MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

THE HIGHWAY BILL

Mr. STEVENS. Mr. President, I want to announce that the Appropriations Committee will hold a meeting at 2 o'clock to discuss ISTEA, and until that meeting is over, I will object to any proceedings on ISTEA.

Mr. LOTT. Let me say, because I know everyone is interested in this, this is a critical moment on a very important bill. The managers of the ISTEA II legislation have labored late into the night and all morning trying to make sure Members are aware of what is in the bill. I think they have done a good job. It might not be perfect in anybody's eyes, but we need to get it done. We need to get it done this afternoon.

There will be an opportunity for Members to express themselves, but I believe for all concerned the wise thing to do is to go to this bill as soon as we can, have a limited debate, and vote. It won't be easier on Sunday afternoon at 4 o'clock. It won't be easier in a week or a month.

I think we need to complete this legislation. We will work on both sides, as we have all along, to make sure that Members are satisfied with what we try to do.

Mr. DASCHLE. Mr. President, I concur with the remarks just made by the majority leader. We have 20 or 25 Senators, all of whom have planes to catch this afternoon, who don't want to miss this vote. I certainly hope that we wouldn't inconvenience a third to half of the Senate as we get to this crucial time.

I hope everybody will cooperate and work with us. We have to get this legislation done. My hope is that we won't leave until we get it done. I hope we could seek cooperation on both sides.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am happy to yield.

Mr. STEVENS. Where is the report?

Mr. LOTT. Mr. President, we have the managers here on the floor that have worked on this legislation who are prepared to begin to discuss the legislation, to answer questions, and be prepared to go to a vote when the Senators are ready to do that.

I don't know the physical location. I presume that will be available.

Mr. STEVENS. As I understand, no one lives further from the Senate than I do and I have a wife waiting for me halfway home.

However, I am also a conferee. I have not seen the conference report. I was not given even the privilege of deciding whether I should sign the conference report. I do not know for sure what is in the bill as far as the jurisdiction of the committee I happened to chair at the time. I have not waited almost 30 years to be the chairman of this committee to see it emasculated in 5 minutes because people have to get a plane home.

Mr. LOTT. In response to the Senator from Alaska, I understand that he wants to see what is in it. I think he will like what he sees in it, both for him and his constituency and the country as a whole.

This is over a $200 billion bill that is needed in this country for safe, decent roads, bridges, and mass transit. We have drug it out for weeks and months and it is time to act.

Now, does every Senator deserve a right and an opportunity to see the formula and see how each State does and look at what it means for the Appropriations Committee and every committee? Yes, let's do it. Let's do it now. You will have an opportunity to look at this, and others should. But it is time that we get serious and get it done in a reasonable time in the best interest of America.

My father died on a narrow, two-lane road that wasn't safe and I am not going to stand any longer for us having inadequate roads and bridges in this country and for money to be sometimes spent in other places.

I am bending a little bit here, but I think everybody in this Chamber knows I tried to listen to everybody's needs, concerns on both sides, on tough legislation this week and this year. I am sympathetic. I wanted to look at the numbers. I have. I haven't seen the report. I don't know whether it is perfect. But it has been a laborious, tough, involvement and it is time that we bring it to a conclusion. Help me do that.

Mr. STEVENS. Mr. Leader, I regret deeply the death of your father. I have similar feelings when cancer comes before the Senate because my grandfather, father and brother all died from cancer. I understand those feelings.

However, I also understand that our committee has responsibility for the controllable expenses. This bill reduces controllable expenses, if I am told right, by at least 2½ to 3 percent. It further will require, if I am informed right, that if there is an increase in the highway tax revenues, we must spend them, even if it means changing the budgets for other subcommittees. If there is a decrease and the estimates are not met, I am told we will take the money from controllable accounts and put it in this account to pay for highways at the cost of all the other functions that are controllable.

Now, I think that is something that I have a right to look at and Senators have a right to debate if they want to do that. I regret deeply being in a position of apparently opposing my leader who I do support and am committed to, but I feel this process needs to be understood.

Again, I am only reporting what I have been told because I have not been privileged to have a copy of this yet, despite the fact that I am on that conference committee. Now, I have been here almost 30 years, and I have never seen this happen before. Never.

Mr. LOTT. If I could respond.

Mr. STEVENS. And it is not going to happen now without me seeing that report.

Mr. LOTT. I have been here 25 years as a Member of the House and Senate and 4 years before that as a staff member. I have never seen a highway bill that was done any differently than this. Maybe this one is even a little better.

I was getting calls at my home last night until 11:30. Senators were involved, Congressmen—negotiations going on right downstairs. There have been staff members and Senators and Congressmen coming in and out of there.

I know the Senator from Alaska, as chairman of the Appropriations Committee, has seen the computer runs previously.

Mr. STEVENS. Not one. You had my staff's estimate of that run. I asked repeatedly for a copy of it and the Senator from Rhode Island will tell you, he told me the other day they were not available yet. We had an estimate of the run, and it was run on our own computers.

Mr. LOTT. I would like you to meet Senator CHAFEE.

Mr. STEVENS. I met him at Harvard Law School in 1947.

Mr. LOTT. And Senator WARNER. We would like you to get together and look at the numbers and the language and I believe you will be happy.

Mr. STEVENS. Respectfully, Mr. Leader, there have been meetings all over this Congress for the last 2 weeks and I have tried to get into them and I was not allowed in. Now, we are going to have a meeting of our committee to find out how this affects the appropriations process. Until we know how it does, I hope you will understand, I respectfully object to proceeding with this bill until we have seen a copy of the report.

Mr. LOTT. I think the easiest thing to do to resolve this problem is for you all to go meet, stop talking about it, get what you need, and then we can go ahead.

Mr. STEVENS. Parliamentary inquiry. Is the report before the Senate yet?

The PRESIDING OFFICER. The report is not before the Senate.

Mr. CHAFEE. Will the majority leader yield?

Mr. LOTT. This applies to the Senator from Rhode Island. While the appropriators are meeting and having a chance to review the documents, I think this would be a good time for the managers to begin to talk about and explain what is in the bill, what the policies may be, answer questions of Senators. We can begin the process

right now. I believe Senator DASCHLE thinks that would be a wise move. I believe that would be the thing to do at this point.

I yield the floor.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, we have charts here and we will make them available for anybody who wishes to see them. I know that most of the Senators' staffs have been briefed already today on this. Those Senators who have not, we certainly would be delighted to meet with them and go over this chart and give them a copy. I think that is the way to do business. It is true that the report is not yet before us, and that was understood when we commenced this discussion, with the idea to save as much time as we could. The report will be along. Certainly, it is a massive report. People are going to have difficulty absorbing it, but those are the time exigencies we are working under at this time.

Mr. President, pursuant to what the majority leader said, at this time I will discuss the philosophy behind this legislation and some of the difficulties that we encountered as we proceeded. The philosophy we had in this legislation was to repeat what took place, as far as the general philosophical approach in ISTEA I, which passed in 1991. Now, in 1991, the first time, we passed a measure that was truly a transportation bill rather than solely a highway bill. In other words, the philosophy in 1991 was to do the best we could to devise a system to move people and goods from point A to point B in the most efficient and safe manner. So, as I say, it was more than just a highway bill; it was a transportation bill.

