

then our children are not going to be able to afford cars to drive on those roads. Their quality of life is going to be reduced because we are adding to the deficit, and that means we are adding to their tax burden every time we do this. That debt burden translates into a reduced quality of life for future generations.

We have put forward as a Congress a legitimate benchmark for legitimate spending in the area of TEA-21. The budget had in it a proposal to significantly increase TEA-21 spending, I think by something like 30 or 40 percent. But that has been ignored. It has been claimed that that amount is not enough. No. We have to go ramming past that and propose a bill on the floor of the Senate that is \$93 billion over last year's spending and \$30 to \$70 billion over what the budget called for. And that is just the start.

There is a game being played here besides the fact that most of the revenues for the additional funds which are claimed to be offset here are illusory, which is so outrageous that it gives smoke and mirrors a bad name. That is just the start because we all know what is going on. There is an agreement, a sub rosa agreement, if you wish, between the people who are supportive of this bill in this body and the people who want more spending in the other body that this figure that comes out of the Senate is irrelevant, that the final number is going to be a lot higher than the Senate number. As I mentioned, the House is already talking about numbers in the high 300s, and the representation we hear is we will be closer to the House number coming out of conference than the Senate number, which is already grossly inflated as far as cost.

So I just simply lay this marker down. We are going to have to start getting serious about this deficit. We have not so far as a Congress, but we are going to have to because it is our job. It is our job to be stewards not only of today but of what we pass on to tomorrow.

If we are going to be good stewards, then we have to be fiscally responsible. I hope others will take a serious look at this bill before they vote for it. Before they even vote to go to it, it would be nice if we actually knew what was going on and how many more games are going to be played before we go to the bill in its substantive form. We should certainly be willing to ask that much before we have cloture on the motion to proceed.

But, in any event, as we debate the language of this bill and the purposes of this bill—which are well intentioned, and which can be paid for at a reasonable price—we need to keep in mind that this is one part of a series of bills that have not been fiscally responsible, and we have to start someplace in being responsible in managing the dollars of this country effectively. The other horses are out the barn door, with the exception of energy, although

there is some talk that they are going to attach energy to this bill.

This is the only item that is before us so far, but it is a big one. Therefore, we should take a hard look at it. Before we move it out of this body, we should try to bring it back in line with our budget and with the realities we face as a country, which is that we are spending a lot more money than we can afford as a Government.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

#### SAFE TRANSPORTATION EQUITY ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1072.

Madam President, we are about to begin discussion on the cloture motion we will be voting on this afternoon. It could be considered by many people as the most significant piece of legislation we will be dealing with this year or maybe even in a 6-year period. The current extension of TEA-21, passed in 1998, expires on February 29. We have to act. We have no other option. Some might argue that we can do another extension, but another extension without Senate action on a 6-year bill sets us up for not doing a reauthorization bill this year at all. That is just not acceptable.

The President has released his fiscal year 2005 budget, and I believe it misses the mark with transportation funding. He proposes funding \$256 billion on highways and transit, approximately \$55 billion under the Bond-Reid amendment that we agreed to with a plurality of 79 votes.

Earlier today we heard from Senators who believe that S. 1072 proposes a level of spending that is too high, that we need to bring it into line with the President's numbers. I disagree. I strongly support the President on virtually everything he is doing, but in this case I do not agree. We have a crisis in the country in terms of our infrastructure and we must meet this crisis. We need to stick with the Bond-Reid level and need to get the bill done now.

For those who want to wait to do a bill, we caution you that putting this off only makes it harder. The current extension is spending down the trust fund balance. If we do another extension, the balance will be spent down even further, which means we will have little choice at that point but to increase fuel taxes. In my mind, indexing

fuel taxes was probably a fiscally responsible position at one time because it does preserve the purchasing power of our transportation dollars. But I also understand the political realities. I know it is not a viable option at this time.

This bill does not assume an increase in fuel taxes. Due to the good work of Chairman GRASSLEY and Ranking Member BAUCUS, both of whom I met with this morning—and both have been real champions in working diligently to make this happen—the deficit is neutral in this bill.

Don't fool yourselves into believing that delaying action on this bill is saving money. The exact opposite is true. For instance, our transportation infrastructure will continue to deteriorate. Thirty-two percent of our major roads are in poor or mediocre condition. Thirty-nine percent of our bridges are structurally deficient or functionally obsolete. As much as I hate to admit it, my State of Oklahoma ranks last of all 50 States, which is not too complimentary to the idea that I am the chairman of this committee. The cost to address these issues only increases the longer we wait.

In addition, the economic consequences escalate because poor infrastructure contributes to congestion, which means lost productivity to the tune of \$76 billion.

Additionally, another delay to enacting a 6-year comprehensive bill will frustrate our State departments of transportation in their own programs. They need the assurance and security of a stable Federal program in order to make their individual programs work. As you well know, they have worked on these programs now for not just months but well over a year anticipating that we would have this reauthorization underway.

