

Frank Wisner as his personal envoy to the Russians on this issue. Ambassador Wisner has made several trips to Russia seeking a crackdown on exports of sensitive technology and has scheduled another visit in several weeks.

I am hopeful this legislation will help the administration in its efforts to impress upon the Russians just how seriously the U.S. Congress takes this issue. Diplomacy clearly plays a critical role in these situations, but so does the tough approach laid out in this bill. The sanctions it provides will send a clear message to Russian entities involved in these technology exchanges that they will face heavy costs if they choose to proceed with business as usual.

The Senate version of the bill is not without its problems, however. Specifically, the bill does not include a provision allowing the President to waive the bill's sanctions if he finds it necessary to do so on national security grounds. The House version of the legislation does include a waiver, and I am hopeful that any final bill will include one. The President needs this discretion in dealing with this extremely difficult situation.

Mr. President, I look forward to continuing to work with the administration and Members on both sides of the aisle to address this critical threat. It is imperative that we all work together in an effort to prevent Iran from acquiring such dangerous and destabilizing technology.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 27, 1997, the Federal debt stood at \$5,427,907,147,573.22 (Five trillion, four hundred twenty-seven billion, nine hundred seven million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents).

Five years ago, October 27, 1992, the Federal debt stood at \$4,064,077,000,000 (Four trillion, sixty-four billion, seven hundred million).

Ten years ago, October 27, 1987, the Federal debt stood at \$2,385,921,000,000 (Two trillion, three hundred eighty-five billion, nine hundred twenty-one million).

Fifteen years ago, October 27, 1982, the Federal debt stood at \$1,141,248,000,000 (One trillion, one hundred forty-one billion, two hundred forty-eight million).

Twenty-five years ago, October 27, 1972, the Federal debt stood at \$439,190,000,000 (Four hundred thirty-nine billion, one hundred ninety million) which reflects a debt increase of nearly \$5 trillion—\$4,988,717,147,573.22 (Four trillion, nine hundred eighty-eight billion, seven hundred seventeen million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents) during the past 25 years.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

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

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. BYRD. At the conclusion of the period for morning business, what would be the business before the Senate?

The PRESIDING OFFICER. The regular order would be the laying down of S. 1173, the ISTE A-II bill.

Mr. BYRD. The ISTE A bill?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. The ISTE A bill. Mr. President, I have a feeling that the leader is probably not prepared to go back on that bill at the moment, so I will ask unanimous consent that I may proceed for such time as I may consume out of order.

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

#### INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I take the floor at this time for several reasons, one being that the Senate would be on the ISTE A bill if the regular order were called for at this point. No other legislation is before the Senate. Consequently, I feel it is appropriate to be talking about the ISTE A bill.

Second, three of my colleagues, Senators GRAMM of Texas, BAUCUS, and WARNER, and I have introduced an amendment to the ISTE A bill and we have explained that amendment and discussed it upon more than one occasion. As we have explained, our amendment provides that 90 percent of the funding will be distributed on the same basis as in the ISTE A bill before us, and that 10 percent would be allotted for discretionary as is the case in the ISTE A bill before us. In the amendment, which I have coauthored with the other three Senators, I have provided that in the 10 percent discretionary portion, \$2.2 billion would be allotted to the Appalachian regional highways—\$2.2 billion of the \$3.1 billion in discretionary funding. The overall amount of funds that would be provided by our amendment would be \$31 billion.

The basis of our amendment is that inasmuch as the 4.3-cent gas tax has been ordered by the Senate to go into the trust fund as of October 1 this year, that money should be spent for transportation purposes.

The American people, being under that impression, and having every right to be under that impression because of the legislation that was passed recently stating that the 4.3-cent gas tax would go into the highway trust fund, that would be broken down as follows: 3.45 cents for highway funding and 0.85 percent would be for mass transit.

There is a considerable amount of confusion, some of which I think has been deliberately spread, some of

which may be accidental. There is some misinformation that has been spread about the amendment that my three colleagues and I have sponsored. So I believe at this time, there should be some discussion so as to clarify our amendment, what it really will do, what it will not do, and also it is my opinion that we should understand what the Chafee-Domenici amendment will do and what it will not do.

My colleagues who are coauthoring my amendment and I have taken the floor on at least two occasions to describe our amendment. And most recently, during the time of the last discussion of my amendment, Mr. CHAFEE presented me with a copy of the Chafee-Domenici amendment.

However, I haven't heard any explanation of that amendment as yet. I think we ought to have an explanation before we act on the bill, one way or another, and certainly before sine die adjournment. I hope that we will get a 6-year highway bill, but with each passing day, the prospects of such are by that degree diminished.

But in any event, I would want Senators to have a better understanding of my amendment and certainly the amendment by Senators CHAFEE and DOMENICI before we go out or before we leave this subject entirely.

I have called for Mr. CHAFEE and Mr. DOMENICI. I wasn't able to contact Senator DOMENICI, but I was able to contact Senator CHAFEE. I wanted to let them know that I hoped we could use this time, when no other Senator is seeking recognition, to discuss this matter and particularly to have some explanation of the Chafee-Domenici amendment.

Mr. CHAFEE was in the Intelligence Committee at the time and was busy there, but he very kindly came to the floor and has indicated to me—he is here on the floor now and he can speak for himself—that on tomorrow, he will seek some time to discuss and explain the amendment that he and Mr. DOMENICI have offered.