Mr. President, so thus we have this legislation, which deals not solely with highways, as I said, it deals substantially with mass transit. Likewise, indeed, it encourages what they call ''intermodalism,'' which is the blending of various methods of transportation. That is where the ''I'' comes from in Intermodal Surface Transportation Efficiency Act. That is where the original ISTEA acronym came from. We believe we followed out that philosophy in connection with this legislation, which sometimes we call ISTEA II.

Mr. President, we then came to the always-difficult part of determining how to divide up the funds. You have a limited amount of funds, and how do you divide them? So we have a formula that is worked out. In that formula, you take into account vehicle miles traveled, number of lanes, mile lanes in the State, you take into account bridge problems, and a host of other factors, and that becomes the formula.

When you run something like that, you frequently end up with difficulties. Not everything comes out just the way you want it. So we made adjustments to the best of our ability. One of the points that was cardinal in our approach on this legislation was that all the donor States—that is, the States putting in more than they get back—should at least receive— originally, we strived for 91 cents back on the dollar. In other words, every dollar a donor State put in, the effort was made to get 91 cents back because, in ISTEA I, we have a series of States who received back 88 cents, or even less than that in some instances.

Now, when you try to bring States up from below 90 cents or 88 cents, wherever it might be—for example, California, under ISTEA, was at 89 cents. You would think just bringing California up 3 cents for every dollar put in would be a simple thing. Well, mechanically, it is; but cost-wise, it is very expensive. So despite our sincere efforts to get everybody 91 cents back on the dollars contributed, the best we could do was 90.5 cents. Therefore, if you look down the list of those receiving moneys, you will find there is no State below the 90.5, and that is a very, very significant achievement. Now, do we have some States who are getting back more than a dollar? Of course, we do. Those are the donee States. But we believe that, taking into consideration all the factors, we ended up with a fair deal.

The average increase that was received across the country was 43 percent. That is the increase over ISTEA I. In some instances, States go to more than that. Alabama is at 60.6 cents in increase, for example. Some States were less. But that is what comes about when you strive to reach as much fairness as possible.

Let me say, there are frequently distorting factors that get into these equations. What would be an example of a distorting factor? A distorting factor would be a State that had received very, very significant additional amounts in a prior year—that is, when the formula was worked out under ISTEA I. Pursuant to that, that State received either a monstrous amount of projects, or very significant amounts of other moneys coming from various sources that distorted the picture of that State, so that you could not take that State with the very high additional amounts that it had received through projects, grants, project moneys, and expect to get a 40-percent increase on top of it. So that accounts, in some instances, for the fact that some States would be considerably lower than the 43-percent increase over ISTEA I.

So, Mr. President, I am prepared to talk with anybody about this. As I say, I think many staffs have been briefed. We have tried to keep certainly the conferees from the Environment and Public Works Committee briefed as we went along. We had a whole series of meetings to try to keep them briefed. It is true that when you do negotiations like this, you don't have 65 people from each side in the room. There has to be a limited number of negotiators in order to get moving along. We were fortunate in our negotiations. We always included, every step of the way, the ranking member and representatives from his side of the aisle. Likewise, I was tremendously assisted in this by the chairman of the subcommittee dealing with this subject. That is, the Infrastructure Subcommittee of the Environment and Public Works Committee, Senator WARNER of Virginia. It so happened that the ranking member of the full committee is also the ranking member on that Infrastructure Subcommittee. So that Senator BAUCUS was, in fact, wearing two hats.

Mr. President, I think the result is not everything all our way. No; it isn't. But that is what happens when you get into negotiations.

One of the things I am very glad about is that some of the language that was in the House bill was not accepted. In other words, it was dropped. Of course, there are some things that we had that were likewise dropped. But some of the provisions—for example, the so-called ''mid-cost correction''—which would reopen this whole subject in 3 years we felt was not constructive. To go through all of this another 3 years from now would not be something we would countenance.

Mr. President, I am glad to yield to the distinguished ranking member and have him address his remarks to what we have been undertaking.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I want to first compliment the chairman of our committee, Senator CHAFEE, who has done, I believe, an extraordinary job. I wish Members of the Senate who were not in the conference committee could have watched the proceedings. They would have seen the chairman set a very civil, gracious, and respectful tone. That was the tone of the conference. Sometimes conferences get pretty acrimonious. This one was not at all.

Just a brief summary of the bill, Mr. President, on where we are.

This is truly a historic bill. That is a term that many Members of Congress use somewhat loosely around here. But this one really is. And I think even compared to the last ISTEA bill, this is historic. Let me tell you why.

For the first time, all the dollars that we as citizens pay in fuel taxes when we put gasoline in our cars, or diesel fuel in our pickups, will go into the highway trust fund. And all the dollars that come out of that trust fund will go back in the form of highway allocation, or mass transit allocation. We are not changing the distribution between mass transit or highways. But, again, all the dollars that come into the trust fund paid for by gasoline taxes will come out of the trust fund through to the State's allocation for their various highway programs, or, in the case of the mass transit account, to

the mass transit account. That is a major change from the current practice. The current practice, for those of us who fill the gas tank and put dollars into the highway trust fund through our gasoline taxes and are not sure that those dollars are going to come back in the form of highway allocations, sometimes those dollars at the will of the Congress and the President are used for other purposes. That will no longer be the case. Dollars in, dollars out.

We also wrote into this legislation a guarantee called a ''firewall'' to make sure that happens. It is not totally 100 percent guaranteed, but for all intents and purposes, it might as well be.

After that huge increase, we have a lot more highway dollars coming out, not only because of the guarantee I mentioned but also because just recently Congress enacted legislation to ensure that the 4.3 cents-per-gallon gasoline tax previously used for deficit reduction is now going into the highway trust fund, which means 4.3 cents more than previously was the case. The rule of thumb basically is that 1 penny of gasoline tax—about $1.6 billion, or $7 billion—goes into the highway trust fund. This is a big increase. On average, States will receive about a 43-percent increase in highway funds for each of the next 6 years compared with what they have received in the past 3 years. It is again for those reasons.

I might also say that the attempt of the conferees, which I think was met, was for regional balance. This process started in the Senate about a year ago. Senator WARNER from Virginia, myself, Senator CHAFEE, and Senator MOYNIHAN, also for all intents and purposes, introduced separate bills representing different parts of the country, each part having generally a different point of view. Senator WARNER was essentially concerned proportionally more about the donor States; that is, those States which historically have been receiving from the trust fund considerably fewer dollars than they have been putting in.

Then there are the Western States, and small States which have unique circumstances because of low population density, and sometimes wide spaces, which also have a certain point of view.

Then, third, there are the Northeast States by and large—I grant you these are very rough estimates and a very rough explanation. But the Northeast States, which are more densely populated historically, receive quite a bit of highway funds as well as mass transit funds.

We try to give balance in this bill, first by ensuring that the donor States, those that would put so much into the highway trust fund but receiving a lot less, are guaranteed essentially 90 cents on the dollar—90.05 cents. There are some adjustments. That is basically it.

In addition, small States receive what small States believe would be a fair share. It is true that the Northeastern States don't get the same, on average, percent increase. But that is, to be honest about it, because those States in the previous ISTEA bill got quite a large chunk of money compared with other portions of the country.

