

## ANY WAY THE WIND BLOWS

Mr. GRAMS. Mr. President, I, too, would like to talk a little bit about the budget passed last week and the threatened veto.

President Clinton reminds me lately of the weather vane we used to have atop the barn of my family's dairy farm. Ours happened to be shaped like a rooster, and we always knew which way the wind was blowing because that old rooster would spin around and around with the breeze. Like that old weather vane, the President is spending a lot of time on the roof these days, and he must get awful dizzy up there, testing the wind, shifting his position each time it changes.

Last week, this chamber delivered on last November's mandate by the voters and passed a far-reaching, historic piece of legislation that turns this Government around by balancing the budget and cutting taxes.

With the vote behind us, the budget reconciliation conference committee is now moving ahead with our plan, shaping a bill to send to the President. The newspaper columnists and the TV political panels have been busy reporting on just what President Clinton thinks about what we are doing.

Or rather, on what the polls and his many political advisers tell the President he should be thinking. This is a President, after all, for whom "taking a tough moral stand" means finally admitting he raised taxes too much in 1993, and then recanting his story the very next day, blaming his confession on "sleepiness."

What the President is apparently hearing when it comes to the budget is that he ought to veto the reconciliation bill.

Let me quote from the Washington Times of October 20:

The White House is already preparing the post-veto campaign, mapping out travel schedules for Cabinet secretaries and culling poll results to determine the key issues the President will push.

A top White House aide has even been promoted—a battlefield promotion, I guess—as "assistant to the President." His new duties? To "calculate the political impact of a veto."

Mr. President, this Congress is tackling the serious issues that come with fundamental reform of the Government, issues like how to preserve the troubled Medicare program, how to save our kids and grandkids from having to carry the load of our debts and deficits, how to stop the welfare system's cycle of dependency, how to give working-class folks the tax relief they desperately need. While we are doing all of that, the White House huddles in its War Room calculating how many political points the President would score by trying to squash our efforts.

It seems President Clinton's advisers have told him that he needs to veto the reconciliation bill to, "draw policy differences with the Republicans."

"Without a veto," says a White House spokesman, "you cannot draw the bright lines. And we are in a period

where drawing that bright line is everything to the election."

That election is still more than an entire year away.

Yet at a time when this Nation is desperate for strong leadership from its Chief Executive, a distant election has become the guiding force of this Presidency.

Mr. Clinton's advisers say he is going to veto our budget reconciliation bill. Well, it surely cannot be because his agenda is so fundamentally different from ours.

We are calling for tax cuts, and the President says he wants tax cuts, as well. He supports the child tax credit and has hinted lately that he is agreeable to cutting the capital gains tax.

Our budget plan preserves Medicare by slowing its growth and offering seniors choices—proposals strikingly similar to the Medicare plan touted by the President in his health care reform bill just 2 years ago.

We are also easing back the growth of Government spending, and that is something for which President Clinton has been an advocate. After all, is not that what reinventing Government is all about?

Now, after months of adamantly denying it could ever be accomplished, the President has admitted that balancing the budget in 7 years—not 10, or 9, or even 8, as he originally proposed—was a reasonable goal.

Clearly, the President is moving closer toward us as this budget process continues. But still, he is going to wave his veto pen and just say "no"—not because he believes in his heart that he must, but because the political winds suggest that he ought to.

That is not leadership.

I suggest to President Clinton that he resist playing politics and involve himself seriously in negotiations that will move this budget forward, on behalf of all Americans—and not stop it in its tracks to placate his political base.

Mr. President, leadership does not mean having a finger sensitive enough to tell you which way the wind is blowing. And as any farmer knows, a flimsy weather vane that sits too long out in the elements is eventually going to wear out and need to be replaced.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed 1 minute to close the order.

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

Mr. CRAIG. I thank my colleagues for joining me on this Halloween day. I hope the message that we send to the American people is that the efforts we are involved in here in Congress are not a trick but a treat—a treat rewarding them for the profound statement they made last year in the dramatic realignment of the political structure of this country, toward a time when Government's budgets will be balanced, when its programs will be responsive, as concerned about the taxpayers as it is about those who should be the recipients of responsible and caring Government programs.

So the day of Halloween ought not to be scary, but a profound statement to the American people that their Government in this representative form of government heard them and heard them well.

# DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. GORTON. Mr. President, I submit a report of the committee of conference on H.R. 2002 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 20, 1995.)

Mr. GORTON. Mr. President, we are here this morning to present the conference report to accompany H.R. 2002, the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act. As we all know, the Department of Transportation, like many other departments, is operating under the very strict terms of the continuing resolution. This conference report will allow the Department to operate for fiscal year 1996 without the restrictions of the continuing resolution; but more importantly, it will fund vital programs such as air traffic control, Coast Guard search and rescue, and other critical safety functions.

I am pleased that, in conference with the House, the Senate was able to increase funding for a number of important programs, since the conference allocation for the bill was \$100 million higher in budget authority and \$193 million higher in outlays than the Senate-passed bill. This year, the problems facing the conferees were the same as those faced in the past—that is, how to strike the best possible balance between the operational needs of the Federal Aviation Administration and the Coast Guard with sufficient funding for the Nation's infrastructure and transportation safety needs. I believe that this agreement provides a balanced and fair solution for the challenges we faced.

The conference report before you today contains a total of \$12.5 billion in discretionary budget authority and \$36.754 billion in outlays. I will quickly review some of the highlights of the bill.

Total Coast Guard funding is \$3.375 billion, which is supplemented by an additional \$300 million to be transferred to the Coast Guard by the Department of Defense. The conferees are very appreciative of the fine work and cooperation of Senate Defense Subcommittee Chairman STEVENS and House Chairman YOUNG. With these funds, the Coast Guard conference total will be approximately \$110 million more than the fiscal year 1995 enacted level.

For the Federal Aviation Administration, a total of \$8.2 billion has been provided, which includes \$4.6 billion for FAA's operations; over \$1.9 billion for associated facilities and equipment purchases; and \$1.45 billion for grants in aid for airport construction. In addition, the conference agreement directs FAA to institute personnel and procurement reforms which are desperately needed. The conferees believe that these reforms will allow the FAA to operate more efficiently. I should point out that these reforms are fully supported by the administration. The reform provisions contained in this bill will not become effective until April 1, 1996, which will allow for sufficient and adequate review by not only the appropriate authorizing committees, but also by all affected FAA employees and systems users.

For the Federal Highway Administration, the bill includes a total of almost \$20 billion—\$17.55 billion for the Federal-aid highway formula program, and \$2.3 billion for those highway programs which are exempt from the obligation ceiling. Highway spending in fiscal year 1996 will be nearly \$500 million higher than the comparable fiscal year 1995 levels.