At this time then, Mr. President, I want to say a few words about the Appalachian Regional Highway System, because that figures very importantly in the amendment which I have offered for printing, and I think that the Members of the Senate ought to have a better understanding of the background of that particular subject matter. I also want to direct some comments to today's edition of Congress Daily to an item therein which bears the headline: "DOT Study, Domenici-Chafee Letter Hit Gramm-Byrd Plan."

There are some inaccuracies in that article, and I hope to address some of my remarks to those inaccuracies. I also would be pleased if the other three cosponsors of our amendment could come to the floor and, likewise, make some remarks.

All three offices have been alerted, and it is my understanding that those Senators will come at such times as they can be free from other appointments. I apologize for, in a way, for

taking the floor at this time. I know that the other cosponsors are very busy, and I know also that Mr. CHAFEE and Mr. DOMENICI are busy, but I shall proceed.

First of all, let me address my comments briefly to the Appalachian Development Highway System.

Mr. President, when I was a member of the West Virginia House of Delegates 51 years ago, West Virginia had only 4 miles of divided four-lane highways—4 miles! Let me say that again. The entire State of West Virginia had only 4 miles of divided four-lane highways in 1947, the first year in which I served as a member of the West Virginia Legislature.

I can remember an article that appeared in the Saturday Evening Post by a Mr. Roul Tunley, on February 6, 1960. I was a Member of the U.S. Senate then. That was my second year in the U.S. Senate. In Mr. Tunley's article, he said this: "Its"—meaning West Virginia's—"Its highway system is several decades behind that of its neighbors." I haven't forgotten that quotation. I have been carrying it around up here somewhere in my gray matter now for these 37 years.

I cannot forget it. It is etched into my memory. The Saturday Evening Post, a national publication, said, in an article by Roul Tunley, with reference to West Virginia's highway system: "Its highway system is several decades behind that of its neighbors."

Now, Mr. President, those words have, as I say, been etched into my memory. They have been burned into my memory, virtually seared into my memory.

I was a Member of the other body when the Interstate System was inaugurated. President Eisenhower was in his first term.

In any event, in 1956, which was during the 84th Congress, Congress passed legislation to provide for a gas tax to be placed into the highway trust fund. I was a Member of Congress at that time.

In 1965, 9 years later, Congress passed the Appalachian Regional Development Act. It provided for an Appalachian regional highway system. That was 1965. It was fiscal year 1966; in other words, calendar year 1965, when Congress appropriated its first moneys toward the Appalachian regional highway system—1965, fiscal year 1966. It has been a long time ago.

So, over 30 years ago, Congress enacted legislation saying to the people of Appalachia, the people of the 13 States in Appalachia, that an Appalachian highway system was going to be established and funded.

West Virginia is the only one of the 13 States that is wholly within Appalachia. But contrary to the understanding of a good many people, I suppose, West Virginia is not the only State in Appalachia. During these intervening 32 years, West Virginia's Appalachian system has become 74 percent complete. For the entire Appalachian re-

gion, however, the highway system is something like 78 or 79 percent complete.

Now, the Interstate System all over this country is 100 percent complete—virtually 100 percent. That is something like 43,000 miles, I believe.

But the Appalachian highway system remains, a good bit of it, yet to be completed. West Virginia, as I say, is 74 percent complete. The other States in the Appalachian region are about 78 or 79 percent complete. So West Virginia is behind the region as a whole.

A great many people have criticized me over the years for acting in my Appropriations Committee to get moneys for West Virginia's Appalachian corridors. But as chairman of the Senate Appropriations Committee, I provided not only money for West Virginia's Appalachian corridors but also funding for Appalachian corridors in all of the 13 States of Appalachia. Nothing was said about that by my critics. But that is neither here nor there at the moment. I just mention it in passing.

The point is that while the Interstate System has been completed all over this country, the Appalachian highway system is yet to be completed. The people in Appalachia have been promised for 31 years that that system would be completed. It isn't completed yet. So they have been living on a prayer and a promise, in considerable degree. About one-fourth of the system—one-fifth to one-fourth of the system—is not yet complete. And I think it is about time we fulfilled our promise that Congress made to the millions of people who live in Appalachia that their system at some point would be completed, too.

Now, Mr. President, I see on the floor my friend, Senator GRAMM. If he would like to speak for a moment—

Mr. GRAMM. No. Go ahead.

Mr. BYRD. He indicates that I should go ahead.

So, with the passage of the Appalachian Regional Development Act by Congress in 1965, the Appalachian Development Highway System got its start by providing smaller regional centers in the Appalachian region with four-lane expressway links to the Interstate Highway System. The new corridors were devised to open areas with development potential where commerce and communication had previously been inhibited by a lack of access.

On June 17, 1965—32 years ago, and then some—the first Appalachian corridor construction project in West Virginia was contracted for a section of corridor D, U.S. 50 in Doddridge County that is between Parkersburg, WV, and Clarksburg, WV.

The Appalachian corridor highway construction era really picked up steam in West Virginia following the November 1968 approval by the voters of a \$350 million road bond, the proceeds of which were used to provide the State's matching share for corridor construction.