So this is a guarantee to even things out.

For those who are concerned about the environmental provisions, let me say that this bill is environmentally sound.

There is the congestion mitigation account, which has more dollars in it than the previous ISTEA bill.

So the dollars are there for cities which do not meet the Clean Air Act standards—additional dollars—to undertake the various expenditures to reduce air pollution in their cities. That is there.

The enhancement provision is still fully funded. Those who are concerned about bike paths and trails are also going to be, I think, happy with the provisions in this bill.

We also rejected in the final hours some provisions which I think would have been very harmful to the environment.

There has been some talk about the PCB problem in New York. That was rejected. It is not in here.

I can list other attempts. I know some of the environmental conservation committees are worried about what was attempted to be put in this bill and the conferees rejected.

I might also just outline and remind us that each of us, as a Senator, is worried about fighting for our respective States. That is our job, that is what we ran for office for, and that is what we hired out to do—to represent our States the best we possibly can.

As you know, Mr. President, most Senators are not wallflowers. Most Senators are good advocates for their States. They are fierce advocates for their States, which obviously means that it is hard to get 100 points of view all accommodated, particularly when each State thinks it has a unique point of view that makes it a little bit different from other States. Add to that the further complication that there is another body; there is a House of Representatives. We in the Senate pass what we think is the best legislation for our States. The highway bill that passed the Senate passed by a very large margin. Senators liked the bill. It was good for our respective States and was a good compromise for all our States. But House Members have a very different view on the highway program compared to Senators. It is, very simply, because we Senators represent entire States; House Members don't represent entire States, except for a very few. There are about five or six very-low-populated States, like my State of Montana, which has only one Member of Congress. But most Members of Congress, who tend to be from populous States, such as New York, California, and Florida, for example, are really much more interested in their districts; what is the highway bill going to do for their districts, rather than for their States? Of course they care about their States. They care deeply about their States. But I dare say they probably care a little bit more about their district. After all, they run for reelection every 2 years. They want to show, legitimately and properly, to their constituents, the people who voted for them—or perhaps didn't vote for them—that they are doing the best job they possibly can for their district, which means the formulas, as the allocations, somewhat clash.

Senators are worried about Senate distribution. Senators are worried about State distribution. House Members are worried a little bit about State distribution, but quite a bit about how much their districts get. Hence, we have this phenomenon called demonstration projects. It is difficult to meld these two competing points of view together.

I mention all of this because as we in the Senate are here, now, voting on this conference report which is about to be before us—as we look at it, we might find it is not exactly what we would have preferred. It is not exactly the bill that passed the Senate. But when Members of the Senate look closely at what is in this conference report, I think they will find it is very close to the provisions that passed the Senate and should not be distressed. Certainly, it is important to point out that every State but for one, which is a very, very special case, will receive a significant increase in dollars per year allocated to the State. The average increase, and I must underline the word average, is about a 43-percent increase for all the States. That is not a small number. It is a large number. It means, for example, that it is increased from 28——

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator has expired.

Mr. BAUCUS. I ask unanimous consent to speak for 2 more minutes.

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

Mr. BAUCUS. So it, the current program, is roughly $18 billion, the current ISTEA which expired. This bill is $26 billion, roughly; hence, roughly a 43-percent increase. And a State, on average, will receive that 43-percent increase. So, while there are little ''i's'' that are not dotted properly according to some Senators, or ''t's'' that are not crossed properly according to some, I submit this is a good bill. It is good for the country. It repairs a lot of needed repairs. There are a lot of roads in our country that need repair and curves that need to be straightened out—in addition to our very good environmental programs in this bill. I just hope the Senate, when we see the conference report from the House, acts on it very quickly because then we will have finished our business, people home will be proud of what we have

done, and we can get on to other business when we come back after recess.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak on this highway bill. Seeing there is no one else here, I will not limit time. But I want to, first of all, congratulate the chairman of the committee and the Senator from Montana, the ranking member, at having done what I think is an excellent job with a most difficult issue, an issue where you take a vast amount of money that comes in from gas taxes and seek to put it into a formula that is fair to all the States, and yet adheres to the purpose of the thing, which is an interstate highway program that runs from coast to coast, that runs from Mexico to Canada, and that does all the things that an interstate program is supposed to do. So there does need to be some adjustment, in terms of the dollars, with respect to the various States.

It is most difficult. I am here to support the bill. I think it is well done. Also, to remind Members that this committee has been working in this area for more than a year. This bill was brought to the Senate more than 2 months ago and passed, I think almost unanimously, and this proposition that comes before us today is very similar to what was passed here in the Senate.

One of the difficult parts, procedurally, of course, is that something quite different was passed originally in the House. In order to get this done, there has to be some conference. There has to be some communication. There has to be some allocation of differences between the House and Senate, and they were extreme, those differences, particularly in the area of the so-called demonstration projects, all above the formula line.

So it has been a very long process and one that has been tedious, one that has been difficult. I sympathize, I think, with the chairman of the Appropriations Committee in his feeling of not having been as involved as he would have liked to be. I suspect that is probably true of all of us. This is a large bill. It will be out here soon. We are saying, my gosh, we are being asked to vote in an hour or two on a bill of that kind? But the fact is, the real issues have been known for some time. The real issues have been talked about. The real issues have been in the daily reports. The real issues have been done by our staffs. So it is not a surprise.

Of course we don't know all the details, and unfortunately I have to say: How many of these bills that are 18 inches high has everybody read on the other issues? But the principles are there. And the principle is to try to spend about the amount of money that comes in on gas tax for highways; that is fairly reasonable—or for transportation. The idea of guaranteeing that each State will have 90.5 percent of what they paid in, that is pretty basic. We know that.

We have some things in there that I think are very important to all of us. We have increased the money that goes to national parks. All of us have national parks. And certainly if we don't have them in our State, we all use national parks and enjoy national parks. They have no other source for funding, and that is good. For Federal lands, of course, to the Presiding Officer and I, representing a State that is 50 percent Federal ownership—and some others are substantially higher—Federal land money is very important.

So these are the principal things that are there. These are the things that we know about. I think we have to remember that the deadline for reauthorization has passed. It passed last January. We had a temporary bill that went into place until the first of May. This is something that makes it impossible, if we do not have a bill, for States to go ahead and plan. And that is particularly true for those of us who live in the northern part of the country where we have a relatively short construction time, and States need to know what kind of money they will have to deal with. So I think it is vital that we get into this bill, that we find out the basic points that we need to be informed on, and that we move forward and, frankly, do this before we go on this recess.

I guess, as a practical matter, we can go on the recess and we will not know a great deal. The issues will still be about the same when we come back. The issue is not so much a matter of understanding as it is a matter of not everyone is going to be perfectly happy. In Massachusetts, for example, they had a huge allocation before, for a special project, so their formula this year looks a little strange because they don't have that huge project in.

So there is an effort to make it that way. So I hope we move forward. We have really been through this business of talking about whether we are going to spend the gas tax on highways or not. We went through that. We voted on that. We are ready to move forward. This is a very complicated program. I believe it is a good one. I believe the committee has done very well, and I urge my friends in the Senate to move forward and complete this discussion today.