In the transit area, the bill provides a total of slightly more than \$4 billion, which includes \$400 million for transit operating assistance; \$666 million for transit new starts construction; and \$333 million for discretionary grants in the bus and bus-related facilities area.

In the rail area, it should be pointed out that Amtrak has been provided a total of \$635 million: \$305 million will be for operating expenses; \$230 million will be for Amtrak's capital purchases; and \$100 million is set aside for Amtrak's transition costs.

In closing, Mr. President, I would like to point out to the Members that there were several provisions included by the Senate which were dropped in conference. The provision which designates the National Highway System was not included because the conferees were assured by both the chairman of the House authorizing committee, Mr. SHUSTER, and the chairman of the Senate authorizing committee, Mr. CHAFFEE, that the conference on the National Highway System bill is making

progress, though perhaps not as quickly as we had hoped, and that with passage of the NHS bill, States will soon be in receipt of the \$5.4 billion in apportionments that are being held in abeyance pending enactment of the NHS.

The conferees also agreed to drop a provision which allowed the States flexibility in dealing with an across-the-board cut contained in ISTEA known as section 1003. The National Highway System authorizing conferees have assured us that this issue, too, will be addressed in the NHS conference agreement.

The Senate proposal regarding State-regional infrastructure banks has been deleted from the appropriations bill. However, I have it on good assurance from the chairmen of the House Transportation Infrastructure Committee, that the State infrastructure banks proposal, in a somewhat scaled-down form, will be included in the NHS conference agreement, and will allow both transit and highway projects to participate in the infrastructure bank program.

I also want to inform the Members that the Senate proposal regarding air traffic controllers' revitalization pay, which would have phased out this 5-percent bonus over a 3-year period, has been deleted. The conferees heard from the administration and from many individual controllers that this would have a demoralizing effect on FAA personnel, and that the cut suggested by the Senate, \$45 million, would have been especially detrimental as FAA institutes personnel reforms.

Finally, I should point out that the House-initiated proposal which would have moved DOT employees on worker's compensation rolls to retirement rolls, upon eligibility, has been deleted, so that nothing in this bill affects employees' existing rights under worker's compensation and retirement rules.

I want to thank all the Members of the conference for their support on reaching this agreement. I especially want to thank my ranking Member, Senator FRANK LAUTENBERG of New Jersey, for all his valuable time and insights in fashioning this conference agreement. I also want to acknowledge Mr. FRANK WOLF of Virginia, who chaired the conference on behalf of the House and Mr. COLEMAN, the House ranking Member. I believe it was a spirited conference which was entered into in good faith. I believe all the conferees were interested in producing a bill which meets this year's difficult funding challenges in a fair and balanced way.

Not at all incidentally, Mr. President, that, I believe, will be signed by the President of the United States and will not be a part of the disputes in which we are continually engaged.

We have been told by the administration that the President will sign this bill upon receipt. As a result, I urge adoption of the conference report for H.R. 2002, Fiscal Year 1996 Transpor-

tation and Related Agencies Appropriations Act.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report on H.R. 2002, the transportation appropriations bill for fiscal year 1996.

First, I thank my colleague from the State of Washington for his able work on the subcommittee and for managing the bill this morning. We worked together on many issues and it is a pleasure to be able to stand here with him this morning.

I support this bill, but with considerable reluctance. When it comes to addressing the transportation needs of this country, this bill falls short. Yet, in many areas, fortunately, this bill does not accept some of the more draconian and counterproductive measures called for in the budget resolution or in the House bill. For that I am grateful.

This conference agreement cuts \$800 million in outlays from the fiscal year 1995 funding levels for the Department of Transportation. And, while it is over a half a billion dollars higher than the severe reductions called for under the Senate-passed budget resolution, it still signals a sizable disinvestment in our Federal transportation infrastructure.

This is not the direction our country ought to be heading. Consider the fact that, between 1972 and 1990, the United States' public investment in infrastructure as a percentage of GDP ranked dead last of the six other G-7 nations. Among those nations that have the largest economies and the most power, we are last when it comes to investment in infrastructure. During the same period, the 1972 to 1990 period, the average productivity growth in the United States also ranked dead last.

In recent years, Japan's investment in infrastructure as a percentage of its GDP was roughly three times that of the United States. To catch up even for 1 year, we would need to increase spending on infrastructure by more than a quarter of a trillion dollars. This widening investment gap is bad news for America's ability to compete in the 21st century, and it undermines our ability to provide essential jobs that will raise living standards.

Recognizing that reality, over 400 of our Nation's leading economists have urged our Government to increase public investment. With the extraordinary congestion that we face on our Nation's highways and runways across our country, we must do no less, even within the current budget environment.

My remarks are in no way intended to reflect on the distinguished chairman of this subcommittee, Senator HATFIELD. Those of us on the Transportation Subcommittee were extraordinarily fortunate earlier this year when our full committee chairman,

Senator HATFIELD, accepted the chairmanship of this subcommittee. I was delighted to hear that he made that decision. Throughout the year, he has skillfully guided the subcommittee through extensive hearings as well as an amicable markup and conference. Senator HATFIELD demonstrated his characteristic fairmindedness, openness and good judgment throughout the process, and I am grateful for the considerations he gave to my concerns throughout the year.

Separate from the funding levels contained in the bill, I am pleased to report that Senator HATFIELD and I were successful in retaining in the conference agreement several of the important policy positions articulated in the Senate bill.

As it relates to the Coast Guard, for instance, the conference agreement retains the provision allowing the commandant to realign his existing search and rescue stations, as well as reallocate billets throughout the Coast Guard to achieve his rebalancing goals.

Under the provision, however, dozens of local communities will be spared the upheaval and the worry of losing their Coast Guard search and rescue presence entirely, and that includes several communities in New Jersey, in Oregon, and in several other States.

The bill before us also includes the provisions for FAA personnel and procurement reform that was included in the Senate bill. Under this provision, absent the enactment of other legislation, the FAA Administrator will be authorized to reform his agency's personnel and procurement processes by April 1, 1996.

Both the Commerce Committee and the House Transportation and Infrastructure Committee are currently working on a comprehensive reform legislation for the FAA. In fact, I recently testified before the Commerce Committee on this legislation. It is my sincere hope that this legislation will be enacted and supersede the provisions in the appropriations bill.

The issue of personnel and procurement reform is a very complex one that requires the input of all affected parties, including the air carriers, general aviation, the unions representing the FAA's employees, and others. I expect the language in the appropriations bill will continue to serve as a strong incentive—if I may characterize it as the pebble in the shoe—to bring all parties to the table to agree on necessary reforms, because I frankly think, as many do, that they are overdue.

