next 6 years if we wanted to authorize additional spending for the highway bill.

Well, I hope that all of my colleagues are carefully following this process. This is the process that they are being asked to vote for under the Chafee-Domenici amendment. The Byrd-Gramm amendment doesn't bind you to any fast track. The Byrd-Gramm amendment simply says let's authorize the new gas-tax revenues in the trust fund to be spent over the next 6 years on our highways and other transportation needs.

That is it, pure and simple. We believe that. Most Senators believe that. They have said so. They voted so.

The Domenici-Chafee amendment calls for a 17-step process with 11 contingencies which, in the end, might not authorize one, not even one, might not authorize one—this is a $1 bill with George Washington's picture on it—might not authorize even one additional trust fund dollar for our highways.

Now, that is the Chafee-Domenici amendment. Why don't you come out here and talk about your amendment? Read it. Read it to the other Senators.

It is a process that is designed to continue to allow us to hide under that rock—hide under that rock—while our highway needs go wanting, while our bridges deteriorate, and while our traffic jams worsen. It is a process that will only heighten cynicism of our constituents and continue to undermine the trust of the American people in the highway trust fund.

My colleagues, I am not fooled by this amendment, and you should not be fooled either. Get it and read it. This amendment is not about spending our trust fund dollars on highways. It is not about restoring the trust of the American people in our highway trust fund. This amendment is about ignoring the usual authorization-appropriations process and substituting a burdensome, multistep process designed to confuse the American people and enable the Congress to do absolutely nothing when it comes to authorizing additional highway spending.

I am sure that Senators DOMENICI and CHAFEE had nothing but the best of intentions in offering this amendment. Unfortunately, their proposal is an unnecessary and unwarranted intrusion on the existing authorization and appropriations processes and provides no assurance whatsoever—none—that any additional highway or transit spending will be authorized. It is in violation of the Budget Act—a 60-vote point of order will lie against the Chafee-Domenici amendment.

The Byrd-Gramm-Baucus-Warner amendment, on the other hand, is in keeping with the existing budget, authorization, and appropriations processes. Although our amendment is also subject to a 60-vote point of order, it is due to the increased authorizations contained in our amendment. The question of the level of highway obligation limits and whether the discretionary spending caps will be raised are left to the appropriations and budget processes. Our amendment does not resort to any new, highfalutin, confusing, fast-track resolution process which I fear will allow Senators the opportunity to hide under that rock and ignore both our highway needs and the skyrocketing balances in the highway trust fund.

Now, I say what I have said with the greatest respect for the authors of the amendment. I have sought to get an explanation of the amendment. I want an explanation that is a public explanation. I do not want an explanation by somebody who has not even read the amendment. I do not want an explanation by a publication that does not bother to read what the amendment says.

I do not want that kind of an explanation. I want an explanation of the amendment here on this floor. I do not want to be shot at from behind a barricade; I cannot see who is shooting at me. Besides, that person may be wearing black glasses. From time to time, when I am out on the hustings, it happens in every crowd. I'll bet the Presiding Officer has had this same thing. Somebody will walk up to me with dark glasses, black glasses: ''Bet you don't know who I am, Senator. Bet you don't know, Senator. Bet you don't remember me.''

Well, of course, I don't. I can't see you. I can't see your eyes.

I urge that we have a public explanation of the Chafee-Domenici amendment in this forum. Explain these zeros. Explain these blanks. And tell other Senators how your amendment compares with the Byrd-Gramm-Baucus-Warner amendment. Explain it. How is your State going to get more money under your amendment? How is your State going to get any money out of the Chafee-Domenici amendment? Explain it out here in public view.

So while I have great respect for these two fine Senators—and they are. They are fine Senators—I nevertheless urge all Senators to join me in voting, if we ever come to a vote, to sustain the point of order against the Domenici-Chafee amendment. Sustain the point of order. And I hope that the point of order on my own amendment will be waived.

Mr. President, I ask unanimous consent that a table proposed by the Federal Highway Administration, which compares the authorization levels contained in the Byrd-Gramm-Baucus-Warner amendment with the levels contained in the Domenici-Chafee amendment, be printed in the RECORD.

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

FY 1999–2003 TOTAL ADDITIONAL CONTRACT AUTHORITY PROVIDED BY BYRD/GRAMM AND DOMENICI/CHAFEE AMENDMENTS

[In thousands of dollars]

State	Byrd/Gramm	Domenici/Chafee
Alabama	556,579	0
Alaska	345,600	0
Arizona	432,854	0
Arkansas	370,684	0
California	2,550,537	0
Colorado	355,465	0
Connecticut	477,038	0
Delaware	130,994	0
Dist. of Col	125,973	0
Florida	1,283,335	0
Georgia	977,098	0
Hawaii	166,380	0
Idaho	228,542	0
Illinois	927,157	0
Indiana	677,914	0
Iowa	367,807	0
Kansas	364,977	0
Kentucky	483,486	0
Louisiana	495,201	0
Maine	160,097	0

FY 1999–2003 TOTAL ADDITIONAL CONTRACT AUTHORITY PROVIDED BY BYRD/GRAMM AND DOMENICI/CHAFEE AMENDMENTS—Continued

[In thousands of dollars]