I yield the floor. Mr. President, 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. CONRAD. 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 Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been a member of the conference committee on the ISTEA bill, and I want to express my appreciation to all those who played a leadership role in writing this legislation.

North Dakota is profoundly dependent on Federal support to maintain a strong road system in our State. As all of my colleagues know, we have a big area and we have a sparse population. If we are going to have a national road system, we have to have a national program.

I can tell my colleagues, it would be pretty grim going across North Dakota without the Federal Highway Program. Instead, we really have an outstanding network of roads across our State, although they are in deteriorating condition. You cannot drive around my State without noticing that the condition of our highway network is deteriorating, and deteriorating markedly. That is why it was so critically important that there be additional resources for the road and bridge program in the country and why I am so pleased at the result of the conference committee.

We have seen a very significant increase in funding. On average, States will receive a 44-percent increase. I am pleased my State will do somewhat better than that, but it is very much needed. Our State will receive $171.5 million a year. Under the previous program, we have been getting $111 million a year. So that is a substantial increase. It is very much needed in order to catch up with the maintenance conditions that currently exist in the State.

I will say, Mr. President, that there is a part of this funding mechanism that does concern me, and that relates to the question of the funding. I am concerned about that part of the funding that comes out of the veterans' program. There is a group of us who opposed that funding mechanism in the Budget Committee and who opposed that funding mechanism on the floor of the Senate when we had an amendment to try to change it. I assure veterans in my State that we will take further steps to try to redress the wrong that is done with respect to that funding source in the highway legislation.

With that one exception, I think it is very important to thank those who have been the leaders on this matter. The Senate bill was far superior to the House bill, and we should thank Senator CHAFEE and Senator BAUCUS for their very strong leadership in allowing us to have a bill that is much closer to the Senate bill than to the House bill.

I thank our colleagues who were members of the conference committee, and I especially thank Senator CHAFEE and Senator BAUCUS. I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I add my congratulations and my thanks to Senator CHAFEE and Senator BAUCUS especially. My colleague, Senator CONRAD, has described how important this piece of legislation is. I know both the chairman and ranking member

worked very hard for a long, long while to make sure that the result was a result that is fair to all parts of this country.

A lot of people don't think much about road issues. Not many people think about roads when they are driving on a good road. They don't think about roads much until they hit a bad road. They don't think about bridges until they read a story or see a bridge that is in disrepair or has fallen down and caused a loss of life.

The investment in this country's infrastructure—roads and bridges—is critically important. In a State like North Dakota, that is 10 times the size of Massachusetts in landmass, yet with only 640,000 people living in the State, it is very difficult for us to maintain a broad network of roads and infrastructure without the kind of investment that will be made possible in this legislation.

The Senator from North Dakota, Senator CONRAD, mentioned the increase in funding that will exist with this legislation—from $111 million a year to about $170 million a year, just in excess of a 50-percent-per-year increase. That comes from the gas taxes that people pay when they drive up to the gas pumps and fill their car. That gas tax is used to invest in this country and invest in its infrastructure—roads and bridges. That is what makes possible this kind of legislation.

This is a wonderful step forward. I know some debated the size and debated the formula, but the fact is, this is the kind of investment that makes you feel this is a better country because of it. If you go to other countries—I won't mention them—if you go to a half-dozen or dozen other countries and drive on their roads, you immediately understand that they have trouble financing their infrastructure. Their roads are in disrepair, full of potholes, some barely built, some not graveled.

All you have to do is look at a country's infrastructure to see what kind of country it is. Is it a country which devotes the resources to roads and bridges and the things that make transportation possible and the transportation of grain and commodities and items of commerce back and forth possible? The answer is yes. One of the important things about this bill is, we decided long ago that transportation should be national in scope. If you are going to haul fresh fish or frozen shrimp from the State of Washington to the State of Maine, you are going to need roads across the center of the country, even if it is not very populated. Yes, you might drive through Wyoming and North Dakota. There aren't many people there. It is a lot less crowded than New York and California. But the roads to get from here to there are just as important as a mile of road in New York City. That is what the need of a national highway program is all about.

When Dwight D. Eisenhower decided to build an interstate highway system, he didn't say, let's spend all that money just where people live; he said, we are going to build an interstate highway system and we are going to build it to connect the entire country, and we are even going to make that investment in sparsely populated States because that is what allows people to move around this country.

That is the long way of saying this is a good bill and advances the interests of our country.

Let me make one final, quick point.

I have worked 5 years on a small piece of legislation that probably will not mean much to some, but it is in this piece of legislation we will consider this afternoon. In five States, it is perfectly legal in America to put one hand on the driver's wheel of a car and another on a fifth of whiskey. Drink and drive and you are perfectly legal. You just can't be drunk. No problem drinking while you drive. In 22 States, if the driver can't drink, it is fine for the people in the back seat or the person in the front seat next to the driver to drink while you drive.

For 5 years, I have tried to get that changed. Some say I have no right to tell some State that they have to have a prohibition on open containers in their State. Maybe they think I have no business doing that. I have a right to say to anybody anywhere in this country who drives into an intersection in any city, any State, that they ought to have some reasonable expectation they are meeting a car in which the driver isn't drinking or in which there isn't alcohol being consumed in the car. We have a right to aspire to that in this country as a sense of national purpose.

Drunk driving is a major problem in this country. Every 30 minutes, another family receives a call. My family received the call. A loved one was killed in a drunk-driving accident. Every 30 minutes, every hour, every day. This is not some strange and mysterious illness for which we do not have a cure. We know what causes it, and we know what cures it.

This piece of legislation today includes a provision that States will enact a prohibition on open containers, and it has a sanction if they do not. The sanction is not quite as strong as I proposed, but, nonetheless, it is still a sanction.

This advances some things that I have felt strongly about and worked on for 5 years. The Senate voted on this provision. It was somewhat controversial, but it passed the Senate, and I am very pleased that, in the conference with the House, we were able to keep this provision. I also know that because this provision exists and because this Congress took this step, lives will be saved. I commend those who worked with me to fight for that piece of legislation.

Finally, let me say thanks again to all of those who worked so hard. A lot of folks worked around the clock a couple days on this. Their names probably will not be called on the Senate floor, but thanks to them for their commitment.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are only going to have an hour when the bill comes over, if that. I know many of my colleagues are eager to start the Memorial Day recess. I thought I might do a good turn for some people who have tickets to go ahead and speak now on the highway bill rather than waiting for my assigned time, which has been previously reserved under a unanimous consent request, to speak on the bill. So as a matter of courtesy to my colleagues, I wanted to go ahead and speak now.

Mr. President, we have before us a highway bill that will have a profound impact on our country. I am very proud of this bill. I am proud to have played a small role in making this bill happen.

I started 2 years ago in an effort to convert our tax system on gasoline into what I would call honesty in taxation. We had a situation where for almost a decade Americans were being told that when they bought gasoline and paid taxes, that that money was going to build roads.

And yet last year, roughly 25 cents out of every dollar of gasoline taxes ended up going to general government to fund everything, except highways.

And yet, when Americans went to the filling station and stood there pumping gas in their car or truck, they could read right on the gasoline pump the bad news, that a third of the price of a gallon of gasoline was taxes, and the good news, that at least the taxes went to build roads. The only problem, as is often true with government, the bad news was true; the good news was not true.