I should mention that, during conference committee deliberations on FAA personnel reform, both Congressman COLEMAN and myself sought to ensure that bill language would be included in the conference report ensuring that no new personnel scheme would be put into place that would bar the rights of FAA employees to be a member of the union.

While we were only successful in including the relevant language in the statement of managers, I have obtained an assurance from Secretary Peña that

absolutely no measures will be included in the FAA's personnel reform plan that will undermine the ability of FAA employees to be members of a union, just like other people who work for the companies in the country.

Perhaps the most critical decision reached by the conferees as it relates to aviation is the final funding level for the FAA's operations account. The final funding level will be \$4.646 billion—almost \$50 million more than the House-passed level and almost \$100 million more than the level passed by the Senate.

Mr. President, we have a wonderfully safe aviation system in this country. While we have all been disturbed by aviation accidents in recent months, a dispassionate review of the relevant statistics reveals that this past year was not one of the worst years for aviation safety. The fact is that usage of the air traffic control system continually grows but without the kinds of investment I believe is necessary to bring it up to the current and future needs.

The funding level for this account was, perhaps, the greatest deficiency in the Senate-passed bill. As the transportation appropriations bill moved to conference, the administration made clear the priority it attached to adequate funding for FAA operations.

It was a program that gave all the conferees, frankly, a great deal of worry.

I am very pleased that the conferees found a way to fund this account at a level more closely resembling the President's request. Importantly, as part of this effort, we were able to eliminate the provision in the Senate bill imposing a 5-percent pay cut on air traffic controllers.

Frankly, these people are under great stress, and great strain. The last thing that we need to do is worry them further by threatening their ability to attend to their personal and family needs.

I am very pleased, especially during this period of heightened anxiety over the adequacy of our air traffic control system, that we are not imposing a pay cut on our already overworked air traffic controllers.

There are several conference decisions with which I strongly disagree. I find it outrageous, quite frankly, that the Senate conferees receded to the House provision prohibiting the DOT from increasing the corporate average fuel economy standard in 1996.

Simply put so everybody understands it, this provision will prohibit the DOT from requiring the manufacturers of light trucks—a very popular vehicle in America—from trying to do even slightly better in terms of fuel efficiency. Everyone sees the quantity of imported oil we bring into this country increasing. I think it is an outrageous condition for America—to be hostage to foreign suppliers. It is not the way we ought to be going, if we can avoid it. One way we can avoid it is by conserving more here.

This provision is being forced through the process on an appropri-

tions bill because it could not be adopted through freestanding legislation. While I was very disappointed in the outcome, I want to commend Senator GORTON for his leadership in sticking up for the Senate position on this item.

Other areas of deep disappointment for me are the deep cuts included in the bill for transit formula assistance and pipeline safety activities. Transit operating assistance is being slashed by 44 percent. To make matters worse, the conference agreement changes the formula in a way that poses an additional hardship on our major urban areas.

Members need to be aware that a cut of this magnitude will necessitate service reductions and fare increases across the country. Every Senator will have constituents that will pay more money for less transit service. We are talking about longer waits for the bus to get home from work and more cars on our already congested highways.

The Senate budget resolution called for transit operating subsidies to be phased out entirely. I hope that after the experience of a 44-percent cut this year, my colleagues will join with me in saying that enough is enough. I hope that next year we can hold the line and stem the hemorrhage in this program.

Last year's tragic pipeline explosion in Edison, NJ, served as a wake-up call for the entire Nation as to the need to beef up our efforts to ensure pipeline safety. Our Nation's pipeline infrastructure is aging rapidly. President Clinton's budget recognized this reality and requested a 13-percent increase for pipeline safety.

The conferees, however, turned around and cut these activities 16 percent below last year's level—a cut of 26 percent below the President's request. I only hope that it will not require another pipeline explosion with either massive pollution or loss of life to get my colleagues to recognize our extraordinary needs in this area.

So once again, Mr. President, I want to thank Chairman HATFIELD for his consideration throughout the development of this conference agreement. My unhappiness with the bill does not reflect at all on his leadership. What it does say is that this country is not investing enough in its transportation infrastructure. By some accounts, the U.S. ranks 50th or worse in comparison to other industrialized nations, in terms of per capita investment in infrastructure. It is outrageous.

Everybody knows that efficient transportation helps us move goods, helps us move people, helps us become more efficient, more competitive, and provide for a quality of life far better than that which is saddled with air pollution, delays caused by congestion, time away from family, and time away from business appointments.

Mr. President, one of the things that we talked about and all of us feel so

deeply here about is the diminution of the quality of life in our country, about how difficult it is for families to make a living where both mother and dad go out to work because it requires two workers to earn what one used to earn. Do you know who pays the heaviest price for that? It is the children. It is those who miss parental contact during the evening hours and the daytime hours.

If this transportation system of ours continues to break down, continues to lack the ability to service our needs, it will impose an even heavier burden on the family. It is pretty simple.

So, Mr. President, I am going to support this bill. It is the best that we could get done in the current budgetary environment. The administration has signaled definitively that President Clinton will sign this conference report.

There are only 2 other appropriations bills that have been signed out of the 13 thus far. That is military construction and agriculture. We will look forward to having this bill signed. We also ask our colleagues who are in committees of jurisdiction—the Commerce Committee and the Environment and Public Works Committee on which I sit, to expedite their action on the transportation authorization bills. Those bills, like this bill, will be critical to the functioning of our country.

Mr. President, with that I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, I understand that the distinguished senior Senators from West Virginia and Arizona wish to be heard on this issue, and I understand that each wishes that we have a recorded vote.

Accordingly, I ask for the yeas and nays on the conference committee report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I did not sign the conference report on the Transportation appropriations bill. Why did I not sign the conference report? I did not sign it because I thought that it was patently unfair in its treatment of rural States like my own State of West Virginia. Why did I think that it was patently unfair to rural States like my own State of West Virginia? Because it does not allow one single dollar for the earmark of highway projects—not one—while it proceeds to earmark \$687 million for 31 rail transit projects in many areas of the country, and it also earmarks \$333 million in 81 instances for buses and bus-related facilities throughout the country. In other words, the conference

report contains 112 earmarks amounting to over \$1 billion for mass transit projects in urban areas and areas more densely populated, while it refuses to earmark one thin dime for areas that are not served by mass transit but which have to depend upon highways for the transportation of people and goods.

Mr. President and Senators, lend me your ears! I come not to bury mass transit projects but to praise them. I compliment Senators and Members of the other body who have successfully made the case for earmarking mass transit and bus moneys for cities and towns in their States and congressional districts. They are doing exactly what they should be doing. I do not find fault with that. I come not to bury justified earmarks but to praise them. I have always believed that the elected representatives of the people in Congress, both Houses, are in a better position to know the needs of their constituents in the States and congressional districts they serve than is some unelected bureaucrat downtown who otherwise would make the arbitrary decisions as to how much and where transportation dollars will be spent.