Finally, we are missing an opportunity to create jobs. For every \$1 billion invested in Federal highway transit spending, 47,500 jobs are created. We estimate that S. 1072 will impact the overall job growth by 700,000 jobs. To the construction worker, our bill would generate over 2 million opportunities for employment. In other words, when one job ends, there will be another opportunity available so the construction worker can move from one job to another thereby avoiding unemployment. I think that is a good thing and one each of us in this Chamber should be willing to roll up our sleeves and work to get done. I anticipate that is exactly what we are going to do.

In addition to a job creator, spending on transportation makes good economic sense. For every \$1 billion in transportation expenditures, the gross domestic product increases by \$1.75 billion. Furthermore, transportation investments improve freight mobility which in a "just in time" delivery business model is critical to growth.

I recognize for those who believe this bill should be stopped for budgetary reasons that my arguments may not

meet with a receptive ear, but I do want you to understand that voting no on cloture means you are voting no on addressing the repair and rehabilitation needs of our 50-year interstate system which is at the heart of the economic engine of the Nation. Voting no on the cloture motion would be voting no on the creation of over 2 million employment opportunities and no to 700,000 new jobs. It would be voting no on addressing congestion problems which cost the economy \$76 billion annually and voting no on increases to gross domestic product.

Finally, if we are able to proceed to S. 1072, I will be asked by many of you to help you with individual needs in your States. I am happy to do that. I want to do that. But before I can help you, you need to help me.

I ask you to vote yes on the cloture motion so that when the need comes up in your State and you have a need to meet a crisis, or you have special project needs, we will be helping each other. I think we all understand that.

Some people who have actually read the legislation we are going to be considering are still saying that perhaps it is not meeting the environmental goals or it is not meeting the public participation. I think this is one of the major strong points of this legislation. We have spent a lot of time—and I have to tell you that the ranking member, JIM JEFFORDS, along with KITT BOND, and of course HARRY REID, the Senator from Nevada, have all been very cooperative—in working out things. There are some things in this bill that I don't like, but compromise has been the name of it.

For example, on the environmental issues, it requires metropolitan planning organizations and State transportation planners to consult during regional planning with agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

It expands the number and types of environmental and resource agencies participating in the environmental review.

It provides a new opportunity for environmental and resource agencies to participate in the development of the environmental review schedule.

It establishes a new obligation for the lead agency to consider the needs of environmental and resource agencies when developing the review schedule, including the responsibilities of resource agencies under applicable laws, resources available to environmental and resource agencies to conduct the review, and the sensitivity of the national and historic resources that could be affected by the projects.

It provides a new opportunity for environmental and resource agencies to participate in the development of a project's purpose and needs statement.

It provides a new opportunity for environmental and resource agencies to participate in development of the project alternatives to be reviewed.

It provides new opportunities for transportation planners to consider transportation land use and environmental plans when conducting the environmental review.

It creates a new obligation by the lead agency to make available promptly to environmental and resource agencies information useful to an environmental review.

I was around back in 1991 serving in the other body when we put together ISTEA. It is a very comprehensive bill. I was also involved on this committee in 1998 when we were putting together TEA-21. But in none of those efforts and in none of that legislation were the environmental concerns met as well as we are meeting them here.

The same is true with public participation. Those of us who serve in the Senate are constantly inundated at our townhall meetings by people saying they do not have the opportunity to participate in these things. We are correcting that. We think that people and other governmental agencies should be a part of it.

There is a specific new section devoted to improving public involvement in transportation planning and projects, directing State and metropolitan transportation planners to hold public meetings at convenient and acceptable locations and times, to employ visualization techniques to describe plans, and to make public information available electronically such as the World Wide Web.

There are new opportunities for public comment on specific environmental factors considered by metropolitan planning organizations and States during the transportation planning. We know this is true when we go back to our States. They tell us that in their department of transportation—I am sure in North Carolina, in Nevada, in Oklahoma—if they have the chance to plan in advance to have this comprehensive bill in front of them—not just another extension—they then can make their long-term plans get much more from the construction dollars.

I reemphasize that there is nothing we are going to do in this Chamber which is going to provide more jobs than will be provided by this bill. That is why it is so important that we defeat cloture and get on with this and get it done in the next 10 days or so.

I compliment the leaders on both the Democrat and Republican side, and particularly Senator REID, the assistant minority leader, for his cooperation in helping us to make this a truly nonpartisan and bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, it is with a certain amount of sadness that I worked on this matter this weekend and looked over all the past history of the surface transportation legislation. The sadness comes because Pat Moynihan is not here. When we started working this bill last year, I asked

Senator Moynihan to come visit with me and my staff. He did. He came with that smile. I always had the feeling with Senator Moynihan that no matter the subject he always knew more than I did. He had a lot of humility. Even though he knew that he knew more than most anyone he dealt with, he never flaunted that great mind that he had.

The legislation we have before us today is basically what Pat Moynihan envisioned for our country. Serving with him on the Environment and Public Works Committee—which I did for my tenure in the Senate—was like going to school and not having to take the test. Senator Moynihan was wonderful. He would talk about the great Robert Moses of New York and the planning that he did.