I was able to get an amendment on the Finance Committee bill cutting taxes last year that shifted all revenues from gasoline taxes into the highway trust fund. Senator BYRD and I started a crusade at that moment to guarantee that the money collected in gasoline taxes that went into the trust fund was actually spent on highways. That crusade has reached a successful conclusion with the adoption of this bill. Under this bill, every penny collected in gasoline taxes over the next 6 years will be obligated to be spent on highways and on mass transit in this country.

The net result is a dramatic increase in resources to build new roads, to maintain the roads we have, and it is literally true that thousands of lives will be saved as a result of the adoption of this bill and the increased resources. It is true that millions of hours that people would have spent snarled in traffic will be saved so that they can spend more time at work earning a living, so they can spend more time with their families doing the things that

parents want to do, spending time with their families and enjoying the fruits of their labor.

A second achievement of this bill is that we have taken a long step—big step—toward eliminating inequity in the distribution of funds. We have a National Highway System. And I would not have it any other way. But part of the problem with the National Highway System is that when you are building certain sections of interstates or you are building big projects, it produces a situation where some States are donor States, that is sending more money to Washington than they are getting back, and other States are beneficiary States, getting more money spent in their State during that time period than they received back.

My State in recent years has been a donor State. When we were building the big east-west interstate highway systems, we were briefly a beneficiary State. But under the last highway bill, which lasted for 6 years, Texas averaged getting back only 77 cents out of every dollar we sent to Washington in taxes.

One of my goals—and a goal that was championed in this bill by Senator WARNER—has been a goal of trying to guarantee that no State in the Union will ever get back less than 90 cents out of every dollar they send to Washington to be spent on highways, no matter what national project is being undertaken. We actually did slightly better than that in this bill. But that was our objective. I think it is a major improvement in highway construction, and I think it is fairer to our States than the old system.

I am, obviously, proud of a provision of this bill which provides money for border infrastructure and for international trade corridors. We have entered into an international trade agreement with Canada and Mexico. It has literally filled up my State with trucks hauling goods and services back and forth. The good news is that it is creating jobs on both sides of the border. It has brought great prosperity to my State. The bad news is it has literally pounded our roads and highways into dust in many parts of the State. It has made I–35 in my State a parking lot for hundreds of miles. And we are looking at a doubling of the truck traffic over the next 7 years.

So one of my major priorities in the bill was to begin to provide funding to develop international trade corridors and border infrastructure. We provide $700 million in this bill for that purpose. I really see it as the beginning of something bigger.

If you look at a map of America and you look at our Interstate Highway System, and you stand back from that map, the plain truth is that we, with just a few exceptions, we have an east-west interstate highway system. And what we need to do over the next 50 years is to build a north-south interstate highway system to go with it. NAFTA will require that we do that. And I think this $700 million will be a major step in that direction.

There are many other provisions of the bill that I could talk about that I am pleased with—greater flexibility for mass transit in my State, other provisions that are of a parochial interest. But I will talk about basically the big picture on the bill. The big picture on the bill, in trying to sum it up, is every penny collected in gasoline taxes in the next 6 years will be spent for transportation infrastructure—by dramatically reducing discrimination against donor States, at least within the level you can achieve it, and have a National Highway System. The combination of those two factors—honesty in taxation and dramatically reducing the inequity in the distribution of funds—will mean that Texas will get 61 percent more money under this highway bill than we did under the previous highway bill. Our total level will be $11.3 billion.

That money is desperately needed in my State, as I am sure the money from the bill is needed in every State in the Union, to build the highways we need, to maintain the roads we have, to rebuild bridges that are structurally unsound. And obviously this is a very important day for me.

I want to especially thank Steve McMillin, who has been my staffer working on these issues. It is literally true that his involvement and dedication and the hours he has worked, the quickness of his wit, has really been the difference between many of these provisions being in the bill and those provisions not finding their way into the bill. I have been constantly amazed at how well he knows the details of these issues.

I would also like to say that I appreciate the assistance and the work of two staffers who work for Senator BYRD—Jim English and Peter Rogoff. I do not think we have any staffers who knew more about the substance of this issue or did more than they did.

Often people who serve in the Senate get great credit for work we do. And often much of that work is done by our staffs. I wanted to be sure to single out these two staffers for Senator BYRD, and Steve McMillin on my staff who has rendered great service to my State and to the country.

Let me also say it has been one of the great privileges that I have had in public life in working with Senator BYRD on this issue.

When we joined forces here I felt it was like having a team of good, solid, strong mules attached to a wagon that has been stuck in the mud for a very long time, stuck in the mud as funds were taken out of the gasoline tax and spent on general government, really cheating the taxpayer and deceiving the taxpayer in terms of where money was going.

We have worked together for over a year, literally had dozens and dozens of meetings with our staffs, together with outside groups. We have worked together to build a nationwide coalition. We have undertaken, I believe, the only true bipartisan effort in this Congress. We have been successful.

Senator BYRD obviously was a critical part of that. It has been a great privilege for me to have been partners with him on this issue and to have an opportunity, at least in this way, to link my name with the premier legislator of our generation.

Mr. President, I want to congratulate BUD SHUSTER on this bill. This bill, I am sure, in many ways is the culmination of his successful career in the House. I am sure he hopes to have many other successes. But for the chairman of the Transportation Committee in the House to have put together a bill which achieves one of his lifelong objectives as a legislator, to assure that funds that are collected in gasoline taxes end up being spent for the purpose they are collected, this has to be, at least to this point, the seminal achievement of his career.

I want to thank Senator CHAFEE for his leadership and his help in this bill. I want to thank Senator DOMENICI for working to see that we guaranteed money for highways, but that we didn't start a new entitlement program in the country.

Finally, I want to thank Senator LOTT for his leadership in pushing this effort forward. I do think this is an important bill and will certainly go down as one of the most important things we have done in this Congress, one of the most important things we have done in many Congresses.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. DOMENICI. Mr. President, I just wanted to say where you thank me, for whatever you did, I want to add to that statement to the best of our ability we have not sacrificed the other appropriated accounts to the increases in the highway bill. We have found offsets and other things. They could suffer at some time in the future, but what we put before the Senate when we approved this with the offsets already in there, even with the new programs for veterans that are in here, $600 million, we will not take the extra money out of the NIH and other accounts of government.

I told you I wanted to do that and you did not object on the floor, but this is the first time we could actually do it in the bill. We could think about it on the budget resolution, but we could do it on the bill.

Mr. GRAMM. My point, and I will yield the floor on this point, our objective was to guarantee that we spent money on highways, but we didn't want to start a new entitlement program. I think when you try to do something that has not been done before, it is often very difficult. But I think we can take pride in the fact that we do have all of the offsets in the bill. We are not going to bust the budget. We didn't start a new entitlement.

Mr. STEVENS. You said that for the third time. What is it, if it is not an entitlement program?

Mr. GRAMM. What it is is an earmarking of funds to be appropriated for the purpose that the tax was collected. The Appropriations Committee must still act for the money to be spent, but we have a guarantee that the money cannot be spent on anything else.

Mr. STEVENS. If the Senator will yield further, there are lots of programs where the taxes are collected for a particular purpose.