State	Byrd/Gramm	Domenici/Chafee
Maryland	419,975	0
Massachusetts	495,412	0
Michigan	879,236	0
Minnesota	416,732	0
Mississippi	351,580	0
Missouri	663,387	0
Montana	295,433	0
Nebraska	234,004	0
Nevada	203,458	0
New Hampshire	144,929	0
New Jersey	671,691	0
New Mexico	292,646	0
New York	1,419,503	0
North Carolina	787,713	0
North Dakota	203,458	0
Ohio	959,599	0
Oklahoma	439,300	0
Oregon	358,934	0
Pennsylvania	1,056,906	0
Rhode Island	161,652	0
South Carolina	442,846	0
South Dakota	217,394	0
Tennessee	630,768	0
Texas	1,918,693	0
Utah	240,460	0
Vermont	130,994	0
Virginia	713,320	0
Washington	512,401	0
West Virginia	284,833	0
Wisconsin	506,291	0
Wyoming	211,820	0
Puerto Rico	127,917	0
Subtotal	27,871,000	0
Trade Corridors/Border Crossings	450,000	0
Appalachian Development Highway System	2,200,000	0
I–4R/Bridge Discretionary	450,000	0
Grand Total	30,971,000	0

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

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION BILL

Mr. GRAMM. Mr. President, I will yield the floor when the majority leader arrives. He will deal with a series of issues. One of those issues will have to do with the Defense authorization bill. We will have a series of motions and a flurry of activity related to that bill. I thought that while we were waiting for the majority leader, I could save time for our colleagues by simply talking about the underlying issue.

Let me begin by saying that while there is a deep division over the Defense authorization bill, while there are very strong feelings related to this bill that are held by individual Senators, both Democrats and Republicans, while several of my colleagues and I feel so strongly that we are going to do everything we can to prevent this conference report from being adopted, and while the President has issued a letter saying that he will veto this bill if this bill is presented to him in its current form, I want to make it clear that despite all of these strongly held views, I think all Members of the Senate and the House have acted honorably.

I think this is a matter where there is just a disagreement on an issue which is partly principle, partly parochialism, perhaps on both sides, but it is critically important to me and to several of my colleagues.

I think when the Founders wrote the Constitution, when they established the Senate, their purpose was to guarantee a full debate. Some of you will remember that Jefferson was the Ambassador to France when the Constitution was written. When he came back from France, he went to Mount Vernon and visited with Washington who had been the Presiding Officer at the Constitutional Convention. He said to Washington, ''What is the Senate for?'' We had established a bicameral Government. We had the House of Representatives, and we had the Senate. So Jefferson's question was, ''What is the Senate for?''

Washington, being a southerner, did something that southerners did, and to this day some still do. Southerners, especially when I was growing up, perhaps like when the Presiding Officer was, would sometimes pour their coffee into their saucer to let it cool and then pour it back and drink it. So Washington poured his coffee into the saucer, and he said to Jefferson that ''The Senate will be like this saucer; the House, being elected every 2 years, will be caught up in the passion of the moment, but the Senate will be the place where those passions cool in the light of reason.''

So today, to the extent we can, we are trying to allow these passions to cool because of our very strong feelings about this bill.

I would like to begin, Mr. President, by asking unanimous consent that a letter from the President's OMB Director stating the policy of the administration to veto the bill be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 28, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Administration appreciates the efforts you and your colleagues have made to craft an FY 1998 National Defense Authorization bill that supports our military strategy and our men and women in uniform. The bill recently reported by the Conference Committee successfully addresses many of the concerns voiced by the Administration about earlier versions passed by the House and Senate. Unfortunately, the bill includes provisions that severely limit the Department of Defense's ability to compete weapons maintenance workload between public and private sector depots, a key concern identified in Statements of Administration Policy.

The bill includes provisions whose intent is to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions, which run counter to the ongoing efforts by Congress and the Administration to use competition to improve DoD's business practices, would severely limit the Department's flexibility to increase efficiency and save taxpayer dollars.

Both the Quadrennial Defense Review and the National Defense Panel recommended repeal of current laws that constrain DoD's efforts to competitively outsource depot maintenance workload. Rather than facilitating DoD's use of competitive outsourcing, the bill attempts to further restrict it.

The bill could reduce opportunities to use industry to maintain future weapons systems. DoD could be forced to add to its expensive public infrastructure in ways that duplicate what already exists in the private sector. Future weapons systems will rely increasingly on commercial technology, in order to exploit commercial industry's rapid rate of innovation and market-driven efficiencies. But by limiting industry's role in maintaining future weapon systems, and in other ways, the bill could frustrate this revolutionary change.

The bill seeks to impose unique and inappropriate requirements on DoD's process for allocating the work now performed at the closing San Antonio and Sacramento Air Logistics Centers. The Department is conducting a fair and open competition to determine the most efficient and cost-effective way to perform this work in the future. Both private contractors and public depots are competing for the work. By dictating how DoD should treat certain competitive factors, the bill seeks to skew any competition in favor of the public depots.

If the numerous problems cited above cannot be overcome, the impact on the Department's costs and on our Nation's military capacity would be profound; the President's senior advisers would recommend that he veto the bill.

We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure.

Finally, we strongly object to the bill's provisions on high performance computer controls. The bill would severely limit the President's flexibility to conduct foreign policy by mandating permanent controls on the export of high performance computers to specific countries, and would limit the President's ability to adapt computer export controls to changing security needs and technology trends. The bill would also impose unrealistic Congressional notification, licensing and post-shipment verification requirements that would have the unintended effect of decreasing our ability to identify and prevent exports of real national security concern. Current law provides adequate authority to adjust controls appropriately and to deal with any problem exports that may occur.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. GRAMM. Mr. President, let me try to define the issue. I know that we have several Members on both sides who know more about this issue than they want to know, but many of our colleagues don't know anything about the issue because they don't at least superficially appear to have a dog in the fight. This has kind of come up suddenly, so let me try to explain it. I will give you a little history, and let me repeat, as soon as the majority leader is ready to start, I will yield the floor.

We had a Base Closing Commission. I was an original cosponsor of it. I voted