I hope that all of us as we proceed through this bill will understand the greatness of Pat Moynihan, and what he has done for our country.

Everywhere in the Nation's Capital there is evidence of Pat Moynihan. I worked in Washington, DC, as a Capitol policeman, going to law school. And when I worked here as a Capitol policeman, Pennsylvania Avenue was a slum. During the Kennedy inauguration, Pat Moynihan recognized that and said we should do something about it. He was just a bureaucrat at the time. But he proceeded from that time to help develop the Pennsylvania Avenue Development Corporation. Now you can go up Pennsylvania Avenue to the White House and it is one of the most beautiful streets in the world because of Pat Moynihan.

I hope we proceed through this legislation recognizing what a wonderful man Pat Moynihan was. One cannot stop but think of the things he did, including the Ronald Reagan Building. For 50 years that was a big hole in the ground. In the Nation's Capital we had this big nothing. Pat Moynihan said: We cannot spend enough money on that; we will build a building there. That is a building that Ronald Reagan, I am sure, in his own way, is proud of. There is not a more beautiful building in the Nation's Capital, with the exception of maybe the Library of Congress, than the Ronald Reagan Building. That is Pat Moynihan's. It is his.

Mr. INHOFE. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. INHOFE. Is the Senator aware that Patrick Moynihan was born and raised in my city of Tulsa? He was the first one when I came here—not to the Senate but to the other body—to whom I came over to talk. We developed a very close relationship. Someone could wonder, how could this be—you have one who is a dedicated liberal, one who is a dedicated conservative, having that affection.

When I was elected to this body in 1994, his office was next door to me. I confess right now before all these people, when the bells rang for a vote, I would go and look down the hall and wait until Daniel Patrick Moynihan

was coming up so I could walk and talk with him on the way over. He was just a remarkable person. There is a lot of dedication to him in what we are doing today.

Mr. REID. I appreciate very much the Senator from Oklahoma recognizing the goodness of this man. He is absolutely right. I am sure the Senator learned a great deal in those walks from the Russell Building over here.

I remember Senator Moynihan and I sat together on a bus going from the airport to the funeral of the great John Chafee. During the entire trip, he pointed out, as we traveled to Rhode Island—Providence, I think is where the funeral was—all the architecture, the history of the buildings, as we drove up to the beautiful church. And when we got to the church, he told me all about that church.

I wish I had the recall of Pat Moynihan. I wish I had 20 percent of the recall ability of Senator Moynihan. He had such an ability to communicate. As Senator Bumpers said, upon the publication of Senator Moynihan's 15th book—or whatever it was—you have written more books than I have read.

He was a great man. I have my heart full. Part of it is gratitude for knowing a man such as that, that there are great ones on this Earth. Pat Moynihan was a great one.

About 50 years ago, one of the really fine Presidents we have had, a Republican, President Dwight David Eisenhower, presided over the creation of the Interstate Highway System. On that occasion, he said:

The Nation badly needs new highways. The good of our people, of our economy and of our defense, require that construction of these highways be undertaken at once.

President Eisenhower continued:

We have fallen far behind in this task. . . . Today there is hardly a city of any size without almost hopeless congestion within its boundaries and stalled traffic blocking roads leading beyond these boundaries.

President Eisenhower said what we needed to do in this legislation: If there was ever a time in the recent history of this body when we had to do something on a bipartisan basis, it is this bill. People stuck in traffic are Democrats and Republicans. It is equal opportunity, whether you are stuck in traffic in Las Vegas, Phoenix, St. Louis. There are people of both parties stuck in that traffic, losing valuable time. If they were not stuck in that traffic, they would make our country more productive.

Why did President Eisenhower feel so strongly about an interstate highway system? He felt that way because, as a young major, he was asked in the 1930s to bring a convoy of military vehicles across the country. It was at that time he realized there was no easy way to do it. The roads were hopeless. There was no way you could travel this country, even for military purposes, easily. At that time he realized something needed to be done, and when he became President, that was one of the first things he pushed.

People who are complaining about the cost of this bill, Republicans and Democrats, should understand that the highway bill President Eisenhower originally sponsored was also criticized as being too costly. This bill is not too costly. One of the compromises the Senator from Oklahoma worked out with Senator JEFFORDS and me is that it is as small as it is. If it were up to Senator JEFFORDS and this committee, it would be bigger. It is because of the chairman of the committee that it is as small as it is. I hope everyone who criticizes the Senator from Oklahoma, Mr. INHOFE, understands he did yeoman's work.

As we speak, the House is talking about a bill bigger than ours. They criticized President Eisenhower for a bill being too big and they criticize us for a bill being too big. In my opinion, the bill is too small.

Part of the reason for President Eisenhower's bill, the Interstate Highway System, has been completed. We have many more different responsibilities now than we had then. In recent years, we have done some very good work with highway transportation.

Going back to 1982 when I first came to Washington, we had the Surface Transportation Assistance Act. This bill established the mass transit account, the highway trust fund. The reason that became important was, people came to the realization that for every vehicle we keep off our highway system, it saves money. It was determined that it would be good if we became partners with the mass transit folks and worked together on legislation. That was what we did in 1982 and that is what we are doing now. That is why it is such good news that the Banking, Housing, and Urban Affairs Committee, that handles mass transit, has agreed on a proposal.