Take the airports and airways funds, for instance. There is a whole series of them. Those funds come from the appropriations process and they are appropriated.

You have created an entitlement in this bill, the most massive entitlement other than the Medicare trust fund entitlement, that I know. There is no discretion for anyone to change that except by an act of Congress, a subsequent act of Congress. There is no individual allocation of those moneys to meet needs.

The President will submit a budget in January. It will lay out what the highway department believes will be the return as estimated to have been brought into the Treasury from the year before and it will be spent. It will be spent according to this bill. There will be no review of what has happened in the year before, and we in the appropriations process would go over the budget request through the year and in September send a bill to the President to spend the money as we believe—that Congress believed, not the Appropriations Committee, but Congress believed—it should be spent.

That will not occur because this money will be spent according to the budget received from the Federal Highway Administration every year. That will be done by the Federal Highway Administration under their understanding of this law for 5 years. It will not be changed except by an act of Congress.

To this Senator, that is the most stringent entitlement that we have on the Federal laws in this country, that we have ever had.

Mr. GRAMM. Let me say this. We had a long, running battle over this issue. We had a long, running battle over this issue. Senator BYRD and I put before the Senate the proposition that the money collected in gasoline taxes ought to be spent. We thought it was wrong to have it diverted to other uses. We had a choice. The Senate voted overwhelmingly for it. We had two ways we could go. As the Senator knows, the House wanted to do an entitlement to take it completely out of the appropriations process and out of the budget. We rejected that.

We tried to find a compromise that would solve both objectives. One, not to take it out of the budget process, not to take it off budget, not to take it out of the appropriations process. But on the other hand, to be faithful to the commitment we made that the gasoline tax would be spent.

I think, given the commitment the Senate made overwhelmingly on the amendment that I offered with Senator BYRD, we did as well as we could do in meeting everyone's concern. I am proud of what we have done. I think it is a good compromise.

I conclude by again saying what a great privilege it was for me on this bill and my small involvement to work with Senator BYRD.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate what the Senator from Texas has said. This Senator supported the concept that moneys which come in through gasoline tax should be spent for the purposes the taxes were collected. We have not had an argument over that.

Where we have the argument is over whether there should be a bill passed every 5 years that sets absolute corridors for the spending of money, with no discretion on the part of appropriators or the Congress itself to change—6 years, I beg your pardon. That is even worse.

The real problem we have with it is flexibility. I still haven't seen the bill. I have come to tell the Senate that I have visited with the chairman of the Budget Committee, for whom I do share with the Senator from Texas our admiration of the Senator from New Mexico as the chairman of the Budget Committee. Based upon his understanding of the bill, there is not a great problem, at least in the first 2 years of 1999 and the year 2000 with regard to the nondiscretionary funds that are within the jurisdiction of the Appropriations Committee being reduced because of the expenditure of more moneys to highways that are currently estimated.

Now, that is our understanding. We haven't seen the language yet. To my knowledge, no one in the Senate yet has read that language. Under the circumstances that we have, I have come to this conclusion after having the meeting with our committee members and listening to the staffs of the Budget Committee and the Appropriations Committee with regard to the impact of this bill on the appropriations process.

I will not insist upon the delay of this bill. However, I believe it may set a new unfortunate course with regard to the flexibility and expenditure of taxpayers' money and the ability to use the money for the purposes that have the most need at the time the bill is passed annually. This is going to lock us in for 5 years. Again, I am saying to the Senate, with I hope at least the understanding of my great friend from West Virginia, this Senator, who is chairman of the appropriations bill, intends to look at this bill, examine it very closely, and if it does constrict us so that we do not have the flexibility we should have, we will bring before the Senate this year an amendment to this bill and we will have it out.

We are not arguing over whether the highway tax money should be spent for highways; we are arguing how it should be allocated and when the determination should be made as to what the priorities are for the use of that money. This bill will set it for 6 years now. If it went through the appropriations process, we would determine that annually.

I see my great friend here, Senator DASCHLE, who just went through that horrible flood up in his area. We have disasters in this country. We have earthquakes and floods, and we have enormous tornadoes. We have to have discretion to allocate funds in a way that meets the best needs of our people as a whole.

I do not think that the bill that is going to come before the Senate can be followed without an enormous spillover into the areas of other nondefense discretionary funds, which must be allocated by the Appropriations Committee annually. What I mean is, I think the effect of this bill will be that we will have to constrain other nondefense discretionary spending in order to accommodate the extraordinary demand here that if the revenues from the gas tax money exceed the caps, exceed the estimates, it is going to be spent anyway. And we have a 4-percent leeway, what I call a ''fudge factor.'' But if they go up to 10 percent, we are going to have to absorb 6 percent of that from other nondefense discretionary accounts. That is going to affect every single State in the Union adversely. It is going to affect the operations of this Government adversely.

I can't tell the Senate it will happen now. I can only tell the Senate that, as I understand the way the bill has been written, it could happen. And if it does, I do think that would be a disaster. Again, to a certain extent, I sense a feeling here, particularly from my friend from Texas, that the Appropriations Committee has not provided funds for highways. We have exceeded the amount that came in from the gas tax in the period of the last 5 years. We have spent more money through the appropriations process for highways than would be spent under this bill for highways, if we had had the allocation of funds that the Budget Committee has generously brought back into this process and made available for this entitlement.

This turf battle that I sense is not coming from our committee. All we are saying is that there is not flexibility here. If the authorizing committee wants to pass a law saying you are going to allocate this money, then pass a law saying you are going to allocate it every year. But don't sit around and tell people you have done a good job for the country when you have allocated for 6 years, based upon an estimate that the two organizations that really are most concerned—OMB and CBO—

disagree, as you know. They have about a $10 billion difference in the estimates of expenditures. We are taking the high one, of course; we are going to follow the high one. If we were wearing our budget-cutter hats, we would take the low one. But here we are spenders, so we are taking the high one.

The problem is that one section of this bill says—and I have not seen this yet—if the money doesn't come in, we have to make it up. I was just told by one of the staff that that probably is not true. He used the words ''flexible guarantees.'' I am going to be anxious to read how we write a bill that is flexible every year based upon the variations of one anticipated and estimated revenue, as opposed to estimated actual revenues, when either one is any more than an estimate. I have to adjust the budget and meet a total cap level under the budget agreement and be subject to a point of order if we are not right.

I say to my friends who have been involved in this, I wish you luck. Don't feel surprised if this Senator is back out on this floor this year with amendments to this bill to do it right.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I will not be long.

Mr. KYL. Will the Senator yield?

Mr. DOMENICI. Mr. President, I ask that the Senator from Arizona be permitted 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I may be recognized after the Senator from New Mexico. The Senators speaking now are more directly involved in the action going on here. Therefore, they will explain to the rest of us what is occurring. I wanted to ensure that they had an opportunity to speak. I would like the opportunity to speak after the Senator from New Mexico.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first say that I think everybody knows that I have the highest regard for the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There should be no doubt in this body of my very, very high respect and honor for the Senator. Let me repeat. Everybody knows I have the highest honor and respect for Senator BYRD, also. He has known that for a long time. I have to say that Senator GRAMM started off to do something and he didn't mince any words. He said what he was going to do. Joining together with Senator BYRD, he has done that.

