

even created a mechanism to adjust authorized highway funding upward as revenue rose. In recent years, that pot of money—identified by the title Revenue Aligned Budget Authority, or RABA—has exploded, reaching \$4.5 billion this year.

Under the highway law, \$3.95 billion was to be apportioned among the states this year with the remaining \$574 million going to about 40 highway programs authorized in the highway act and administered through the Transportation Department. The bill would cut the state share to \$3.5 billion and combine the extra \$450 million with the \$574 million, creating a \$1 billion-plus pot.

The negotiators made wholesale changes in the priorities set in the highway act, substituting projects they favor for the ones preferred by the House and Senate transportation committees that wrote the highway law. A \$25 million community-preservation pilot program, for example, ballooned to \$276 million, with virtually each dollar earmarked as to where it should be spent.

The Bush administration had opened the door by proposing changes in how RABA dollars are distributed. Negotiators said the \$3.5 billion apportioned to the states narrowly exceeds the amount proposed in the president's budget, and an additional \$100 million has been added elsewhere to core highway funds available to the states. There is little doubt the deal was driven by pork-barrel politics. There were bitter fights over unsuccessful Republican attempts to deny money for vulnerable Democrats in conservative House districts in Mississippi and Arkansas.

The bill would impose a much tougher safety regimen than the White House had wanted for Mexican trucks that are due to begin operating in the U.S. next year. The Transportation Department expects to meet the requirements and open the border by the spring—just a few months later than planned. But the final settlement is a per-

sonal victory for Rep. Martin Salo (D., Minn.) and Sen. Patty Murray (D. Wash.), the two managers of the bill who had insisted lawmakers must consider safety.

For Sen. Byrd, there will be more at stake than the transportation bill. The West Virginia Democrat will be at center stage again this week, which he is expected to force Senate roll calls on adding more money for homeland security to a pending Pentagon budget. Though the White House should win an early procedural vote, Sen. Byrd appears prepared to confront Republicans with the choice of accepting the money or pulling down the entire military budget.

Mr. McCAIN. Mr. President, I ask my colleagues, how much longer are we going to let the appropriators subordinate the jurisdiction and responsibilities of the authorizers? Didn't most of us think the multi-year highway funding legislation, known as TEA-21, would essentially be the law of the land through fiscal year 2003 with respect to highway funding formulas and state apportionments? I guess we were wrong, given the appropriations reprogramming maneuvers.

Let me again quote from the Wall Street Journal: "The negotiators made wholesale changes in the priorities set in the highway act, substituting projects they favor for the ones preferred by the House and Senate transportation committees that wrote the highway law." This is precisely why no projects should be earmarked by either the authorizers or the appropriators and we should instead allow the states to fund the projects that meet the le-

gitimate transportation needs of their states.

Mr. President, the Revenue Aligned Budget Authority—RABA—funds mentioned in the article are to be distributed proportionately to the states through formula apportionments and to allocated programs. This conference report represents a fundamental departure from that approach.

To pay for some of the report's many earmarks, \$423 million will be redirected from state apportionments, meaning the states lose 10.7 percent of RABA funds from the regular formula program. Further, another \$423 million will be redistributed from allocated programs in a manner in which the appropriators have selected programmatic winners and losers. In fact, 24 of 38 highway funding programs will receive none of the funding under RABA they were to receive before the appropriators' stroke of pen. But again, if you have the good fortune to reside in a state with a member in a leadership position on the DOT Appropriations Subcommittee, you are among the winners in this appropriations bill lottery. I ask unanimous consent that two charts prepared by the Federal Highway Administration to show the impact on each state and the allocated programs through the RABA redistributing work of the appropriators be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED RABA DISTRIBUTION

Federal-aid highway programs	TEA-21	Conference	Difference
Apportioned Programs .....	3,968,764,800	3,545,423,946	(423,340,854)
<b>Allocated Programs:</b>			
Federal Lands Highways Program:			
Indian Reservation Roads .....	36,050,486	36,565,651	(484,835)
Public Lands Highways .....	32,249,049	31,815,091	(433,958)
Park Roads and Parkways .....	21,631,440	21,339,391	(292,049)
Refuge Roads .....	2,624,255	2,586,593	(37,662)
National Corridor Planning & Devel. & Coord. Border Infrastructure Pg .....	18,633,932	352,256,000	333,622,068
Construction of Ferry Boats and Ferry Terminal Facilities .....	5,059,012	25,579,000	20,519,988
National Scenic Byways Program .....	3,393,730	3,348,128	(45,602)
Value Pricing Pilot Program .....	1,464,300	0	(1,464,300)
High Priority Projects Program .....	236,671,037	0	(236,671,037)
Highway Use Tax Evasion Projects .....	666,113	0	(666,113)
Commonwealth of Puerto Rico Highway Program .....	14,642,998	0	(14,642,998)
Woodrow Wilson Memorial Bridge .....	29,946,366	0	(29,946,366)
Miscellaneous Studies, Reports, & Projects .....	2,503,665	0	(2,503,665)
Magnetic Levitation Transp. Tech. Deployment Program .....	0	0	0
Transportation and Community and System Preservation Pilot Program .....	3,324,822	251,092,600	247,767,778
Safety Incentive Grants for Use of Seat Belts .....	14,907,146	0	(14,907,146)
Transportation Infrastructure Finance and Innovation .....	15,969,481	0	(15,969,481)
Surface Transportation Research .....	13,442,846	0	(13,442,846)
Technology Deployment Program .....	5,989,273	0	(5,989,273)
Training and Education .....	2,526,635	0	(2,526,635)
Bureau of Transportation Statistics .....	4,128,751	0	(4,128,751)
ITS Standards, Research, Operational Tests, and Development .....	13,976,885	0	(13,976,885)
ITS Deployment .....	15,969,481	0	(15,969,481)
University Transportation Research .....	3,525,804	0	(3,525,804)
Emergency Relief Program .....	13,310,772	0	(13,310,772)
Interstate Maintenance Discretionary .....	13,310,772	76,025,000	62,714,228
Territorial Highways .....	4,846,545	0	(4,846,545)
Alaska Highway .....	2,503,665	0	(2,503,665)
Operation Lifesaver .....	68,908	0	(68,908)
High Speed Rail .....	700,567	0	(700,567)
DBE & Supportive Services .....	2,664,451	0	(2,664,451)
Bridge Discretionary .....	13,310,772	62,650,000	49,339,228
Study of CMAQ Program Effectiveness .....	0	0	0
Long-term Pavement .....	0	10,000,000	10,000,000
New Freedom Initiative .....	0	0	0
State Border Infrastructure .....	0	56,300,000	56,300,000
Motor Carrier Safety Grants .....	24,221,241	23,896,000	(325,241)
Public Lands Discretionary .....	0	45,122,600	45,122,600
Subtotal, allocated programs .....	574,235,200	997,576,054	423,340,854
<b>Total .....</b>	<b>4,543,000,000</b>	<b>4,543,000,000</b>	<b>.....</b>