Senator INHOFE, Senator JEFFORDS, and I met today with the chairman of the Finance Committee and the ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, and they have agreed to that. That is really important. That started back in 1982. At that time, there was an 85 percent minimum return provision. That means for every dollar put into the highway trust fund in a State such as North Carolina, there was a guarantee they would get at least 85 percent of the money they put in. Some States got more than that, but 1982 was the first time there was a minimum return provision. One of the controversies in that bill was an increase in the Federal gas tax from 4 to 9 cents per gallon. It was a good bill and passed.

In 1987, 5 years later, we had a bill called the Surface Transportation and Uniform Reallocation Assistance Act. It was not a very sexy name but it got the point across. It increased the speed limit, which was so important for States such as Nevada, from 55 miles per hour to a higher speed. It worked out well and we hope that continues to be OK. In a State such as Nevada—800

miles from the top to bottom, 500 miles across—you need to be able to travel in a safe manner on an interstate highway system faster than 55 miles per hour.

It also included a provision requiring States to spend a specified minimum amount for environmental purposes. That was the first time the highway bill had really taken that into consideration. So that was important.

Congress felt so strongly about this that President Reagan vetoed this bill. It was overridden by the House and the Senate. That does not happen very often, but the Presiding Officer, who was part of the administration during that time, recalls that.

In 1991, we had the Intermodal Surface Transportation Efficiency Act, ISTEA. That is where the name comes from—ISTEA. This created the Congestion Mitigation and Air Quality, CMAQ, program, which has been a program that the environmentalists love, and some who are not as environmentally sensitive do not like it. But these programs were established then and dealt with air quality.

With the interstate system largely complete, as I indicated earlier, ISTEA shifted the Federal program from capital construction to focus on people and the movement of goods. This is where Senator Moynihan was so good. It also expanded the transportation decisionmaking process to include local officials, stakeholders, and citizens. And that passed.

It seems as if it was just a short time ago when, in June of 1988, we passed TEA-21, the Transportation Equity Act for the 21st Century. This continued the basic policy structure established in ISTEA. It dramatically increased funding of the Federal Surface Transportation Program and established important budgetary protections or firewalls to guarantee highway and transportation spending. And, for the first time since 1982, we increased the minimum return to 90.5 percent, which was very important.

I also want to make sure the record is clear from this Senator's perspective of the contributions to highways and transit, and basically good government, that came from John Chafee. I have been so fortunate. I worked through all these bills that I have talked about, and I have had the very good fortune to work with Senator Stafford, as chairman of the committee, the great Senator from Vermont; Senator Moynihan for a short time; Senator BAUCUS; Senator Chafee; and these men set a high level that we who are now trying to move this bill must meet.

But Senator Chafee was such a good friend to me personally. He did so many things to help me in my political career. Even though he was a member of the other party, he went out of his way to always try to make me look good. I will always be indebted to him and his family, and that includes LINCOLN, for all the good things that Senator Chafee did for me. Even though I

was closer to Senator Moynihan than I was to Senator Chafee, I felt such a kinship to Senator Chafee and cared a good deal about him, and his imprint is also on this legislation. Senator Moynihan could not have done much of what he did without Senator Chafee working with him.

This bill we have before the Senate is good legislation. It is imperfect. This legislation that is before this body is imperfect legislation, but it is the best we could do. For 50 States, having a formula that you put into a computer and do your computer run which comes out as good as this one says a lot for the great work of our staffs.

As Senator INHOFE has said, I would like to do different things in this bill. If I had been the person dictating what was in this bill, it would be different than what we have in it. But, frankly, I am down the totem pole. You have the chairman and ranking member and the subcommittee chairman and then me, but I did have some input in this measure. I think what we have come up with, as I indicated, is far from being perfect, but I think it is good legislation. And that is what legislation is all about.

Legislation is the art of compromise. I have been fortunate that a number of measures I have introduced are now law in this great country. I have never ever gotten everything I wanted. Everything that is now law that I introduced had to be changed. Anyone who is of the mind that they are going to get what they introduced is wrong because it just does not happen. I have never known it to happen.

This legislation we have been given by the two leaders we have 2 weeks to finish. If we do not finish it in 2 weeks, I am sorry to say what might happen. What might happen is this bill will be pulled, and we will have to extend the highway program for a year. That does not help any State. No State is helped with that program. Every State gets hurt. So we have to move and move quickly on this bill.

At the birth of the interstate system, safety and the efficient movement of people and goods framed the national transportation debate. Fifty years later, as President Eisenhower indicated, that is still the talk, the same speech. You could give the Eisenhower speech today on the floor of the Senate, and if we did not tell you it was 50 years old, you would think it was being given by someone who wrote it today. Fifty years after President Eisenhower's interstate highway system, safety and efficiency remain our foremost objectives.