Now, frankly, I believe I can say to my good friend, the chairman of the Appropriations Committee, that this is not what I would have done with reference to trying to minimize the way this fund looks. Does it look more like a real appropriations bill, or does it look somewhat like a mandatory program? I guess I would have to say, for all the accolades of trying to keep it from being an entitlement, it probably is a bit more on the mandatory side than it is on the appropriations side. But at least it does get appropriated every year. There is a firewall, much like the trust fund established for crime by the same distinguished two Senators. If you look in that appropriation bill where we set aside some of the savings that would be forthcoming from a reduction in Federal employees, as I recall, you will find it every year listed as an entrusted amount. If you don't spend it in that bill—Senator JUDD GREGG's bill now —you can't spend it for anything. So it is there every year.

On the other hand, there is some concern that if you put a 5- or 6-year program on track and it is not subject to appropriations review, which I submit—be it the most in-depth or not—is the only annual review we have around here. Others are done willy-nilly and some don't get reviewed for 10 years, and some do often. The truth is that you can't get away without appropriations review every year, because you have to appropriate every year. This is going to have to be appropriated every year. So that part is still there. But essentially, in the quest to see that every penny of the 4.3 is spent, there is a recognition and a very strong position by the House that the resources, the taxes that are estimated could be up or down from the obligational authority we attribute to them, because if we assume we are using them all and then the tax comes in higher, we haven't used them all. If we assume they come in lower, then we are spending taxes that didn't come in.

Essentially, what the Senator from Alaska, chairman of the Appropriations Committee, is concerned about is—and I think Senator BYRD and Senator GRAMM, who was an appropriator for part of his life in the Senate, would be concerned—if, in fact, you were obligated to spend an amount that represented an increase, because the reality was that the tax was higher and by doing that you had to cut other appropriation committees, which would make that excess a mandatory demand on you—well, I told my friend that I didn't read the language when it was last drafted. I haven't seen it yet. In fact, for that eventuality, if it is higher than expected and you have to spend it, it holds the appropriators harmless. We don't need to talk about what that means. If you want to say what that does to the caps, you say that, I say to the Senator from Texas; but for the time being, I am saying it holds them harmless. I would not have spent the extra amount based on estimates. I think we are accurate and I would have used them like we have done in the past.

Having said that, obviously, a lot of Senators are not going to be pleased with the allocations and other things. I didn't have anything to do with that. It is not my assignment. I felt somewhat uncomfortable. I don't have authorizing authority or appropriation authority. Nonetheless, it fell on me to try to make this a fair bill.

When it comes to the appropriations process, I am going to put in the report right now the offsets that are in this bill. It is not bill language, but we insisted early on that we offset the increased expenditures from the appropriated accounts, so that by spending more money, we wouldn't be cutting the appropriated amounts which we have set in place by operation of law for a number of years. So we used the word ''offsets,'' and we found some.

Maybe there will be a further debate on the offsets. I am prepared to debate them. I don't like to be responsible for all of the offsets. Some are found by us. I am more than willing to say I think they are fair. We have committed ourselves to increasing the expenditures for highways and mass transit and not to diminish the amount of money available for the remainder of domestic expenditures under the overall agreement that we made with reference to the budget. That is the best that we can do.

That does not mean there will not be added pressure for the appropriators because of this. It does mean if you wanted more flexibility in the highway programs, you won't have that much. But I surmise that before we are finished there will be some flexibility, because there are needs.

I also want everybody to know, when we have departed significantly from the obligational authority for highways and mass transit and increased it dramatically in the appropriations bill, for the most part it was when we had an emergency. All that money went to freeways that went to highways. It didn't come out of the regular trust fund, nor would it come out of these dollars that are in this bill. You would have an emergency just like you had in the past.

I send that little summary to the desk and ask unanimous consent that it be printed in the RECORD.

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

ISTEA CONFERENCE RESOLUTION

[1998–2003 outlays in billions]

Category	WODI	Add-ons	Total
Highways	$139.2	+14.5	$153.7
Mass transit	27.7	+3.0	30.7
Total	166.9	+17.5	184.4

	Add-ons	Net of offsets
Offsets required for add-ons	+17.500	.....
Potential Offsets to Add-Ons:		
Veterans tobacco (OMB Scoring)	−16.969	0.531
Veterans add-backs (Montgomery GI)	+1.602	2.133
Veterans net savings	−15.367	2.133
Student loan extension 3 month	+0.090	2.223
Reduce Social Services block grant	−2.423	0.200
Net total offsets	−17.700	(1)

[1] Not applicable.

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE.) The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

First of all, let me say that I think it is a good thing that we are finally beginning to spend gas tax money on the purpose for which the tax was collected in the first place; namely, our highway and transit systems in this country. But I don't think it is a good thing that there are winners and losers in the process depending upon who you are.

Mr. President, I have a hard time justifying this legislation to my constituents in Arizona who continue to ask me why it is that the fastest growing State in the country that sends $1 to Washington in gas tax continues to get less than $1 back. As a matter of fact, because we are a Western State, there is also supposed to be some consideration given to the fact that the wide open spaces require more highways, as is the case with many of the other Western States. But it is not to be. Instead, historically Arizona has gotten 86 cents on the dollar. And, under the original Senate bill, we were supposedly guaranteed that Arizona would receive the generous sum of 91.5 cents on the dollar. It now turns out that it will be 90.5 cents on the dollar.

Mr. President, I am not here asking that Arizona receive something extra, unlike a lot of the people who are still negotiating in the cloakroom here. I am not asking for money for special projects. But I am asking why it is that the donor States—the States that send more than they receive—can't eventually hope to get some equity in this program. What we are doing here is locking in for 6 years a continued unfair program for the 18 or so States that contribute more than they receive.

Mr. President, this reminds me a little bit of the ''Animal Farm'' story of George Orwell of 1946. It turns out that all the animals in the barnyard were equal, except that some were more equal than others. That is the way it is with the States of the Union here.

As I said, you have a fast-growing Western State like Arizona, the fastest in the country, that receives, or would receive under this legislation, 90.5 cents for every dollar sent to Washington.

How will some of the other States make out? The majority leader pointed out that Senator STEVENS would probably be pretty happy with what Alaska got under the bill. Instead, I would be happy if I got $5-plus for every dollar that I sent, which is what Alaska will receive. I would be happy if I were in Connecticut and I got $1.52 for every dollar I sent; or Delaware, $1.54. These are very small States, by the way. Montana, a large State—we are supposed to get a little extra consideration for the size—gets $2-plus back; my fellow Western States of New Mexico and Nevada each get more than $1 back—$1.14 and $1.18, respectively. The Senator from West Virginia, his State receives $1.41 back. Another small State, Vermont, $1.76; South Dakota, $2; Pennsylvania, $1.20.

It turns out that who you are matters more in this process of deciding how this money that everybody in the country pays— that matters more than equity.

Once we have an opportunity to review the bill—there has been one copy available, and everybody has had to try to sort through that one copy—I think there are going to be a lot of criticisms of how this money was allocated. There will also be a lot of questions asked, many of which have been raised here already.