During these years, for the most part, funding has been directed toward

all four uncompleted corridors, D, G, H and L. When the Intermodal Surface Transportation and Efficiency Act, ISTEA of 1991, came along, I asked that language be included authorizing the completion of the Appalachian system. And that was done.

The Appalachian Development Highway System in West Virginia comprises a total of 428.9 miles of roadway, completed or under construction, in design or in corridor location study phase.

In the case of the Appalachian system, I think it would be informative to point out that Appalachia's rugged terrain has made roads very expensive to build. Early roads usually followed the topography, that is, they followed streams, valleys and troughs between mountains, and the resulting highways were characterized by very low travel speeds, long distances due to winding road patterns, often very unsafe road conditions, roads built to poor design standards, unsafe, short-sight distances, and extremely high construction costs which further discouraged commercial and industrial development.

Now, I should say that miles constructed, alone, do not really measure the impact of a development highway system. Its success is measured in how it allows the region to be opened up for development and how it allows for the improvement of its inhabitants' condition.

A 1987 survey taken by the Appalachian Regional Commission showed that between 1980 and 1986, 560,000 jobs were created in the Appalachian counties with a major highway, compared with 134,000 jobs created in those counties without a major highway. It is clear the highways are the lifeline and the lifeblood of the Appalachian region. The idea of a regional interconnected network of highways is as vital today as it was in 1965. It has the same purpose as the Appalachian corridor system which was created 32 years ago.

The National Highway System was designed to provide an interconnected system of principal arterial routes which would serve major population centers—water crossings, ports, airports, other intermodal facilities and travel destinations—while meeting national defense requirements and serving interstate and interregional travel.

A factor which is often overlooked in connection with Appalachian regional highways is the factor of safety. It is important that States in Appalachia have modern, safe roads. Current accident rates on the highways in the area of corridor H—if I may take one example, in West Virginia—are above the Statewide average. The accident rates along in that area are above the Statewide average. The State of West Virginia itself has accident rates which are above the national average. Because much of the State's road system was built in the 1930s, the existing roads reflect a happenstance response to topography rather than strategic planning.

Shortly, I will yield to Senator GRAMM, but while I am on this aspect, namely, the Appalachian highways in the ISTEA amendment which Senator GRAMM, Senator WARNER, Senator BAUCUS, and I have introduced, the Appalachian regional highways, along with various trade corridors and bridge repairs constitute 10 percent of the total—the total being \$31 billion; 10 percent being \$3.1 billion—the 10 percent being precisely the same breakdown as in the ISTEA bill that is before the Senate. In that bill, 90 percent goes to formula funding and 10 percent to discretionary to be determined by the Secretaries of Interior and Transportation.

So, I simply wanted to say for the record that Congress and the Federal Government promised to the people in the 13 States of Appalachia 32 years ago a highway system that would be modern, that would be safe, and that would contribute to the commerce and communication, economy and upbuilding of that region and the well-being of its people, and that promise has not been fulfilled yet. I think it is about time we consider fulfilling the promise that Congress made to the people of Appalachia. That is what I am attempting to do in this amendment, to go a long way in halfway fulfilling the promise.

The promise—\$2.2 billion, and \$300 million in the bill itself—is \$2.5 billion, and it is estimated that the total cost of completing the Appalachian regional system in the 13 States of Appalachia is something like \$6 billion to \$7 billion, the Federal share, and the Federal share is 80 percent.

So in this particular ISTEA bill, which would be for the next 6 years, of course, we would only take advantage of 5 years because the first year of the 6 years is already underway. It started on October 1 of this year and the gas tax just began going into the trust fund as of October 1 of this year. Consequently, we would not see that money until next year, so it would be 5 years out of the 6-year life of this ISTEA bill that we would provide something like \$2.5 billion for the Appalachian Regional Commission highways in 13 States—not just in West Virginia, 13 States. Hopefully, the next ISTEA bill, 6 years down the road, would make further provision and perhaps at some point in the not-too-distant future the people of Appalachia could look up and see their modern, safe, highway system completed, and the rest of the country, including the Congress, could look the people of Appalachia in the eye and say, "We kept our promise."

That is what I am fighting for here today. That is why I hope to reach the ears and the hearts of my colleagues so that they have a better understanding of why this money is being provided in our amendment.

Mr. President, there may be an attitude around, and at times I have sensed an attitude, to the effect that the peo-

ple of Appalachia have no right to expect appropriations for an Appalachian Regional Commission system, and that moneys spent in one region of the country for highways is to the disadvantage of the voters, the taxpayers, the people of other regions of the country. There seems to be such an attitude in editorials and columns and so forth over the years; that what the people in Appalachia are getting by way of highway funding is pork and that they were actually getting more than their share. A lot could be said about that.

But this attitude that appropriations projects in one section of the country benefit only that section, they don't benefit the whole country, and, therefore, should not be made, and that it is unfair to focus funds on a particular area, a particular State or a particular region of a country, that that is an unwise, unfair and unjustified expenditure of the taxpayers' money, I want to address that.

I want a Senator who is far better known than I am to address the matter for me, and I will call on none other, therefore, than Daniel Webster. I refer to his reply to Hayne. He took 2 days to reply to Senator Hayne, namely on the 26th and 27th of January, 1830. Hayne had spoken on Thursday and Friday of the previous week. Webster had taken 12 or 13 pages of notes, and over the weekend, he thought about his speech, and then on the following Tuesday and Wednesday, the 26th and 27th, he made his speech.