This year, traffic congestion will cost Americans more than \$67 billion in lost time and productivity—\$67 billion in lost time and productivity—and it will waste almost 6 billion gallons of fuel. I cannot imagine 6 billion gallons of fuel. I do not know where you would put all that, but that is how much is wasted, which only increases our dependence on foreign oil.

As for safety, traffic accidents last year killed 42,000 people. We can reduce the toll of traffic congestion. We can save lives by making our highways safer. We have a responsibility to keep working on these problems and to find meaningful solutions.

The bill currently before this body represents a major commitment to maintain and improve our national transportation infrastructure. It also creates jobs.

Again, there has been controversy over there not being enough jobs created during the 3 years that President Bush has been President. Those people who are trying to damage this bill should understand this legislation will create hundreds of thousands of jobs, some say as many as 2 million jobs.

The majority leader of the Senate was here today, and he said for every \$1 billion we spend in this highway bill, \$2 billion will be created by other things, the offshoot of this legislation. We know for every \$1 billion we spend on infrastructure development, 47,000 high-paying jobs are created. We know that. And these are well paid, skilled jobs for Americans.

This bill is also a referendum on improving our quality of life. No other measure will we debate in this Congress that has the potential to so dramatically impact every facet of our everyday lives.

I thank my colleagues, the entire committee, but especially Senator JEFFORDS, Senator INHOFE, and Senator BOND for working to craft a bipartisan package that continues the intermodal legacy of its predecessors, ISTEA and TEA-21.

Our proposal does not make dramatic changes to the core program structure because it does not need to. The groundwork has already been laid. During a year's worth of reauthorization hearings, the committee learned that the basic structure does work.

This package refines and improves the current program to ensure that our investments have the maximum impact on improving our surface transportation system.

Nevada is the fastest growing State in the Union and has been for more than a decade. Clark County—that is where Las Vegas is located—has experienced the bulk of that growth. This growth represents unique challenges but also opportunities.

The bill before the Senate provides resources and programs that encourage the effective management and operation of our Nation's transportation system. The continued success of that system is essential to fast growing metropolitan areas such as Clark County, where traffic congestion and air quality are serious issues.

This legislation also places a renewed emphasis on safety by consolidating the various safety initiatives spread through the Federal highway program into new core safety programs. One of the aspects we have worked on includes something called the Safe Routes to

School Initiative. It was felt that we wanted to do everything we could to have kids walk to school, ride bicycles to school. Why do they have to have a bus pick them up and drop them off at their door? One of the things we are doing is creating safer routes for children. If they want to use a bike or walk, we have bike paths and sidewalks.

This is important because, for example, in Clark County, we have opened, in the last 2 years, 18 schools a year, a total of 36 schools. By opening one new school a month we can't keep up with the growth in Clark County. We have high schools that are approaching 5,000 kids. So the safer routes to school program will help promote healthy living by making it safer for children to walk or ride to school on bikes, not cars and buses. I am pleased this package moves the Nation's surface transportation program forward without jeopardizing our natural environment.

One of the things we did in this bill, which was difficult, States have complained about. Originally back before 1982, some States were barely getting 80 percent of what they put into these trust funds. We moved it to 85, 90.5. And now with this bill, the formula now before the Senate, every State, by the end of this legislation, will get 95 percent of what they put in. That is very difficult. It goes without saying that some of the States who were getting more than a dollar in years past, a lot of them continue to get more than a dollar, but some of them don't. The State of Nevada, under this formula, gets less than a dollar. But in fairness, the formula is a formula. It wouldn't have been right for the formula to be any different for me than it is for others. So this is fair. We have made it so every State at the end of this bill will get at least 95 percent.

In this legislation every State will get a percentage increase. This legislation is not perfect, but it is about as fair as we could do. I have worked with my staff the last 4 or 5 days to say, could you come up with something. I had a few problems with the legislation. Come up with something. I will talk to Senator INHOFE because we might have a formula that may be better. We couldn't come up with one. I wish we could have, but we couldn't. But what we have done here is the best we could do. The vast majority of the States will do extremely well compared to what they did in the past.

As with any compromise, this is not perfect. It is inevitable that some States will not be completely satisfied with the results, but it is important to note every State benefits from the growth in this program.

We worked hard to create a funding mechanism that allows all 50 States plus the District of Columbia to benefit from program growth while addressing several competing fundraising priorities: Donor versus donee, old versus new, urban versus rural. These have all been put in this formula, and we have

come up with what is as fair as we think we can do. The bill before us accomplishes that goal.

Once more, let me emphasize, every State benefits from the growth in the program. So again, I extend my appreciation to my colleagues—the chairman of the subcommittee, the chairman of the full committee, and Senator JEFFORDS, the ranking member—for the good work they have done. We are all going to have to be vigilant. I hope those who want to change the bill come here and offer amendments. I hope they do it as soon as possible. We hope to get to this bill tomorrow. We are hopeful and confident the motion to proceed should be overwhelmingly approved. I can't imagine anyone voting against this.