I have been in the Senate 37 years, and I have been a member of the Senate Appropriations Committee throughout all of those 37 years. I was chairman of the Senate Appropriations Subcommittee on Transportation, the subcommittee which has jurisdiction over this bill. I was chairman of that Subcommittee on Transportation from March 31, 1971, to July 18, 1975—in other words, over 4 years. I served as chairman of the Senate Appropriations Committee for 6 years during the 101st, 102d and the 103d Congresses, and I never—never—opposed the earmarking of appropriate moneys for rail and other mass transit projects. At the same time, I have also supported the earmarking of moneys for meritorious highway projects, not just in West Virginia but throughout the United States. Yet, in this conference report on appropriations for transportation, highway projects are blatantly—blatantly—discriminated against. There is not one copper penny—not one—not one copper penny for highway projects.

Is that wise? Is that good national transportation policy? Are highways not an important part of the national transportation system?

When the Transportation appropriations bill was passed by the Senate, it contained \$39.5 million for nine highway demonstration projects throughout the country. One of these projects, costing \$9 million, was in West Virginia.

Mr. President, \$39.5 million for highway transportation projects is mere chicken feed—chicken feed—as compared with \$1 billion for mass transit and bus transportation; yet, it was at least chicken feed. The House conferees on the Transportation appropriations bill took the position that no moneys—none—no moneys could be earmarked

for highways. No matter how needed, highway projects were to get zero dollars—zero dollars! A policy had been laid down by the House Appropriations Subcommittee chairman that there would be no highway funds earmarked at all—none! It is my understanding that several Members of the House of Representatives sought to have funding for highway projects included in the bill, but they were confronted with the policy that was to be the rule of thumb, the line in the sand—no highway projects; none!

There have been news reports that earmarkings were being done away with in the Transportation bill; there would be no more such earmarkings. The so-called “pork-busters” breathed a sigh of relief—hallelujah! No earmarks! Henceforth, highway moneys should be distributed strictly by formula. Thus, a level playing field, it was claimed, was being created for the distribution of highway dollars. A new breed of legislator was in the saddle. Move over, John Wayne, a new breed of legislator was in the saddle. “Down with earmarks” was the battle cry!

Yet, Mr. President, earmarking is not dead. It is very much alive and is more robust than ever. And the Transportation appropriations conference report is proof of it with \$1,020,000,000—that is \$1 for every minute since Jesus Christ was born—\$1,020,000,000 for rail and other mass transit projects, all earmarked in this conference report, all earmarked.

Mr. President, I come not to bury earmarks, but to praise them. In this particular bill I support every earmark. But as one who, while serving on the Appropriations Committee for 37 years, has never objected to the practice of earmarking. I ask, what justice—what justice—is there in a transportation policy that blatantly discriminates against highways? What wisdom, what reasonableness, what sweet reasonableness, what logic can there be in a transportation policy which says, “Come one, come all” to earmarks for mass transit, but which completely closes the door—closes the door—to highways. How sanctimonious can we get? On the one hand we say we have done away with earmarks in the bill; on the other hand, the bill is full of earmarks. This is sheer hypocrisy, sheer hypocrisy.

There is also a \$200 million appropriation in this conference report for the Washington metro system. Now, I do not regret that. I do not oppose that funding. I have supported the funding for this Metro mass transit system in the past. Last year there was \$200 million; the year before that, there was \$200 million, and I believe the year before that, there was \$170 million for the Washington metropolitan transit system. Fine. I have no problem with that. Thus, “I am constant as the northern star, of whose true fix’d and resting quality there is no fellow in the firmament.” Hence, Mr. President, I come

not to bury the Washington metropolitan transit system, but to praise it.

I have been much criticized in past years for getting earmarks for highway projects in West Virginia. The cynics call these highway projects "pork." Are mass transit projects pork? I ask you, Mr. President, are mass transit projects pork? Whether we talk about mass transit or whether we talk about highways, these all constitute infrastructure. And infrastructure is important to the country and the country's economy. Both mass transit and highways are important and vital components of the national transportation system. Mass transit can be adapted to certain areas of the country, but not all areas. Some areas simply must depend for the most part upon highways.

Why should areas that can only be served by highways be deprived? Why should they be denied Federal highway dollars? Are rural areas not a part of America? Are the taxpayers who live in rural areas not Americans, too? Are not their tax dollars just as good as the tax dollars of those who live in urban areas, mass transit areas? A transportation policy that proclaims to the skies that earmarks are evil is a sanctimonious and hypocritical transportation policy when it pronounces the sentence of death on one particular kind of transportation earmarks, while loading the bill down with earmarks for other transportation modes. Such a transportation policy, Mr. President, is not only unfair, it is also unwise. It is penny-wise and pound-foolish. Monies spent on highways provide not only short-term jobs but also result in long-term financial returns for the whole national economy, many times over.

Now, the ancient Persians knew this. Darius Hystaspes—the Great—paid great heed to roads, which he greatly extended and improved.

The Egyptians, the Carthaginians, and the Etruscans all built roads. They did not have mass transit. They did not have buses. They built roads.

The truly great road builders were the Romans. We have all heard that all roads lead to Rome. The Romans knew how to lay down a solid base and how to give the road a pavement of flat stones. They knew that the road must have a crown, that it must be higher in the middle so as to drain water away, and that ditches should be dug alongside to carry away the water. Some Roman roads are still in use even today. And every Senator, I am sure, who has visited Rome and traveled out to Tivoli, for example, has traveled on old Roman roads, built 2,000 years ago. Great roads the Romans built that men

might meet,  
And walls to keep strong men apart, secure;  
Now centuries are gone, and in defeat,  
The walls are fallen, but the roads endure.

Now, by contrast, early roads in America were very poor. The trip from New York to Boston in colonial days was truly an adventure. You can say that about some of the roads in West Virginia as well—even today. When I was in the State legislature 50 years

ago, almost 50 years ago, 48 years ago, West Virginia had less than 10 miles of divided highways.

In the early 1800's, settlers were moving in great numbers to the West. In 1811, work was begun on a road that led away from Cumberland, MD, toward the West. It was to reach as far west as Vandalia, IL. This was the National Road, the old Cumberland Road. And I am sure that the Presiding Officer, Senator CAMPBELL, who presides over the Senate today with a degree of skill and dignity that "is so rare as a day in June," has traveled with his motorcycle over that old Cumberland Road. The Chair is not supposed to respond, but I see him smiling.