How about the offsets? This is all supposed to come out equally, so that we are not spending more than we are taking in. As the Senator from New Mexico pointed out, we are now going to use the more generous OMB figures than the CBO figures which we have always insisted on using in the past because we think they are more accurate. That would permit us, in effect, to exceed the budget caps.

There is a significant question of the appropriators' authority, which Senator STEVENS raised. There are questions about the earmarks. As far as I can tell from the information I have, they don't add up. When the bill left the Senate, the formulas for the individual State projects called earmarks were supposed to be included within the State's formula allocation. But apparently that is not true under this bill, at least to the extent of $200 million; I don't know beyond that.

Mr. President, probably the most distressing thing about this is that most of the Senators who are going to vote on this will not know what is in the bill, and, therefore, they may have a bit of a hard time explaining to their constituents later on when problems are raised why they were in such a hurry to vote on this.

We lose nothing by waiting until we have an opportunity to review this. There is authority for States to continue to spend and charge it against this allocation. That has expired. We can extend that for another 10 days, until we get back.

But this bill is over $200 billion, one of the largest spending bills that this Senate, this Congress, will have ever authorized, and yet we don't know most of what is in the bill.

As I said, what I do know I don't like, because it appears that once again a few States are being discriminated against in order that other States, which are represented heavily on the committees that make the decisions, will get more than their fair share.

Mr. President, I regret to have to be this critical, but I think it has to be said very plainly.

When I have an opportunity to find out a little bit more about it, as the staff is now being made available to us—they have been very busy working all through the night, as I understand it, trying to get this finally negotiated—as they are made available to us, we will be able to understand some additional information about this. I intend to then return and comment some more.

But I did want to make the point right now that I think this is not a good process. We are hurrying too much. We are spending too much. We aren't going to be able to offset this, probably, under the estimates that have been provided. There are too many questions. And the numbers don't add up. To the extent that the States that are making contributions in excess of the amount that they receive back and are hoping to receive some ultimate relief, it appears that we are locked in for a 5- or 6-year period and that is not to be and, therefore, that our citizens will continue to be discriminated against.

Mr. President, for all of those reasons I am going to be very disappointed to have to change the vote I cast when I supported this bill earlier because I thought we were making progress in changing the formula. I wanted to assist our leadership in moving toward the concept that the gas tax dollars will at least be spent on highway and transit needs, that I will reluctantly have to vote no on this and just hope in the future, in the interests of States that are donor States here, that we can get a more equitable distribution of these funds.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, first of all, I acknowledge the Senator from New Mexico who spoke just a few moments ago. Senator DOMENICI has been very helpful throughout this whole process. I appreciate the comments he has just made. I appreciate the way he worked with the authorizers in trying to develop this formula and to establish the policy for the future and to deal with the offsets. He has just been tremendously helpful, including working with the Appropriations Committee this afternoon. I thank him for his work.

A lot of other people here put in effort on this. Senator BOND, Senator GRAMM, Senator WARNER, Senator CHAFEE, Senator BYRD, and Senator KERRY have been involved in this. There is a long list of Members on both sides of the aisle who have been involved in this and there has been a lot of give and take. And some of us were giving, even last night, on some projects for which we were very hopeful.

But I want to remind my colleagues, when you might say, ''We could do better,'' this is the largest infrastructure transportation bill in history. The formula is more fair than it has ever been before. My State got 84 cents on a dollar in the past; it is going to be in the 90s, like every other State this year. Most States will be getting more than they got over the past 5 or 6 years.

So I think we need to get started. There are States in this country, in the

Midwest and the Northeast, they need to know that they have this money and how much so they can get started with projects now. The season is going to get away from them. So I hope every Senator will keep that in mind and allow us to get this to completion.

SCHEDULE

Mr. LOTT. I would like to say to all Senators, with regard to the week we are coming back. I have been discussing this with Senator DASCHLE. When we complete this infrastructure transportation bill, ISTEA II, and dispose of that, that will be the last vote or action of this week, other than doing some Executive Calendar matters we are trying to clear. The next vote will not occur until Tuesday when we come back. That would be June 2. But when we return on Monday, June 1, we will continue to debate the tobacco bill, and the pending issue is the Durbin amendment. Of course, there are other amendments that are pending. We will be talking back and forth over the next week as to exactly how the process will go forward.

On that Tuesday, the 2nd, the Senate will conduct a cloture vote on the motion to proceed to the nuclear waste bill, which I will put in place in the next few minutes, as well as amendment votes relative to the tobacco legislation.

I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

So I expect the Senate will be considering the tobacco bill and the nuclear waste bill during the first week in June. If problems arise with regard to either one of those, the other issue that we have already done some work on, and we want to go back to at the first opportunity, would be the Department of Defense authorization bill. We need to get that completed so we can then go to the appropriations side of the defense bill. I know that first week back will be a busy one because we have a lot of important work to do. We will be in session on Monday, but we will not have recorded votes on that Monday.

Senator DASCHLE, did you want to comment or ask a question on that?

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I appreciate the information the majority leader has just shared. I think that is certainly in keeping with the understanding that he and I have had in our private discussions now for some time. My hope is that we can come back and complete our work on the tobacco bill. I believe that is certainly within our reach.

I understand, because of the plethora of other bills that are on the calendar, we have to begin consideration of other issues. We have some amendments and bills that we want to raise at some point as well. But I think this schedule accommodates the demands that we are going to have on our schedule for the balance of the month of June, and I am hopeful that we can see the same level of cooperation on both sides of the aisle with that schedule that we have had over the course of the last 2 or 3 weeks.

I certainly have no objections to proceeding as the majority leader has suggested, certainly with the expectation that we will complete our work on the tobacco bill early when we come back.

The PRESIDING OFFICER. The majority leader.

NUCLEAR WASTE POLICY ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of Calendar No. 312, the Nuclear Waste Policy Act.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection heard.

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to Calendar No. 312 and send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 312, H.R. 1270, the Nuclear Waste Policy Act:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Slade Gorton, Pat Roberts, Olympia J. Snowe, Jon Kyl, Tim Hutchinson, Rod Grams, Spencer Abraham, Pete Domenici, Bill Roth, Don Nickles, Thad Cochran, Michael B. Enzi, Charles Grassley.

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. LOTT. For the information of all Senators, the cloture vote will occur on Tuesday, June 20, at a time to be determined by the majority leader after consultation with the minority leader.

I ask unanimous consent the live quorum call under rule XXII be waived.

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

AUTHORITY TO FILE REPORTED ITEMS

Mr. LOTT. Mr. President, I ask unanimous consent that on Wednesday, May 27, the committees have from the hours 11 a.m. to 2 p.m., in order to file legislative or executive reported items.

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

ORDER FOR STAR PRINT—S. 981

Mr. LOTT. Mr. President, I ask unanimous consent that the report to accompany S. 981, the Regulatory Improvement Act of 1998, be star printed, with changes that are at the desk.

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

CONGRATULATING PRESIDENT CHANDRIKA BANDARANAIKE KUMARATUNGA AND THE PEOPLE OF SRI LANKA ON 50 YEARS OF INDEPENDENCE

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 372, S. Res. 172.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The resolution (S. Res. 172) congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas February 4, 1998, is the occasion of the 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence;

(2) expresses best wishes to the Government and people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 1998; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.