He addressed Senator Hayne, as well as Senator Hayne's statements and charges, namely that the people of the whole country should not have to pay for internal improvements that occur in a particular State.

So Webster took the floor on that occasion and spoke as follows. I have gone back and read Webster's speech, and I will quote from it precisely. This is Daniel Webster:

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.

Let me say that again:

I look upon a road over the Alleghanies—

He is talking about my country when he talks about a road over the Alleghanies, the Allegheny Mountains. That is a part of Appalachia. Appalachia extends farther, a larger area than the Alleghanies. But Webster 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. The gentleman—

Meaning Mr. Hayne—

thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight and ill-

defined bond of union, but in all main respects separate and diverse. On that system—

Mr. Hayne's system—

On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

May I interpolate. The same thing has been said about the Appalachian Highway System, or at least implied. Why should people build highways across those rugged mountains, those stream valleys that have been there for millions of centuries? Why should the taxpayers of America pay for highways to cut through those Allegheny Mountains? Why should we have to do that?

Webster says, as he said to Hayne, "the gentleman thinks otherwise."

And he said:

Sir, we narrow-minded people of New England—

Webster is referring to himself and others from that area—

Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the states, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states, united under the same general government, having interests, common, associated, intermingled.

"Having interests, common, associated, intermingled."

In whatever is within the proper sphere of the constitutional power of this government, we look upon the states as one.

That's Webster. "... we look upon the States as one." Now listen to what he says to those who would criticize the expenditure of public moneys for internal improvements. By the way, that was one of the main planks in Henry Clay's "American System," which advocated a national tariff, internal improvements, and a national bank. Clay was instrumental in getting funds for the old Cumberland Road, the old national road. The next time that the distinguished Presiding Officer drives from Washington over to Wheeling, WV, he will travel on the old national road, the old Cumberland Road.

It was begun in the year 1811, and that was the gate to the Midwest and the West. By 1838, Congress had appropriated a total of \$3 million—think of it, \$3 million—toward the construction of that old national road, the old Cumberland Road. Begun in 1811, by 1838, Congress had appropriated the enormous sum of \$3 million of the national taxpayers' money for construction on the old Cumberland Road. And Henry Clay had a great deal to do with the appropriations of those funds for that old Cumberland Road.

Well, now continuing with Webster.

I am sure that Henry Clay, if he were in the Senate, would make my case for the Appalachian regional highway system.

Clay on one side—oh, I would like to have him here; that great Senator from Kentucky would make my case—and Webster would also make my case, those two great Senators, because they saw the beauty and the wisdom and the justice and the fairness in committing the national resources to the development of a section of the country, not just one State. But even Webster would go so far as to say, if it were just in one State he would not stand up here and ask why he should support it.

But let him speak for himself here.

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. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our powers of legislation. Sir, [he addressed the Chair, "Sir"] if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do that the power of government extends to the encouragement of works to that description, 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.

Oh, I wish he were here to defend our case. We have been promised for 32 years that this system would be completed. It is not completed yet. And when we seek justice in relation to the completion of that system, we bear the slings and arrows of fortune and the criticism of those who would say, "Well, why? You're getting less money than those people in Appalachia. Those people in those 13 States of Appalachia are getting a little more than you are." What kind of statesmanship is that? That is a shortsighted statesmanship in the eyes of Daniel Webster.

I should not be willing to face my constituents. These same narrow-minded men would tell me, that they have sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who has not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Webster—talking about internal improvements.

Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one.

One; e pluribus unum!

It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen

any more difficulty in erecting lighthouses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

Now, Mr. President, I would like to yield, without losing my right to the floor, to my colleague, Senator GRAMM of Texas, for such comments as he may wish to make on this subject matter, and I ask unanimous consent to do so.

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

Mr. GRAMM. Let me first thank our dear colleague, Senator BYRD. I think he is giving us a lesson on the history of funding for highways that is long overdue and is not generally understood. I want to thank him for giving me an opportunity to sort of butt in the middle of his speech and really focus on something that I think is important and that really is part of what the Senator is saying, but I think sort of sets it in perspective. I think maybe by explaining the big picture first and then having the Senator explain the portion of it related to Appalachia, I think people will have a clearer view of where we are.

Let me begin with Appalachia, then go to the debate about funding. I then want to talk about an amendment that continues to be referred to in these "Dear Colleague" letters that are being mailed. Senator BYRD, I was shocked. The letter today shows that our amendment is producing 43 States who are losers, and you can imagine my consternation when I discovered that my own State was one of the biggest losers. So perhaps we are not doing as good a job as we thought if we could believe these numbers, but let me assure you, do not believe these numbers.

Now, let me first talk about the highway bill and how it works. How the highway bill works, as it was reported out of committee to the Senate, 90 cents out of every \$1 that is provided in the highway bill goes to the States in a formula. The amendment that Senator BYRD and I have written does not change that formula whatever. We took the committee's judgment—we are not trying to become the highway subcommittee through our amendment—we took their formula and allocated the money by exactly the same formula, only we allocated \$31 billion more in budget authority, \$21 billion more in outlay than they allocated. I will explain where that came from in just a moment.