I was told by the person who asked me to object on their behalf on the motion to proceed that that Senator was concerned about the transit portion of the bill. That has been taken care of. The chairmen of the two committees have signed off on this. I hope we can move forward on this very quickly.

Again, I am glad we are here. What we do on this legislation will set a tone for the rest of this legislative year. I hope we can permit it. I should be more confident, like the players in the Super Bowl and the coaches: We are going to finish this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, I reextend my appreciation to the Senator from Nevada for all the help he has been. His expertise is well known in this Chamber, and he has been on the opposite side of me probably more than on my side. I like it this way better.

I would like to amplify a couple things Senator REID talked about. I think it is significant, when you talk about where we are now relative to where we were in TEA-21, the last 6-year reauthorization. Our average is 35.6 percent higher. The average State is higher than it was in TEA-21.

In the comments he made about a computer run, I know this is kind of complicated to explain to people because it is the only way I think you can come up with something that is very fair. Prior to this, in previous years under TEA-21, we had the 1104 table which was a minimum guarantee. That was a percentage that each State had that was a percentage of the total growth. It was purely politically driven.

I don't like the way some of these things come out of the computer. But when this came out, I agreed with Senator REID, there is not a better way of doing it. I will give an example. I was talking to one of the Senators from Pennsylvania who was complaining about perhaps not getting the share they should have gotten. So I did a comparison.

My State of Oklahoma—I hope no one from Oklahoma is listening right now—is 70,000 square miles. Pennsylvania is 46,000 square miles. My State

of Oklahoma has a population of 3.5 million. They have 12.2 million. The historic rate of return since we came in to the first bill, through Senator Moynihan, has been .87 percent. Pennsylvania has been 1.16 percent. This is the key: the total miles. Unfortunately, I don't have this less toll roads, but I will explain the difference.

If you take the total amount of miles in my State of Oklahoma, it is 112,000 miles. The total number of miles in Pennsylvania is 119,500 miles, but that includes toll roads. We all know Pennsylvania has a lot of toll roads. So when you take them out, I am quite sure the number of miles we refer to in this legislation would be more than Pennsylvania. And yet if you look back historically, in 1998, Oklahoma received \$351 million; Pennsylvania \$1.16 billion. In 1999, Oklahoma received \$413 million; \$1.3 billion for Pennsylvania. It goes on consistent with that.

What I am saying is, even under the formula we are looking at right now, Pennsylvania is getting back about three times the amount. Again, there are other factors. I am sure we will be talking about those from State to State. But it shows it is very difficult to come up with something that is fair. There is not one State that will not be able to go back to their people and say how well their State is doing under this.

I don't sound like a conservative Republican when I am talking this way, but this is one area where conservatives believe Government has a function, a strong role, and that is to build infrastructure. We have not been doing a good job of it. I know this because I spent 8 years in the other body. During that time, I was on the committee called Public Works and Transportation. It is strictly transportation, not like EPW, which is environment, all the regulatory agencies, and transportation. So it is just about half the jurisdiction. But during that time, we watched what was going on, and I was right on top of it.

When I came over to this body in 1994, I became chairman of the Clean Air Subcommittee. I kind of left the transportation part. When we came back and I became chairman of the Transportation Infrastructure Subcommittee, all of a sudden I realized what had happened in the 4 years I had been detached from transportation.

When you talk about the number of vehicles that are traveling, the number of trucks, the number of congestive stops, where you have to sit and idle your engine—we are handling all of these things in this bill. I think during that 4-year period we did a bad job. We didn't do what we should have done. Quite frankly, in 1998, I wasn't real happy that we weren't really meeting the problem. A computer run is tough. You have to consider that some States are fast growing States, such as Nevada, big States such as California, Florida, Texas, and some of them would be complaining that they are not

doing too well. It is because you have to have a ceiling, a growth ceiling. If you have a growth ceiling and they are getting back an inordinate amount of money, it bumps into that ceiling. At the same time, you have donor and donee States. If you take Texas and Pennsylvania, both of which might argue they are not treated fairly, if you make a change in one, it is making an adverse change in the other. I think we have to say we have done a good job when you look at this.

One thing I think is important to talk about is the public views. I think the general feeling is that we spend too much money in Washington, and I think we do. But when it comes to their views on transportation investment, it is totally different. In January, last month of this year, Zogby International conducted interviews of a thousand likely voters chosen at random nationwide. That is a pretty big sampling, as those of us know who read these polls. It is about twice the size of the average poll.

Eighty-seven percent of those interviewed said the Nation's highway and public transit network is very important to the Nation's economy; 83 percent agreed that President Bush and Congress should do more to help create jobs for those Americans who want to work, even though the latest Government statistics suggest that the U.S. economy is rebounding; 69 percent favored boosting Federal spending on transportation projects during 2004, and that is significant—69 percent of the Americans favor boosting the amount of money of Federal spending on transportation projects during 2004 as part of the transportation or jobs creation initiative, as well as part of the transportation needs and infrastructure needs. I think that is very significant. According to the same pollster, that is how nearly 70 percent of American voters responded.