Well, this was the National Road, the old Cumberland Road. For many years it was the chief line of travel for thousands of settlers on their way to the West. Before 1838, Congress had spent nearly \$3 million—think of it; Congress had spent nearly \$3 million—of Federal funds on that road. Henry Clay was a strong proponent of getting Congress to advance money for building the road. O that Henry Clay were a Member of this Senate today! Or a Member of the other body today—he served in both bodies; he was once Speaker of the House. O that he were here today to plead the cause of highways! He who advocated his national system of public improvements that made sense, and they still make sense today. Henry Clay was a strong proponent of getting Congress to advance money for building that road.

I find it ironic, Mr. President, that the ancients—the Persians, the Etruscans, the Egyptians, the Carthaginians—knew the importance of having good roads and sought to expand their network of roads, yet, we in the Congress, the present-day beneficiaries of the lessons of history, look upon highways with disdain, as evidenced by this transportation appropriations conference report.

There were other voices, Mr. President, not so ancient which also may be summoned in support of building transportation infrastructure. Thomas Babington Macaulay said: "Of all inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of the various productions of nature and art, but tends to remove national and provincial antipathies, and to bring together all of the branches of the great human family." That was Thomas Macaulay.

Francis Bacon, a great English Chancellor, a farsighted and learned man, said: "There be three things which make a nation great and prosperous: a fertile soil; busy workshops; easy conveyance for men and goods from place to place."

Mr. President, I was in the House of Representatives when President Eisen-

hower advocated the Interstate Highway System, and I supported it. I was a Member of the U.S. Senate and supported the creation of the Appalachian Regional Commission and the establishment of the network of Appalachian Regional Corridors. I have also consistently supported Federal funding in sharing the costs of building those corridors because of the particular and unique needs of the 13 States in Appalachia.

When the Democrats were in control of the Senate during the years 1989 through 1994, I provided allocations, as chairman of the Senate Appropriations Committee, that would result in the funding of transportation projects across the board—mass transit, bus and bus-related facilities, as well as highways—and throughout the entire country. I never took the position that allocations of funds should be for highways only, I never took the position that allocations of funds should be only for West Virginia, and that earmarks for other transportation modes should be eliminated or done away with. I recognized that a national transportation policy—that is what we are talking about, a national transportation policy—should include several different systems—not just one or two, but several, meaning more than two—highways, mass transit, and otherwise. But that is not the way things are to be done now that the tables have turned. For some unfathomable reason—and "unfathomable" goes deeper than the deepest part of the broad Pacific Ocean—highways have been left out! Out! Out! Out with highways!

Mr. President, during a 12-year period, 1973 to 1985, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually; during a 12-year period, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually. Canada, meanwhile, invested 1.5 percent; the United Kingdom 1.3 percent; France invested 2 percent; the then Federal Republic of Germany invested 2.5 percent; Italy invested 2.7 percent; Japan invested 5.1 percent of its gross domestic product in infrastructure annually during that 12-year period. How did that correspond with those same countries' productivity? While the United States was investing only three-tenths of 1 percent of its gross domestic product annually in infrastructure, its productivity grew only six-tenths of 1 percent annually, on the average. In other words, less than 1 percent.

Canada invested 1.5 percent and experienced productivity growth of 1.3 percent. The United Kingdom invested 1.8 percent and had 1.8 percent productivity growth. France invested 2 percent and grew 2.3 percent. The Federal Republic of Germany invested 2.5 percent and enjoyed 2.4 percent productivity

growth annually. Italy invested 2.7 percent, which yielded productivity growth of 1.8 percent. In Japan, productivity growth was 3 percent, while it invested 5.1 percent of its gross domestic product in infrastructure.

So we can see that nondefense public investment translates into increased productivity. Increased productivity means increased economic growth. Increased economic growth means more jobs and, thus, more income for the U.S. Treasury. Increased economic growth also means increased national security. It also means an enhanced competitive position for the Nation. It means a higher standard of living. And increased public investment also encourages increased private investment. And why not? Why would it not?

Mr. President, if you had a company, let us say, and you would like to buy a brand-spanking-new fleet of trucks, all outfitted in bright red paint and chrome, how would you like to put that fleet of new trucks out on roads that are filled with potholes and on bridges in need of repair? How would you like to have your trucks detoured 15, 18, 20 miles around a bridge that was closed because it was unsafe? How much would that cost? How much would it cost you? How much would that lower your productivity? How much would that cut into your profits? You probably would be reluctant to invest in the new trucks at all.

Hence, public investment encourages private investment and is conducive to the profitability of the private sector. Dollars spent on highways not only improve the efficiency, and hence the productivity and economic growth of a region, but they also improve safety on the highways. The decision to eliminate highway funding earmarks in this legislation just does not make sense in terms of our economic growth, our productivity growth, our Nation's transportation needs, our people's safety, or an overall viable transportation policy for this Nation.

Why, then, was such a decision made? What is really going on in this bill with regard to highway projects? What could possibly justify such an arbitrary and shortsighted view of our Nation's transportation needs so as to prompt a total—total—blackballing of highway projects?

In my view, such a tunnel-vision approach could not be engendered by any reasonable contemplation of what makes for sound national transportation policy.

What is going on here is simple knee-jerk politics. It is a large fandango aimed at appearing to be "pure" on the subject of transportation pork, a large fandango aimed at appearing to be pure on the subject of transportation pork. Highway demos have, over the years, gotten a reputation which, in my view, is largely undeserved. Now that bad reputation is being exploited for political gain—for political reasons.

In news story after news story, highway earmarks have been portrayed as a

useless waste of the taxpayers' hard-earned dollars. They exist only to promote the reputation and electability of the politician who does the earmarking, so the story goes. Thus, to appear to be virtuous on the subject of pork, one needs to be tough on that Satan of spending, that Beelzebub of budgeting, the demon of deficits—highway demos.

If one is sufficiently vociferous in stomping the serpent of highway demos, then one can earmark bus and mass transit projects with random abandon. We have banished evil from the kingdom! Now vice can flourish! Hallelujah, how sweet it is! Evil has been banished from the kingdom.

Make no mistake about it, targeting moneys to a specific locality is earmarking. That is what has been done in the case of mass transit and bus moneys in this bill. That is earmarking. If it moos, gives milk, and has an udder, it is undoubtedly a cow—even if one insists on saddling it like a horse. It is still a cow. If it barks, wags its tail, and lifts its leg, it is a dog, no matter how loudly one claims that it thrives only on cat food.

An earmark is an earmark is an earmark is an earmark and no amount of obfuscation can change that.