Under their bill, 10 percent goes to the overhead of the Department of Transportation and it funds the Appalachian Regional Highway System, it funds the emerging international trade corridors, it funds all of the research projects that are part of the highway system, and it funds the functioning of the Federal highway department and the administrative expenses.

The amendment that I have offered with Senator BYRD does not change the allocation of funds as far as 10 percent going to the Department and 90 percent going to the States. So when we add an additional \$31 billion in budget authority and \$21 billion in outlays, not wanting our amendment to substitute for the wisdom of the committee, we took exactly the same allocation, 90-10, for this new money that they had for the old money.

Now, if you listen to the critics of our amendment, they have zeroed in on Senator BYRD and on the Appalachian region, and it's as if this is a whole new area of funding. Well, this is where I think the confusion comes from, and I think I can straighten it out pretty easily.

First of all, President Clinton, when he submitted the highway bill, proposed \$2.3 billion for these 13 States to be funded by the Secretary out of the 10 percent of the money set aside for the Secretary's use. He proposed \$2.3 billion, even though his bill authorized over \$31 billion less than our amendment will provide. So remember this number. The President proposed \$2.3 billion for the 13 States of Appalachia to complete their system, which is over 75 percent already complete, while providing \$31 billion less money than we are providing. Only our amendment provides only \$2.2 billion.

So if it is the purpose of the Senator from West Virginia to somehow exploit his colleagues, I would have to say that he is doing a very poor job of it, because the reality is that our amendment provides an additional \$2.2 billion for Appalachia, which is less money than the President requested. He requested \$2.3 billion when he was spending \$31 billion overall less than we are spending. The reality is that our amendment contains less money for Appalachia than the President requested.

Second, the House, when they wrote a 3-year bill in committee, provided \$1.05 billion for Appalachia; but that's only for 3 years. In fact, if you run it out to 6 years, they would have provided approximately \$2.5 billion for these 13 States and for this funding of highways within those 13 States, which was in the President's budget and which has been in every highway bill that we have funded in the recent past.

So the reality is that, while people don't want to debate the real issue here, which is spending the highway trust fund, we have added less money to Appalachia, using the formula of the committee, than the President requested when he was spending \$31 billion less. We have requested less money for these 13 States than the House provided in its bill.

So I hope this puts that issue to bed. When the President requested more, when the House provided more, when this has been an ongoing line item in the highway bill for many years, and when it was a line item in the original bill, and when we took the committee's

overall allocation of funds, the point I am making is that the allocation of funds here is basically in line with what the President requested and what the House has done. The Senator has explained to us that the highway project in these 13 States is 75 percent complete. Surely, no one believes they should be left uncompleted. But the Senator is roughly asking for the same amount of money that was provided by the President, that was provided by the House, even though the President was providing \$31 billion less overall.

Now, having, I hope, put that to bed, to anybody who wants to debate the issue I would have to say—and I want to be sure that I am always kind to our colleagues—that it is frustrating to me to try to debate an issue when we are having so much trouble getting people to focus in on that issue.

I want to give you an example. There was a "Dear Colleague" letter sent today with this headline: "Final Analysis Complete; 43 States Lose Under Byrd-Gramm." As I said, unfortunately, my State is one of the biggest losers in the country, losing \$28 million. Now, what are we losing relative to? Well, what we are losing relative to is the so-called Domenici-Chafee amendment, which I have here, and what they are saying is that if you provided \$21 billion more in outlays, and if you don't fund the overhead of the Department of Transportation, then you would have additional funds to provide to States. But guess what? They don't provide an additional penny. They put out all these tables about what Domenici-Chafee would provide. But when you take their amendment and turn to the section entitled "additional funding," and you turn to page 2, they have the amounts. The amounts referred to in paragraph 1 are as follows: "(a) for fiscal year 1999, zero; for fiscal year 2000, zero; for fiscal year 2001, zero; for fiscal year 2002, zero; for fiscal year 2003, zero."

So their amendment provides no additional budget authority for highways whatsoever. In fact, their amendment is convoluted. They go on and say: "In general, there shall be available from the highway trust fund such sums as are provided in paragraph 2." But paragraph 2, as I just read you, says zero for 1999, zero for 2000, zero for 2001, zero for 2002, and zero for 2003. So they will provide such sums as in paragraph 2, but there aren't any sums in paragraph 2.

If you read the fine print in their letter—you see, there is fine print here that says—and, of course, Senator BYRD would have picked it up because he picks up fine print. I am not sure how many of our colleagues did. Here is what it says, in short: "If the Appropriations Committee funds highway programs at \$29 billion or greater. . ."—it also should say: "and if we authorize such moneys to be spent in the future." But it does not say that. Then if you should allocate it the way they would, not as Senator CHAFEE allocated it in his own committee, with

the 90-10 split, you would have a different allocation.

But the point I want people to understand is that all these charts are being sent out about how money would be spent. When you read their amendment, they are not spending any money. They are not providing one additional penny for highway construction; yet, they keep putting out tables showing what would be provided if someone at a later time and a later place decided to provide it.

What Senator CHAFEE and Senator DOMENICI are really saying is: Don't authorize highway spending in the highway bill. Don't let the trust fund, which is collected as a tax on gasoline, be authorized to be spent on highways. Wait and let a budget be written in the future, and then if at that time it is decided to spend the money for the purpose that the tax was collected, then we will spend the money.