In a survey they conducted a year before, they said they believe America is facing a transportation capacity crisis. That is what I was saying we were observing a year ago—that our Nation's roads, airports, and mass transit systems are struggling to handle a growing population economy. Fifty-six percent overall, and 79 percent of young women with children, said traffic congestion is depriving them of more time with their families or for leisure activities than it did just 5 years ago. That is significant.

These are social problems that exist because we are not doing an adequate job. These answers should not surprise anyone. It says that, since 1982, the U.S. population has grown almost 19 percent, the number of registered motor vehicles has increased by 36 percent, and vehicle miles traveled has ballooned 72 percent. Surprise, over the past 20 years, we have added less than 5 percent to road capacity and even less than that to public transit. So we added even 5 percent less to road capacity in spite of the fact that the population has grown 19 percent and the

motor vehicles have increased by 36 percent.

Just take that as one statement, one statistic, and that justifies everything we are doing in trying to beef this up. It proves that what we are doing now is inadequate, but it is the best we can do under the circumstances.

Forty-eight percent of those surveyed by Zogby described the condition of the roads in their local communities as either fair or poor. That was the assessment of 75 percent of Hispanic Americans.

The survey polled a random sample of a thousand likely voters nationwide—the margin of error is plus or minus 3 percent—and highways and public transit are consistently important to Americans. They said in a commentary accompanying the survey that highway safety and efficient public transit are also high priorities. Overcrowded roads are not only a concern for commuters but also for Americans who are nervous about another terrorist attack.

Other key findings: 80 percent think the Nation's highways and public transit network is extremely important or very important to the U.S. economy. The fact is, I commented in my opening remarks that this is by far the biggest jobs bill that we can be considering at any time. That is what 80 percent of Americans say.

Nearly 8 in 10 also agree that an investment in highways, bridges, and public transit should be considered an important element in homeland security and national defense. We know this administration is very concerned about national security and homeland defense. I am glad they are. We are overdue in addressing these issues. The people agree with that, also.

Nearly 90 percent feel it is important that their representatives in Congress fight to ensure sufficient Federal funding for transportation improvement projects in their local areas. That is interesting because this is at a time when people are complaining about the amount of money we are spending.

Two-thirds of Americans say roads and public transit systems play a highly important role in their everyday lives. We are concerned about congestion. I am in my State of Oklahoma. I am sure it is the same problem in North Carolina and virtually in every State.

One of the foremost authorities in putting together, consolidating the concerns has been the Texas Transport International; that is the Texas Aggies' group that put together something that they conduct annually—not just in Texas but throughout the country—as to what we are going to do about congestion. They said, less than a year ago, that 59 percent of the Nation's roadways today are experiencing significant traffic congestion compared to only 34 percent in 1982.

Fully two-thirds of the major roads in the 75 U.S. urban areas are congested during peak travel periods, com-

pared to only one-third in 1982. That is double. Both figures will increase without additional investment. The average number of hours per day with congestion that might be encountered on urban roads has risen from 4.5 hours in 1982 to about 7 hours in 2001.

The average annual delays per peak road traveled in 75 urban areas is 60 hours. That is significant because, when you have delays, you are also talking about pollution and about leaving cars running and trucks running, polluting the air, using up the fuel. We have an energy crisis in this country to start with.

Traffic congestion is now responsible for 5.7 billion gallons of wasted motor fuel. The total cost of traffic congestion to the U.S. economy and lost productivity and wasted motor fuel in 2001 was almost \$69.5 billion, or putting it down so we understand it, that is \$528 per person. I think sometimes we throw around figures of billions and trillions and it is difficult to understand, certainly, for people who are not spending this much time studying these things in Washington. That \$69 billion equals \$528 per person.

Shortly, I am going to talk about some of the other areas of the bill specifically, section by section. At this point, I will yield the floor because I understand the senior Senator from Texas has comments she would like to make.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I thank the chairman for allowing me to speak on this legislation because let me say that I hope in the end I will be able to support the bill.

At this point, I could not possibly do that because of the inequity to Texas. Let me say that I know the chairman is working with other Members to try to come up with solutions, and I hope I will be able to support the bill in the end.

Most of the goods that drive our economy ride on our Nation's highways in large part because over the past 50 years the Federal Aid Highway Program has assisted the States in producing one of the world's finest highway and mass transit networks.

The majority of that system was designed in the 1950s to meet the needs of a rapidly growing nation to connect to new population centers in the West. Today, there are other critical needs to be addressed different from those in the 1950s, particularly the amount of trade that is stemming from NAFTA and the increased burden on our infrastructure that NAFTA produces.

Although strong trade partnerships with our neighbors—Mexico and Canada—have provided substantial national benefits, the resultant traffic is devastating to our Nation's infrastructure.

Back in the 1950s, our smaller States and Western States needed the extra help at the expense of States such as Texas. But now, I think, every State

has more of an ability to contribute to its own infrastructure. The ability to contribute is much more equal today than it was in the fifties when there were huge inequities in the amount of national infrastructure.

