At 81 years young and still going strong, Moe has rightfully been called the ''dean'' of the American labor movement and is held in high regard within the highest councils of the AFL–CIO and its affiliated unions. As we wish Moe congratulations on this, his 60th postal anniversary, we look forward to many more years of visionary leadership on his part.

Congratulations, Moe Biller.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 672, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid/Baucus amendment No. 171, to substitute provisions waiving formal consultation requirements and ''takings'' liability under the Endangered Species Act for operating and repairing flood control projects damaged by flooding.

Byrd amendment No. 59, to strike those provisions providing for continuing appropriations in the absence of regular appropriations for fiscal year 1998.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia [Mr. WARNER] is now recognized.

AMENDMENT NO. 66

(Purpose: To modify the requirements for the additional obligation authority for Federal-aid highways)

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment filed at the desk, No. 66, be the pending business.

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

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. NICKLES, and Mr. ROBB, proposes an amendment numbered 66.

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

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

The amendment is as follows:

At the appropriate place add the following:

Notwithstanding any other provision of this act, the language on page 39, line 12 through 18 is deemed to read, ''had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):''.

Mr. WARNER. Mr. President, I ask the indulgence of the Senate. I have a little hoarseness this morning, but I will do my very best.

Mr. President, this is an amendment offered by the Senator from Virginia, together with the Senator from Florida [Mr. GRAHAM]. And we entitle it simply a ''fairness amendment.''

I hesitate to take on the wisdom of the distinguished chairman and the distinguished ranking member of the Appropriations Committee, but I do so out of a sense of fairness toward all 50 States.

Mr. President, the amendment relates to the bill's provision affecting the distribution of $933 million in additional—I point out, additional—obligation authority in the Federal Highway Program to the 50 States. A small part of this funding is fully justified. It provides to correct the mistake made by the Department of Treasury in 1994 in underestimating gas tax receipts into the highway trust fund.

As a result of this mistake, 10 States did not receive their correct apportionment of Federal highway dollars in 1996. And I fully agree and commend the Appropriations Committee in its efforts to make whole these few States, 10 in number, who received less than they should have in 1996 dollars.

The amendment offered by Senator GRAHAM and I, however, ensures that these 10 States are compensated as was intended by the Appropriations Committee and as they are legally entitled to be compensated, and in the amount of funds that they should have received in that fiscal year.

The Appropriations Committee, however, then provides an additional $793 million for this fiscal year and directs how these funds should be distributed among the several States. The distribution of these additional funds—$793 million—is in direct conflict, Mr. President, direct conflict, with the distribution formulas contained in the current law that is ISTEA passed in 1991, the Intermodal Surface Transportation Efficiency Act of 1991, and amounts to nothing more than changing the rules right in the middle of a very—and I emphasize, a very—conscientious, bipartisan effort by the U.S. Senate to rework a future piece of legislation to succeed the 1991 ISTEA Act.

The amendment Senator GRAHAM and I offer is very simple, Mr. President. Our amendment states that the $793 million in obligational authority provided by the Appropriations Committee will be distributed according to current law, ISTEA 1991. I just wish to repeat that. We have a law carefully crafted in 1991. And all that we ask in this amendment is that this $793 million be allocated to the States in accordance with existing law.

Mr. President, as the chairman of the Transportation Subcommittee of the Environment and Public Works Committee, I am leading a bipartisan effort—Senator MAX BAUCUS is the distinguished ranking member of that committee—working together with all of the members on the committee to achieve a successor piece of legislation to ISTEA 1991.

We have held 10 hearings this year on various issues relating to ISTEA. Four major bills—I repeat, four major bills—have been introduced regarding the successor piece of legislation to ISTEA 1991, including one that Senator GRAHAM and I are cosponsoring. Certainly establishing fair distribution formulas that recognize the differing regional goals of the country will be a matter of extensive discussion. It will not be an easy task to provide adequate funding to address the many legitimate transportation needs that exist today.

I stipulate, Mr. President, there are many, an overwhelming number of needs in transportation today. And it is very difficult for Senators to reach their determination as to how to vote on this knowing that in every Senator's State there are crying needs for money today. But what Senator GRAHAM and I are doing is asking that the Senate stick with its process, respect the authority given to the authorizing committees to work through legislative matters in a conscientious, bipartisan way, which we are doing, to try and reach and craft a bill to succeed ISTEA 1991.

A part of that consideration will be whether or not we do change the very formula that I am recommending to the Senate in this amendment, the very formula in ISTEA 1991. I happen to be on the side that thinks changes should be made. But there is honest difference of opinion among the 50 States. But let us leave it to the process that is underway—with 10 hearings—in an effort to resolve those disputes.

Mr. President, I have been one who has been critical of ISTEA 1991's formula. I believe they fail to reflect the current use or demands of our current transportation system. There are many archaic base points on which that formula rests. And we hope to change that. It is my hope that during the reauthorization of ISTEA, the subcommittee will devise a more fair distribution of Federal highway dollars based on needs and use of our transportation system.

At this time however, when our States are in the last year of the 1991 ISTEA, it is not in the best interests of the U.S. Senate to set a new distribution formula. And that is precisely what the inclusion in the bill does by the Appropriations Committee.

I know that my colleagues on the Appropriations Committee will try to persuade Senators that the bill's provision only attempts to ensure that each State's 1997 funding level is equivalent to what each State received in 1996.