Senator BYRD and I disagree. We wrote a highway bill 6 years ago. Have we ever changed the authorization in 6 years under that highway bill? The answer is no. We have had to live with it every single day. We are now trying to write a highway bill for the next 6 years, and Senator CHAFEE and Senator DOMENICI say don't write a highway bill for the next 6 years. Leave funding at the level that was set out in the bill that would let the highway trust fund rise to \$90 billion by the end of the highway bill, and then in the future, if we decide that we ought to quit misleading the American people in telling them that these taxes that are paid at the pump go to build highways, then in the future in some budget resolution we could provide that the money would be spent.

But so that no one misunderstands, not one penny of additional highway funds are provided in the so-called Chafee-Domenici amendment. There is only one amendment that takes the highway trust fund that people pay into when they go and fill up their car and fill up their truck and they shell out their hard-earned money on gasoline taxes, and we say to them, well, now, look, it's for your own good. We are spending it on highways, so this is not a tax. It is a user fee.

Senator CHAFEE and Senator DOMENICI say, well, look, we don't want to do that. We want to build it up in the trust fund so that it can be spent on other things. In fact, as Senator CHAFEE said in a speech in the Senate Chamber on October 9, he "cannot support the proposition of spending the 4.3-cent gasoline tax."

That is a perfectly legitimate position. He cannot support it. But Senator BYRD and I can support it, and we do support it. What our amendment does is it starts telling the American people the truth. And that truth is they are paying this gasoline tax. We claim it is going into the trust fund to build roads, and yet we have before us a highway bill that doesn't spend a penny of that 4.3-cent-a-gallon tax on gasoline so that it can go to other uses.

Senator BYRD and I say we collect the money on gasoline, on the tax at the pump, and we put it into the trust fund. We have been telling people that was for roads, and our amendment simply does what we say we are going to do. That is, we are going to spend it on roads.

So if you believe that the highway trust fund ought to be spent on other things, you should vote against our amendment. You ought to support people who are opposing it. But if you believe that the highway trust fund, which is funded with a gasoline tax, ought to be used to build roads, which is what we claim we are doing, if you think it is fundamentally wrong, some might say dishonest, to build up a surplus of \$90 billion in a highway account so the money can be spent for other things, then there is only one amendment that is going to fix it. That amendment is the amendment that I am offering with Senator BYRD.

So in regard to our amendment, there have been a handful of criticisms, and I want to respond to one of them and try to do it briefly so I can get out of the way and let Senator BYRD go back to giving us a history lesson on highway construction and about the fairness of the underlying permanent law related to highway construction.

Let me outline what these criticisms are. First of all, I want to remind my colleagues that 83 Members of the Senate voted on a resolution I offered as part of the budget resolution that called on us to put the 4.3-cent-a-gallon tax on gasoline, which had been going to general revenues, in the highway trust fund and spend it for highways. Mr. President, 83 Members of the Senate voted for that resolution. Then, in the tax bill that was passed this year, we took the 4.3-cent-a-gallon tax on gasoline and put it where every other permanent tax on gasoline since we have had a trust fund has gone. We put it into the highway trust fund to spend it on highways.

Then when the highway bill came out of committee, while we had put 4.3 cents per gallon into the trust fund, about \$7.2 billion a year when you count mass transit and highways, not one penny of it had been spent on highways. Not one penny of it. Under the original bill, the surplus would have built up to \$90 billion, which means in our unified budget all that money would have been spent on something else.

Now, Senator BYRD and I have tried to have a debate on the substance of the issue, and the substance of the issue is we believe that the trust fund made up of taxes on gasoline ought to go for the purpose that we tell the American people it is going for, and that is to build roads. We have offered an amendment to do that. Our amendment is as straightforward as it can be. It allocates the money on the same formula the committee allocates the money going to the States. It has the same amount of money being allocated

by the Secretary. And it is straightforward in terms of what it funds.

Now, the two criticisms that have been leveled are, No. 1, that somehow this is unfair because of funding for highways under a program which has existed since—when was the Appalachian highway program adopted?

Mr. BYRD. 1965.

Mr. GRAMM. 1965?

Mr. BYRD. Yes.

Mr. GRAMM. That somehow because it provides funds for a program that became law in 1965, it is unfair. Well, as I have mentioned before, our amendment does provide \$2.2 billion for that purpose. It also provides money to seven donor States that, because of a quirk in the formula, ended up actually getting less under the committee bill, and with the support of the chairman of the subcommittee and the ranking member we also fix that.

And finally, rather than just claiming we were doing something for international trade corridors, we actually provided money for it. The old bill claimed it spent \$125 million per year for international trade corridors, but Senator BYRD saw in the fine print that it did not really provide any money. It just claimed to provide money. Unfortunately, that is something that is done.

Our bill does not claim to provide money it does not provide. It is interesting that this criticism would be made. But the point is in the first attack on the 13 States of Appalachia, our amendment provides \$2.2 billion of funding. The President requested \$2.3 billion. The House passed a level of \$2.5 billion. I find it very hard to justify it is a criticism that we are providing roughly the money that was requested by the President when his bill contained \$31 billion less and roughly the same amount of money provided by the House.

The final criticism is that the opponents of the bill keep putting out tables about what their amendment is estimated to do in fiscal year 2000.

