

These funds are placed in a special trust fund for the use of highway construction only. All the funds for the interstate system come from this trust fund. Unfortunately, a trust in the legal sense has not been created.

If the Administration feels that it is essential to the economy that a reduction in highway spending be achieved, it would make that recommendation to Congress. The ultimate authority to decide how funds for highway construction should be spent lies with the Legislative Branch.

I would like to read, for the members of the Committee, the following Declaration of Purpose as found in the 1956 Act:

"It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the Interstate System, since many of such highways, or portions thereof, are, in fact, inadequate to meet the needs of local and interstate commerce, the national and civil defense . . . It is further declared that one of the most important objectives of this Act is the prompt completion of the Interstate System . . .".

The appropriation of money and decision with respect to its use, is the responsibility of Congress. This responsibility cannot be abdicated by Congress, nor should it be usurped by the Executive Branch. Nor can the court be relied upon to protest that Congressional prerogative for litigation begun by the states would be long and complex.

It is the duty of the Congress to call the Executive to task on this matter, and I hope that the Committee will rise to the challenge.

[H. Res. 961, 90th Cong., first sess.]

RESOLUTION

Whereas the ever-increasing, tragic loss of life in automobile accidents could certainly be reduced by prompt completion of a modern and safe system of interstate highways.

Whereas the cost of highway construction has increased substantially during the past decade and consequently, the deferment of essential highway construction will inevitably result not only in substantial construction cost increases, but also in additional engineering, design, and administrative expenses.

Whereas there is no doubt of Congress' intent as reflected by its statement in 1956 concerning the adoption of the highway trust fund: "It is hereby declared to be essential to the national interest to provide for the early completion of the interstate highways as authorized and designated in accordance with section 7 of the Federal-Aid Highway Act of 1944. It is the intent of Congress that the Interstate System be completed as nearly as practicable over a thirteen-year period and that the entire system in all States be brought to simultaneous completion."

Whereas Congress further stated its intent by giving specific direction with respect to the availability of highway funds for expenditures through section 108(b) of the Federal-Aid Highway Act of 1956. "Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized."

Whereas the funds which are to be apportioned and expended for highway construction are raised by taxes and fees imposed upon those who make use of highways the income derived from such taxes and fees has been intended by Congress to be held in "trust" for the benefit of the highway program, a "trust" in the normal legal sense not been created:

Resolved, That it is the sense of Congress that it is the sole prerogative of Congress to designate the use of all funds which fall under the highway trust fund.

Furthermore, the appropriation of money, and decision with respect to its use, are the responsibility of Congress. This responsibility cannot be abdicated by Congress, nor should it be usurped by the President.

Therefore, Congress hereby urges the President to cease and desist from any further freezing or cutbacks of funds relative to the highway trust fund.