The conference agreement before us will provide \$1.665 billion in discretionary grants for mass transit. Not one penny—not one penny—of that amount will go to West Virginia. Not one. Mr. President, \$1.665 billion in discretionary grants for mass transit. Within this amount, roughly \$665 million will go out by formula to the major rail transit systems in our major urban cities. West Virginia will not see any of that funding.

West Virginia is not alone. There are other States, as well.

The remaining \$1 billion provided for transit discretionary grants in this conference agreement have been completely earmarked—completely earmarked—by the conferees. This includes \$333 million in grants for bus and bus-related facilities. Yet, there are only two bus grants that are expressly authorized to receive appropriated funds in the bus category—a grant for the State of Michigan and a grant for Altoona, PA. However, the conferees saw fit to earmark every penny of the funds available for bus and bus-related facilities, for a total of 81 projects.

It has not always been the custom to earmark the entire pot of bus funds. Under section 3 of the Transit Act, these funds are to be distributed based on a merit-based competition conducted by the Federal Transit Administration. Indeed, there are currently applications sitting at the Federal Transit Administration for more than half a billion dollars in bus grants. The applications are there. However, not one—not one—of these applications will be entertained in the coming year.

Why? Because every penny has already been earmarked by the conferees.

Just 2 years ago, roughly 30 percent of the funds available for bus and bus facilities were distributed by competition. Four years ago, roughly half the funds were distributed based on competition. In the years before that, the Congress earmarked anywhere between 9 percent and 28 percent of the total amount of funding available for bus grants. The conference report before us provides \$687 million for so-called transit new starts—\$687 million for so-called transit new starts. These are major construction projects for new, expanded transit systems in our major urban centers.

The conference report agreement earmarks every penny made available under this account for 31 cities across the country. This is true despite the fact that the administration saw fit to request funding for only 12 cities.

Now, I know that it will be claimed that the Nation's highway needs can be completely provided for by formula funding. Just do it all by formula. Just mathematically dribble out highway dollars under an agreed-upon formula. No deviations, please. We have all the highway needs of every State completely scoped out, packaged and arithmetically calculated, all by formula.

How utterly preposterous! How convenient for some States and how detrimental for others.

It should not come as a revelation to anybody that different States have different topographies. Some are flat. Some are hilly. Some are mountainous. Some are both flat and hilly. Some are both flat and mountainous. It should also not come as an intuitive flash of genius to anyone that the economies of the States are different. Some are rural. Some are agricultural. Others are urban centers. Some are dependent upon industry. Many State economies have a combination of both or all of these.

If one understands these quite obvious and undeniable geographic and economic differences that exist among the States, it then follows that some States will need more mass transit money, or more bus money, or more highway money than others. It also then becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State. It costs from \$10 to \$18 million a mile to build four-lane highways in the State of West Virginia. We have mountains, more than a million hills and mountains in West Virginia. It also, then, becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State.

Thus, the reason for earmarking of highway dollars—in order to address the deficiencies of the Federal highway formula in certain States—can easily be understood, can easily be understood by those who want to understand.



Take a State like West Virginia. We are mostly rural, heavily forested, very mountainous, have very little flat land and few cities of any size. We have few airports, sparse airline service, and heavy fog which frequently impairs landings and takeoffs.

West Virginia receives almost no funding from the \$1.5 billion airport improvement program. The most formula funding that my State of West Virginia has ever received from that program was \$4.3 million in 1 year. West Virginia ranks 49th in the Nation in the number of air passengers.

I do not like to ride airplanes. When I was a little boy I would write to all of the companies that were advertising in publications that had anything to do with aviation. I thought someday I would like to be an aviator, and sail through the clouds with the greatest of ease. It did not work out like that. I am not so wild about flying anymore.

So we are 49th among the States with reference to air passengers. Compare that to the Dallas-Ft. Worth Airport that has received more than \$100 million in a single year for the expansion of that airport from the Airport Improvement Program. Is that pork?

The airport in Charleston, West Virginia—probably the State's busiest airport—was built by hacking off the top of several mountain peaks, shoving that dirt into the valleys and then smoothing and leveling that newly-created surface to make a runway. On a foggy morning, taking off or landing at Charleston can be an exciting experience. And it can also be a fatal one, as we have seen. So, there are not large airports, and therefore, some businesses are reluctant to come to my State because of that drawback. Likewise, blasting through mountains, building tunnels through mountains—John Henry has been dead a long, long time—blasting tunnels through mountains, under valleys and riverbeds in order to build tunnels for mass transit is not extremely practical, to say the least. We have almost no mass transit activity in West Virginia. Can you imagine speed rail transit in West Virginia?

We have almost no mass transit. Of the \$2.5 billion that was distributed by formula to the States for mass transit assistance in fiscal year 1995, guess how much West Virginia received? Of the \$2.5 billion, West Virginia received less than \$650,000. It received \$642,000, less than \$1 million out of \$2.5 billion. That is why we need highways. I know they are looked upon with scorn in some quarters. But West Virginia is part of the Union, the only State that was torn from another State in the throes of a great Civil War. It became a Union State in 1863.

For this coming fiscal year, the conference agreement will lower that level of assistance to West Virginia to \$515,000. Out of the \$2.5 billion, West Virginia will get a half-million. Think of it. I am not complaining about that. God, in his masterful design, in all of that process of creation, made West Virginia mountainous, so we do not

have mass transit. We have to depend upon highways. West Virginia, therefore, receives very little mass transit money, no new airport funds, and is, therefore, left almost completely dependent upon highway funds to satisfy its transportation needs.

Come on, pork busters! Go with me to West Virginia! For commerce, for tourist travel, travel by people within the State and by people passing through on their way to somewhere else, means, for the most part, highway travel, and we need highways. Highways are West Virginia's only ticket—only ticket to economic development.

My State is a poor State. Thank God for West Virginia. It is a land of mountains by God's great will, and it produces mountain men and women. Yes, it is a poor State, always has been, trampled by outside interests. One day I will talk about the great coal barons who lived outside the State but who took the State's resources with the blood and the sweat and the tears of mountaineers who helped to build those fortunes for the absentee owners. So, my State is a poor State, and without adequate highways we will always remain so.

Then, there is the issue of safety. That affects everybody. I was in one head-on collision in West Virginia, on West Virginia State Route 2, in which the driver of the other car was killed.

Safety is important. Again, let us look at my State of West Virginia. As I have said, there is very little flat land. We have roads in some areas that have more hairpin curves than they do straight stretches. They are narrow winding, twisting roads, snaking around and over mountains and up and down steep valleys. In the rain, in the snow, in the dark, in the fog, it is quite a harrowing ride in many parts of West Virginia. Lives have been lost again and again because of these narrow, two-lane, twisting ribbons that crisscross my State. I know. I have traversed almost all of them at some time or other.