First of all, their amendment does not do anything in the year 2000, nor does it do anything in any other year during the highway bill because, as I noted earlier, on page 2 of their bill where, under the title of additional funding, they say their additional funding is zero for the year 2000, for 1999, 2001, 2002 and 2003. And why they picked the year 2000 I don't know. The point is there is only one amendment that provides more money for highway construction in the year 2000. There is only one amendment that provides more for 1999, 2001, 2002, and 2003, and that is the Byrd-Gramm amendment.

Now I just have to say that I get frustrated with everybody looking at these tables and Senator BYRD and I having to spend our time explaining to them where these numbers came from. These numbers are basically made up, that's where they came from. There is nothing in their amendment that provides any additional money. What these

numbers are based on is that, if we decided in the year 2000 to provide more money, that you could make up a table and show how we might divide it. I suggested to Senator BYRD that maybe we might want to make up a table that said if you took the whole \$1.6 trillion that the Government spends and we decided to spend it on highways, we might show how much in highway funding our Presiding Officer's State would get.

But would it make any difference? The point is, it would make absolutely no difference, because we are not proposing to take all the money spent by the Federal Government and spend it just on highways. But it would be as legitimate as the table where you are making up figures about what you may do in the future. Listen, when you are talking about the future and you are not committing to it in the present, you can make up any tables you want to make up.

But the point is, we are not making up numbers. We have written an amendment that will require that we have a full authorization of the 4.3-cent-per-gallon tax on gasoline, so that when people go in and fill up their tanks and they look up there and they see this gasoline tax they are paying, they will know that the 4.3-cent-per-gallon tax has been put into the trust fund and that we are going to spend it on roads and that when they are paying that tax, they are allocating that money to build roads, and that is what we told them we were going to do.

So, I don't know if we will have any more of these tables. This is the second set of tables we have had. I don't quite know where the numbers come from and why there are these differences from the last table. But I can assure you that if I were going to do something, the last thing I would do would be to cheat my State. I am not in the habit of doing that, and I think if people look at this, they would find that we are not in the habit of doing that as individual Members. So I think it just doesn't make sense on the surface.

So, I thank Senator BYRD, and I hope my colleagues now will focus on the fact that our funding for Appalachia is roughly what the House did and what the President requested with less money; that we are providing \$31 billion more of budget authority by spending the gasoline tax on roads—something we promised to do and have not done—we are spending \$31 billion more on roads in terms of authorizing the expenditures so we can compete each year for that money.

There is no other amendment that provides a penny. So, if you want to take a promise that someday in the future we might get around to funding roads, if that is good enough, then you might not be for our amendment. But if you really believe we ought to spend highway trust funds on roads, there is only one amendment you are going to get a chance to vote for that will spend a penny more on highways, and that is the Byrd-Gramm amendment.

So, I thank my colleague. I am very proud to cosponsor this amendment with him. I think, if anybody will look at the merits, that this is a truth-in-government amendment and there is nothing fake about it. There is no hidden agenda in it. It is simply an amendment that takes the formula written by the committee for allocating funds for the States and allocating funds between the discretionary fund of the Secretary and the allocation of funds to the States. Those are formulas that we didn't write; we simply took them from the committee.

Our amendment is very straightforward. I think if people will look at it, what it is trying to do, and will debate it on its merits, it will come down to an honorable choice between two legitimate positions. One position says let's continue to take money out of the highway trust fund and spend it on other things. That is one position. The other position is let's spend the highway trust fund on highways. That is the position Senator BYRD and I take. I believe it is the position that the majority of Members take, and I would like to get the vote and the debate focused around the choice. I think we want to do that, in all fairness to our opponents, because we think we will win. If it's on something else, we don't know what will happen. But I think, if it's this clear choice, the people are going to be with us.

I thank Senator BYRD for yielding. I appreciate it very much.

THE PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I appreciate the opportunity to have yielded to the distinguished Senator, and I just as deeply appreciate his statement. I hope the Senators will read it. It is needed, I think, to disabuse Senators from what they are being told by Congress Daily and by letters and tables that are being distributed. I don't accuse anyone of acting in bad faith. I am in no position to do that. But certainly misstatements should be corrected, and I hope will be, beyond what Mr. GRAMM has already said.

Mr. President, Senator CHAFEE earlier said—he told me that we would, on tomorrow, get the floor and speak with reference to the Chafee-Domenici amendment. I have been insisting to them that their amendment be explained. The amendment which I offered on behalf of myself and my three distinguished colleagues was explained, and we were criticized because we had mentioned, on the 9th, I believe, of October, before the recess, that we were going to offer such an amendment, but we didn't actually have it ready by then so a considerable amount of discussion went forth as to why we didn't have it, to the effect that Senators couldn't comment on what they couldn't see.

But on that same day I believe Senator DOMENICI indicated that he was going to offer an amendment, and, of course, we didn't get to see that until

one day this week. So we haven't heard an explanation of it yet. I want an explanation of it. Just as we attempted to do our best explaining to our colleagues and to the American public what our amendment does, I think the American people ought to have an explanation right here on this floor as to what the Chafee-Domenici amendment does. That will give us a chance, perhaps, to refute some of the misinformation that is being bandied about.

