

project costs, will be considered should the Portland region seek funding for this project.

ORANGE COUNTY, CALIFORNIA

The conferees are concerned with the delay of the Federal Transit Administration in obligating the funds previously provided in fiscal years 1994 and 1995 for the Orange County Transitway project. The conferees are concerned that the Anaheim Intermodal Transportation Center is not an element of the Transitway project. The conferees, therefore, direct the FTA to work expeditiously to obligate these funds once all pending planning and financial issues are addressed adequately.

KANSAS CITY

Although no funds have been provided for the Kansas City, Missouri light rail project, the conferees believe that based on the results of the recently completed major investment study, the project may have merit and therefore encourage project sponsors to continue to seek federal support in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

THE RECONCILIATION BILL

Mr. BYRD. Mr. President, I heard a great deal of blather this morning about tricking and treating, about that great reconciliation bill that was passed last Friday—it may have been a little after midnight—and that that was a great treat for the American people.

Mr. President, here it is on my desk. The white papers represent the Senate amendment; the 1,862 pages just in the white. The two blue volumes, 1,839 pages, represent the House reconciliation bill.

These 1,839 pages that represent the House reconciliation bill were given 6 hours—all of 6 hours—of debate in the other body. Think of it, 6 hours! And the 1,862 pages in the Senate amendment were given 20 hours, plus 1 additional hour, I believe, on the Roth amendment, and a minute equally divided on each of various and sundry other amendments. So there you have it, 1,862 pages, a little over 20 hours, parts of 4 days in the Senate!

Now, who under God's vast Heaven knows what is in this bill? Not one Senator, not one Senator out of the 100 Senators, knew when he cast his vote for or against that monstrosity, not one knew what he was voting on! No single committee held hearings on all of this. Different committees held different hearings on parts of it. But no committee person, no committee chairman, no Member of the Senate, no staff person knew everything that Senators were voting on, and most Senators knew very little about it. We simply

rubberstamped the package that was sent to the Senate by the Senate Budget Committee, and not all of the members of that committee knew what they were sending to the Senate. Is that legislating? Is that trick or treating?

Mr. President, those who wish to proclaim to the high heavens that this is a great masterpiece will come to find that "Confusion now hath made his masterpiece," and the worm will turn! The American people are going to find out in due time about the Senate's handiwork and the handiwork of the other body—what we passed for a law.

We might as well have been blindfolded. We might as well have had our ears plugged. When a pile of paper like that is acted upon in the course of 42 hours—including time consumed by roll calls—under the restrictions that govern the actions of the Senate on a reconciliation bill, how can one say that the Senate has not perpetrated a gigantic fraud upon the American people? The people send us here to know what we are doing, to know what we are voting on, and we did not. We did not. And God knows that in the heart of every Senator, that Senator has to admit that he did not know what was in that bill. He knew a little here and a little there, but he did not know most of what is in that bill.

So there you have it. That is the colossal trick or treat of the century! Right there it is. Halloween came last Friday. It is over! The kids may go around tonight and pick up a little candy and chewing gum, here and there, but the American people got theirs last Friday night!

Now the two bodies, the conferees of the two bodies have to meet and go over all of this mass of wood pulp and try to make sense out of it and then bring back what will result from the conference, the resolution of the differences between the two bodies. And who knows what differences there are? We will have that conference report up before the Senate one day.

There is no legal requirement, there is no constitutional requirement that I know of that says the Senate has to pass a reconciliation bill. Show me! I do not know of any. There is no doubt that there would be some serious budgetary consequences that would flow from not having a reconciliation bill but we do not have to have one. All we have to do is pass the appropriations bills, raise the debt limit and go home.

Think of it! If we continue to go down that road, all we will need to do is show up for a week, 10 days perhaps, during a whole year. Except for the Byrd rule, if the Senate so instructs the committees, all the committees could just send to the Budget Committee—it is not the Budget Committee's fault—all the other committees could just send to the Budget Committee whatever their pleasures might be, and the Budget Committee would be forced to put all those into one massive bill, and we could just pass that one bill and pass one omnibus appropriations bill and go home. Hot ziggedy dog, go home!

Just spend just a few days here, we have a few votes, go home! Just pass one bill! Just rubber stamp whatever the Budget Committee is forced to send to the Senate floor. Rubber stamp it! That would be another trick or treat for the American people.

Well, Mr. President, it seems to me it is preposterous to even claim that we are legislating with any knowledge or wisdom of what we are doing when we last week passed a bill like that. It was a joke we played on the American people—and a bad one.

Mr. President, I thank the Chair, and I thank all Senators, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

THANKING SENATE STAFF

Mr. BYRD. Mr. President, the conference report has been the subject of praise and criticism and blame. Let me take this opportunity to express my appreciation and, I am sure, the Senate's appreciation to the floor staff under the direction of the Secretary of the Senate, Kelly Johnston, for the outstanding service that the floor staff provided to the Senate during the lengthy debate on the reconciliation bill that was passed in the early hours of the morning on Saturday, October 28.

I commend the hard work and long hours of the legislative clerk, Scott Bates, and his able assistant, David Tinsley, as well as the bill clerk, Kathie Alvarez. But most particularly, Mr. President, I applaud the outstanding efforts of the office of the Parliamentarian of the Senate, the staff of very hard-working and dedicated professionals. That office is under the supervision of the Senate Parliamentarian, Bob Dove. And he is very ably assisted by Alan Frumin, Kevin Kayes, and Beth Smerko, as well as Sally Goffinet.