It would be an education for some Members to travel with me on some rainy night in the fog when the headlights barely penetrate a car length. Perhaps I should invite some of the opponents of highway money to ride along with me, so that they might enjoy the full flavor of unimproved, two-lane mountain highways. I daresay their antiperspirant would fail them. Maybe then—just maybe—a little sympathy might be forthcoming with regard to those evil highway projects.

This is what my people endure daily in West Virginia. This is what travelers passing through my State contend with. This is what truck drivers—whose time is money—have to deal with when they take a load through West Virginia.

But, what is West Virginia in the grand scheme of things? We are small. We are poor. Who cares about our safety or our economic plight? Maybe we should just crawl back into our hollows and mountain caves and stop bothering everybody.

A patchwork quilt of a nation, where some States thrive and others wither, is not a prescription for a strong national economy. An unbalanced transportation policy, like the one promulgated in this conference report, is a major contributor to that checkered economic picture, and it will not serve this Nation well.

So we can beat our breasts. We can beat our breasts and proclaim to the highest heavens that we have eliminated the earmarks in this bill. But that claim is false. The earmarks are there. They are a little disguised perhaps, but they are there.

We can wave our swords and rejoice that we have slain the dragon of highway demos in this bill. That claim is true. But, that dragon is not a dragon at all, and slaying it will only result in the killing of the economic hopes of rural states dependent on highways for prosperity.

Mr. President, Daniel Webster made my case in 1830 in his second reply to Hayne. On Tuesday, January 26, 1830, he said,

... I look upon a road over the Alleghanies—

He was talking about West Virginia except West Virginia was not a State at that time.

... I look upon a road over the Alleghanies—

This is not ROBERT C. BYRD talking; this is Daniel Webster, the god-like Daniel.

... I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters.

He did not limit it to just one mode of transportation. He was talking about them all. He said,

... I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. . . . We [New Englanders] look upon the states, not as separated, but as united. . . . We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. . . . if I were to stand up here and ask, what interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be entrusted with the interest of any part.

That was Daniel Webster. O that we had Webster, or Clay, or both of them in the Senate today. Or in the other body, because they saw beyond the horizon. They saw beyond the geographical limitations, beyond the lines of latitude and the rivers and the ridges of the mountains. They saw a great

country benefiting by that which benefited one part.

Mr. President, I do not ask others to vote against this conference report. As I say, I support every mass transit earmark in the conference report. I support every bus and bus facility earmark in the conference report. I do not come to bury earmarks, Mr. President. I come to praise them. But I will vote against this conference report.

We are one country, Mr. President, and we ought to have a transportation policy that adequately addresses the needs of the whole country. The bill before us falls far short of that laudable goal.

I shall vote against this conference report in protest of the unwise transportation policy that is embraced in this bill.

Mr. President, I ask unanimous consent that a table showing earmarks provided for bus and bus-related facilities, and one showing earmarks for mass transit systems, be printed in the RECORD.

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

#### BUS AND BUS-RELATED FACILITIES

The conference agreement provides \$333,000,000 for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities. The conferees agree that the recommended funding should be distributed as follows:

Project location and purpose	House	Senate	Conference
<b>Arkansas:</b>			
Little Rock, central Arkansas transit transfer facility ...	0	\$1,000,000	0
Fayetteville, intermodal transfer facility .....	0	5,400,000	0
State of Arkansas; buses ....	\$6,000,000	0	\$6,200,000
<b>California:</b>			
Coachella Valley; SunLine bus facility .....	1,000,000	0	500,000
Long Beach, bus replacement and parts .....	0	3,000,000	1,500,000
Los Angeles; Gateway intermodal center .....	8,000,000	15,000,000	8,000,000
San Diego, San Ysidro intermodal center .....	0	10,000,000	5,000,000
San Francisco; buses .....	13,480,000	0	6,740,000
San Francisco, BART ADA compliance/paratransit ...	0	4,460,000	2,230,000
San Gabriel Valley; Foothill bus facilities .....	12,500,000	0	9,750,000
San Joaquin, RTD replacement .....	0	10,560,000	5,280,000
Santa Cruz; bus facility .....	3,000,000	0	1,500,000
Sonoma County; park and ride facilities .....	2,500,000	0	1,250,000
Ventura County; bus facility .....	1,200,000	0	600,000
Yolo County; buses .....	3,000,000	0	1,500,000
<b>Colorado:</b> Fort Collins and Greeley; buses .....	2,500,000	0	1,250,000
<b>Connecticut:</b> Norwich; intermodal center .....	3,000,000	0	1,500,000
<b>Delaware:</b> State of Delaware; buses .....	2,700,000	0	1,350,000
<b>Florida:</b>			
Metropolitan Dade County; buses .....	4,000,000	16,000,000	10,000,000
Orlando; Lynx buses and bus operating facility .....	8,500,000	0	4,250,000
Palm Beach County; bus facility .....	4,000,000	0	2,000,000
Volusia County; buses and park and ride facility .....	2,500,000	0	1,250,000
Georgia: Atlanta; buses .....	7,500,000	0	3,750,000
Hawaii: Honolulu, Oahu; Kuakini medical center parking facility .....	0	8,000,000	4,000,000
<b>Iowa:</b>			
Ames, Marshalltown, Ottumwa, Regions 6, 14, 15, 16; buses and bus facilities .....	4,000,000	0	2,350,000
Cedar Rapids; hybrid electric bus consortium .....	0	2,960,000	1,200,000
Ottumwa; global positioning equipment .....	0	700,000	0
Waterloo; intermodal bus facility .....	0	1,340,000	670,000
State of Iowa; buses, equipment, and facilities .....	0	8,000,000	4,280,000
<b>Illinois:</b>			
Chicago replacement buses/communications system ..	0	13,700,000	0