As I say, I don't ascribe to anyone any intentions to go with misinformation, but I think the public and our colleagues have a right to expect us to clear up some of the confusion. So, for now I'll not say any more along that line because, as I say, Mr. CHAFEE has indicated we'll talk some tomorrow, and he indicated that he would yield to me for some comments at that time. I hope that Mr. BAUCUS and Mr. WARNER will also have a chance to comment at that time, particularly with reference to the statement by Congress Daily of today.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I further ask unanimous consent to speak for up to 45 minutes.

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

#### PRIVILEGE OF THE FLOOR

Mr. DEWINE. I further, Mr. President, ask unanimous consent that Wendy Selig of the staff of Representative PORTER GOSS be granted privilege of the floor during my remarks.

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

Mr. DEWINE. I thank the Chair.

#### THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

Mr. DEWINE. Mr. President, I rise today to discuss a bill I have introduced. That bill is called the Ricky Ray Hemophilia Relief Fund Act. I introduced this legislation in the last Congress and again this year. I introduced it along with my distinguished colleague from Florida, Senator BOB GRAHAM. A House companion measure has been introduced by our friend, Congressman PORTER GOSS.

Mr. President, the purpose of this bill is to deal with the terrible tragedy within the hemophilia community that was brought about by the HIV contamination of the blood supply and blood products during the 1980's. A number of Americans suffered terrible harm because they relied on the Federal Government to protect the blood supply.

Mr. President, those of us who are backing this legislation believe that the Federal Government has a moral duty to help these Americans.

Let me first talk about the role of the Government in this tragedy.

The Ricky Ray Hemophilia Relief Fund Act of 1997 recognizes that the Federal Government has a responsibility for protecting the safety of the blood supply in this country and a responsibility for regulating blood products.

Mr. President, during the 1980's, our Government failed to meet this obligation to the hemophilia community of this country. The Federal Government failed in its obligation. People affected by hemophilia—children, adults, and the family members who cared for them—had a right to expect the Nation's blood supply system to work. That system relies upon many organizations, both public and private. It relies on many organizations to collect and process, distribute, monitor, and regulate the blood supply and blood products.

Unquestionably, the Federal Government bears the greatest and the ultimate responsibility for blood safety through its surveillance, research, and regulation functions. That is why, Mr. President, in 1973 the Assistant Secretary for Health announced the national—national—blood policy which then became, according to a report by the Office of Technology Assessment, "The focal point around which blood banking policy has evolved over the last decade."

Mr. President, this is the U.S. Government's national blood policy—the U.S. Government's national blood policy—a policy the U.S. Government undertook, a policy on which the American people should have been able to rely. The very fact that we have a national policy indicates a level of responsibility, a level of importance and involvement that we really don't see in most other areas of consumer protection. This policy is what gives the Federal Government a unique responsibility for the blood supply in this country.

Mr. President, these functions—surveillance, regulation, and research on blood—are carried out through the Public Health Service. The Centers for Disease Control hold responsibility for surveillance of potential threats to blood safety. The National Institutes of Health are responsible for biomedical research on emerging threats and improved technologies for prevention. Mr. President, these two agencies work in conjunction with the Food and Drug Administration, the FDA, which through its regulatory authority and powers of inspection, product recall, guidelines, and fines, holds primary responsibility for the safety of the blood supply and blood products under the Food, Drug and Cosmetic Act. Together, Mr. President, these agencies form the backbone of our Nation's blood safety system.

Mr. President, the awful truth is that this system failed. It failed to protect people with hemophilia or their families from deadly disease. That is why we have introduced this bill. Members of the Senate don't have to just take my word for it nor just the word of the families in the hemophilia community. Rather, in 1993, Mr. President, the Secretary of Health and Human Services opened an investigation, an investigation into the events leading to the transmission of HIV to individuals with hemophilia.

One of the key questions that was asked and that they were asked to address at the time was this: Did the Government provide an adequate and timely response to the warning signs of the 1980's, the warning signs of HIV as it related to the blood supply in this country?

The Secretary contracted with the Institute of Medicine, IOM, a private nonprofit organization that provides health policy advice under a congressional charter granted to the National Academy of Sciences. Mr. President, after 18 months of investigation, the IOM published its report in 1995. This report was entitled "HIV and the Blood Supply: An Analysis of Crisis Decision-making." Mr. President, the report found inadequacies in the Government's effort. It found "a failure of leadership" that led to the HIV infection of more than one-half of the Nation's hemophilia population. This IOM report and its panel of experts from across the country found that the transmission of the HIV virus and AIDS revealed a weakness in the Federal Government's system for ensuring the safety of the Nation's blood supply.

The Institute of Medicine was specifically not charged with laying blame, but in its final report it was highly critical of the Government agencies responsible for protecting the safety of the blood system in this country. It identified several areas where the Federal Government specifically failed to curtail the impact of HIV. Mr. President, the IOM found that the Government "consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community." Let me repeat: This report, this official report, found that the Government "consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community."

Time after time when decisions were made in the face of the unfolding HIV crisis, tragically, the wrong decisions were made about the blood supply. When faced with decisions about deferring donors or recalling products or testing for other known diseases, we know now that the Government officials made the wrong decisions.

Let me talk about these decisions and about what happened. First, the Federal Government failed to take adequate steps to screen blood donors. Knowing that AIDS was transmitted through blood, the Government did not