The reconciliation bill that the Senate adopted last week was a massive and complicated omnibus bill. Many difficult rulings were required of the Parliamentarian, particularly in the context of the often maligned Byrd rule and the need to interpret the consistency or lack thereof of particular amendments with respect to the Byrd rule.

In many of these instances, proponents of amendments argued adamantly and with passion before the Parliamentarians that their amendments were relevant under the Byrd

rule and, therefore, qualified for inclusion in the reconciliation bill. The opponents of such amendments argued just as strongly that a number of these amendments were extraneous or had no budgetary impact and, therefore, did not qualify for inclusion in the reconciliation bill.

The Parliamentarians had the very difficult task of reaching a final determination in questions such as these on the basis of their interpretations of the requirements of the Budget Act in relation to the Byrd rule as well as the precedents of the Senate in this regard. This is a very difficult and thankless responsibility, which, to my knowledge, was carried out without exception on an objective and fair and equitable basis in every instance.

So I congratulate the Parliamentarians on their performance in connection with the record-setting stream of amendments and the interpretations that had to be determined in relation to many of them during the debate on the reconciliation bill. The Senate and the American people owe these hard-working professional staff members our deep gratitude.

I would be recreant if I did not also compliment the majority leader, Mr. DOLE, and the minority leader, Mr. DASCHLE, and the chairman and the ranking member of the Senate Budget Committee, Mr. DOMENICI and Mr. EXON. The two managers of the bill demonstrated great skill, equanimity, and patience in their work.

The majority leader carried a heavy burden. I think he was fair. He was hard driving, but he succeeded in overcoming the difficulties and problems and was successful in getting Senate action on the bill.

Mr. EXON on this side did us all proud. He likewise was fair, patient, and is to be greatly commended.

Mr. DOMENICI is one of the brightest minds in this Senate. That was evidenced in the way he conducted himself during the markup and management of the bill in the committee and on the floor.

And our own minority leader demonstrated great understanding and reached out to all of the members of the minority, as he always does, and, in my judgment, did a masterful job in his work on behalf of the minority and on behalf of the people that we represent.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I want to take a moment to praise the chairman and the ranking member of the Transportation Appropriations Subcommittee. The conference report they have brought to Senate demonstrates their hard work.

Although I would have dealt with some specific issues differently than the conferees did, they deserve our praise.

However, Mr. President, I do want to comment specifically on a few matters contained in the bill.

First, the House bill as passed contained numerous provisions making appropriations for certain projects contingent upon authorization. I am disappointed that this language was dropped in conference.

If we are going to continue to appropriate funds for unauthorized projects—I would hope that if such an appropriation is made subject to authorization that such language will be preserved.

Second, I am also concerned that in certain accounts the funding levels reported out of the conference are higher than the levels approved by either the Senate or the House. Reprioritization of funds in the conference in this manner does raise many legitimate concerns.

Third, the report to accompany the conferenced bill does contain numerous earmarks not contained in the reports that accompanied either the House or Senate bills. I raise this issue not to criticize, but instead to emphasize for the record that such language does not have the force of law, is not binding, and should only be considered as a recommendation to the administration. I would hope the President and the Secretary of Transportation would use their own judgment and spend these funds in a fair, rational manner based on national priorities.

In past years the Transportation appropriations bill has been riddled with earmarks and pork. I am pleased that this year's bill contains substantially fewer earmarks. To be certain, it does contain earmarks and some pork that I would like to have seen been dropped. But on the whole, the bill deserves our praise and support.

Mr. DOMENICI. Mr. President, I rise in support of the conference report to the Department of Transportation and Related Agencies appropriations bill for fiscal year 1996.

I commend both the distinguished chairman of the Appropriations Committee, Chairman HATFIELD, and the chairman of the House Appropriations Subcommittee on Transportation, Congressman WOLF, for bringing us a balanced bill considering current budget constraints.

The conference report provides \$12.7 billion in budget authority and \$11.9

billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation, and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals \$13.1 billion in budget authority [BA] and \$37.3 billion in new outlays.

The subcommittee is \$18 million in BA below its 602(b) allocation, and it is essentially at its outlay allocation.

I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS— CONFERENCE REPORT

(Fiscal year 1996, in millions of dollars)

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	382	25,376
H.R. 2002, conference report	12,100	11,378
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,482	36,754
Mandatory:		
Outlays from prior-year BA and other actions completed		60
H.R. 2002, conference report	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions	2	-0
Subtotal mandatory	584	581
Adjusted bill total	13,066	37,335
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,500	36,754
Violent crime reduction trust fund		
Mandatory	584	581
Total allocation	13,084	37,335
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	-18	-0
Violent crime reduction trust fund		
Mandatory		
Total allocation	-18	-0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

TASMAN LIGHT RAIL CORRIDOR, SANTA CLARA COUNTY, CA.

• Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee if he would engage in a brief colloquy with myself and my colleague from California, Senator FEINSTEIN, regarding a critical San Francisco Bay area transportation project.

Mr. HATFIELD. I would be pleased to address this issue with the Senators from California.

Mrs. BOXER. Thank you, Mr. Chairman. The Tasman corridor light rail project is an integral piece of the local rail agreement fashioned by our regional metropolitan planning organization, the Metropolitan Transportation Commission [MTC]. All of the bay area jurisdictions are a party to this agreement which represents the best in local planning and decisionmaking. When