Project location and purpose	House	Senate	Conference
State of Illinois; buses .....	20,000,000	0	16,850,000
<b>Indiana:</b>			
Gary and Hammond; buses .....	520,000	0	260,000
South Bend; intermodal facility .....	5,000,000	0	2,500,000
State of Indiana; buses and bus facilities .....	13,000,000	0	6,500,000
Kentucky: Lexington; buses .....	2,000,000	0	1,000,000
<b>Louisiana:</b>			
New Orleans; bus facility ....	6,000,000	0	3,000,000
New Orleans; buses .....	12,000,000	0	6,000,000
Saint Barnard Parish; intermodal facility .....	3,000,000	0	1,500,000
<b>Massachusetts:</b> Worcester; intermodal center .....	4,000,000	0	2,000,000
Maryland: Maryland Transit authority, Maryland; buses .....	10,000,000	16,000,000	13,000,000
<b>Michigan:</b>			
Lansing intermodal transportation center .....	0	4,180,000	2,090,000
State of Michigan; ISTEA set-aside requirement .....	10,000,000	10,000,000	10,000,000
<b>Minnesota:</b> Metropolitan Council, Minnesota; articulated buses .....	15,000,000	0	7,500,000
<b>Missouri:</b>			
Kansas City; Union Station intermodal .....	0	13,000,000	6,500,000
St. Louis; Metrolink bus purchase .....	0	10,000,000	3,500,000
State of Missouri; buses and bus facilities .....	0	11,000,000	7,000,000
<b>North Carolina:</b> State of North Carolina; buses and bus facilities .....	10,000,000	0	5,000,000
<b>New Jersey:</b>			
Garden State Parkway; park-n-ride at interchange 165 Hamilton Township; intermodal facility/bus maintenance .....	0	2,300,000	1,150,000
Nevada: Clark County, Nevada; buses and bus facility .....	14,000,000	20,000,000	17,000,000
<b>New York:</b>			
Albany; buses .....	0	10,000,000	5,000,000
Buffalo; Crossroads intermodal station .....	1,000,000	0	500,000
Long Island; buses .....	0	3,000,000	1,500,000
New Rochelle; intermodal facility .....	1,500,000	0	750,000
New York City; natural gas buses/fueling station .....	0	10,000,000	5,000,000
Rensselaer; intermodal station .....	7,500,000	7,500,000	7,500,000
Rochester-Genesee; buses .....	0	1,400,000	700,000
Syracuse; buses .....	2,000,000	0	1,000,000
Syracuse; intermodal station .....	2,000,000	0	1,000,000
Utica; buses .....	0	6,000,000	3,000,000
Westchester; bus facility .....	4,500,000	0	2,250,000
<b>Ohio:</b>			
Cleveland; Triskett bus facility .....	2,500,000	0	1,250,000
Columbia; buses .....	0	10,000,000	0
State of Ohio; buses and bus facilities .....	20,000,000	0	15,000,000
<b>Oregon:</b>			
Wilsonville; transit vehicles .....	0	500,000	250,000
Eugene lane transit district; radio system .....	0	1,300,000	650,000
<b>Pennsylvania:</b>			
Allegheny County; busway system .....	8,000,000	10,000,000	9,000,000
Altoona; ISTEA set-aside requirement .....	2,000,000	0	1,000,000
Beaver County; bus facility .....	1,600,000	3,300,000	2,450,000
Erie; intermodal complex .....	0	8,000,000	4,000,000
<b>North Philadelphia; intermodal center .....</b>	6,000,000	0	3,000,000
<b>Philadelphia; buses .....</b>	3,000,000	0	1,500,000
Philadelphia; Chestnut Street/alternative fueled vehicles .....	0	2,000,000	1,000,000
Philadelphia; lift-equipped buses .....	15,000,000	0	7,500,000
<b>Tennessee:</b> Nashville, Tennessee; electric buses .....	600,000	0	300,000
<b>Texas:</b>			
Corpus Christi; buses, dispatching system, and facilities .....	0	1,600,000	2,450,000
Corpus Christi; bus facilities .....	2,500,000	0	0
El Paso; buses, equipment and facilities .....	6,000,000	0	5,200,000
El Paso; bus equipment .....	2,900,000	0	0
El Paso; satellite transit terminal .....	1,500,000	0	0
Robstown/Corpus Christi bus shelters/curb cuts/transit center .....	0	800,000	0
<b>Utah:</b> Utah Transit Authority, Utah; buses .....	3,500,000	0	1,750,000
<b>Virginia:</b> Richmond; downtown intermodal station .....	0	10,000,000	5,000,000
<b>Vermont:</b>			
State of Vermont; buses and bus facilities .....	0	6,000,000	3,000,000
Marble Valley; bus upgrades .....	0	2,000,000	1,000,000
<b>Washington:</b>			
Everett; intermodal center ...	0	7,000,000	3,500,000
Pierce County; Tacoma Dome station .....	3,000,000	5,000,000	5,000,000
Seattle; Metro/King County multimodal .....	0	4,000,000	2,000,000
Seattle/King County; Seattle metro bus purchase .....	2,500,000	10,000,000	6,250,000
Wenatchee; Chelan-Douglas multimodal .....	0	2,000,000	0

Project location and purpose	House	Senate	Conference
Wisconsin: State of Wisconsin; buses .....	20,000,000	0	10,000,000
<b>Total .....</b>	<b>333,000,000</b>	<b>333,000,000</b>	<b>333,000,000</b>

The conference agreement provides for the following distribution of the recommended funding for mass transit systems as follows:

Project	Amount
Atlanta-North Springs project .....	\$42,410,000
South Boston Piers (MOS-2) project .....	20,060,000
Canton-Akron-Cleveland commuter rail project ....	2,250,000
Cincinnati Northeast/Northern Kentucky rail line project .....	1,000,000
Dallas South Oak Cliff LRT project .....	16,941,000
DART North Central light rail extension project ....	3,000,000
Dallas-Fort Worth RAILTRAN project .....	6,000,000
Florida Tri-County commuter rail project .....	10,000,000
Houston Regional Bus project .....	22,630,000
Jacksonville ASE extension project .....	9,720,625
Los Angeles Metro Rail (MOS-3) .....	85,000,000
Los Angeles-San Diego commuter rail project ....	8,500,000
MARC commuter rail project .....	10,000,000
Maryland Central Corridor LRT project .....	15,315,000
Miami-North 27th Avenue project .....	2,000,000
Memphis, Tennessee Regional Rail Plan .....	1,250,000
New Jersey Urban Core Secaucus project .....	80,250,000
New Orleans Canal Street Corridor project .....	5,000,000
New York Queens Connection project .....	126,725,125
Pittsburgh Airport Phase 1 project .....	22,630,000
Portland-Westside LRT project .....	130,140,000
Sacramento LRT extension project .....	2,000,000
St. Louis Metro Link LRT project .....	12,500,000
Salt Lake City light rail project .....	9,759,500
San Francisco BART extension project .....	10,000,000
San Juan, Puerto Rico Tren Urbano project .....	7,500,000
Tampa to Lakeland commuter rail project .....	500,000
Whitehall ferry terminal, New York, New York .....	2,500,000
Wisconsin central commuter project .....	14,400,000
Burlington-Charlotte, Vermont commuter rail project .....	5,650,000

#### SOUTH-NORTH CORRIDOR PROJECT

The conferees note that the Oregon legislature and Portland area voters have approved \$850 million in local and state funds for the South-North corridor project. The conferees support the inclusion of the South-North corridor in the Portland area program of interrelated projects and note that a project financing plan, based on a discretionary (section 3) share of fifty percent of the total



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