The State that has borne the greatest burden in the entire life of the Federal Aid Highway Program has been my home State of Texas. We are the single largest donor State. Since 1956, Texas has contributed over \$5 billion more to the program than the State has received in funds to build its own highways. In fact, there has never been a year that Texas received more in highway funding than it sent to Washington.

Texas has the most highway miles of any State in our Nation. Therefore, the people of Texas, obviously, buy more gasoline and, therefore, contribute more to the tax. Over the past 12 years, Texas and other donor States have made good progress. In 1998, Texas received only a 76-cent return on every dollar sent to Washington, a loss of \$1.7 billion. Current law guarantees us 90.5 cents on the dollar, but this is still very inequitable.

Though we expected to equalize more this year, hoping to get up to 95 cents at least, that has not happened. I cannot possibly support the highway funding formula in this bill. I am concerned that in an effort to limit costs, the committee created a new class of superdonor States.

It appears that Texas, California, and Florida have been designated to shoulder the burden of the Nation's transportation network at the expense of their own. I have to object to this new superdonor category.

The bill before us distributes \$227 billion in highway funds using a formula that will hold six States—Texas, California, Arizona, Colorado, Florida, and Maryland—at a 90.5 cent rate of return for 5 years. So for every dollar our constituents send to Washington, they get 90.5 cents back. Only in the final year, the sixth year, does that increase to the level of 95 cents. If Texas were to receive 95 cents for all 6 years, the formula would provide Texas an additional \$700 million over this period.

These superdonor States have one aspect in common: They are the fastest growing States in America. Ironically, the formula in the bill offers the least relief to States whose needs are most pronounced, States whose cities and populations are developing most rapidly. Three of these six also are on the Southwest border, so we have the added burden of infrastructure needs from NAFTA in addition to being high growth states.

The committee thinks we should like this legislation because while the total spending grows 36 percent, Texas will see a 42 percent dollar increase compared to 6 years ago. However, our increase has little to do with the formula but is caused by Texas buying more gas and paying more taxes into the highway trust fund.

In 2002, Texas contributed 9.11 percent of the total dollars in the trust fund, up from 8.27 percent 4 years earlier. Buying more gas allows us to contribute more funds. We do grow in dollars returning to the state, but we don't grow as much as we are putting in. We keep the same rate of return, 90.5 cents on the dollar, until the sixth year.

Ever since the 1993 passage of NAFTA, it is these fast-growing superdonor States that are the major trade gateways to the United States. Eighty percent of NAFTA traffic travels through my home State of Texas. But while the entire Nation benefits from that resulting commerce, Texas bears the brunt of maintenance and upkeep on our highways, and those costs are not insignificant.

To its credit, the committee did, for the first time, create a border and a corridor fund that represents some of that added burden on the States on our northern border with Canada and our southern border with Mexico. I commend the chairman and thank him for adding those funds.

However, the \$1 billion for each of those funds which, by the time Texas gets its fair share, will still not bring us up anywhere close to the \$700 million we are losing by not being treated like other donor States.

In 2002, over 4 million trucks hauling 18 billion pounds of cargo entered from Mexico through 24 commercial border crossing facilities. Over 3 million of those trucks, or 68 percent, entered through Texas.

In addition to commercial traffic, 90 million personal vehicles from Mexico also traveled through the Southwest border States. So Texas now with a bigger infrastructure burden is getting less percentage of what it sends to Washington than almost all of the other States.

I am just hoping the chairman will work with us, not to create a new superdonor State category. I hope we don't break precedent and create this new sort of stepchild in donor States that will also be used for other formulas for other kinds of State aid.

I understand small States have the ability to have more votes in the Senate. I understand small States may believe they should have more of a piece of the pie than the larger States. However, representing a large State as I do, I just have to say I think we are all much more equal in capacity now than States have ever been before, and the concept that there should be donor and donee States should be going by the wayside.

I am not saying we would want to do something that cuts people off precipitously or hurts people immediately, but I think we ought to be in a phasedown of the entire donor-donee State strategy or attitude because I think every State should be able to decide, getting 100 percent of what it sends to Washington, what it wants the money spent for. If we are going to

have a Federal highway system, we all want it to be a good system, and perhaps there should be some donor capacity. But a 10-cent-on-the-dollar donation seems to me to be too high. I hope the chairman will work with us to create all donor States equal, to create everyone at least at a 95-percent rate of return. The House bill treats all of the donor States the same. Donee States do vary all across the board. But we have never made a new class of donor States, and I hope we will not do it in this bill.

I hope the chairman will work with those of us who believe there should be a much more equitable funding formula so that I can support the good provisions in this bill.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. As we talked about before, there are always problems in formulas. There are so many things to consider, as we outlined, such as fast-growing States, large States, small States. I would have to say to the senior Senator from Texas, we in Oklahoma are kind of in the same situation as Texas. We have always been a donor State. We are just delighted to look down the road and see that there is a light at the end of the tunnel and that we are getting to the point where we will all have a minimum of 95 percent. I can remember when that number was at 77 percent and then 80 percent and then 90.5 percent and now up to 95 percent.

This is one of the difficulties. The Senator from Texas is from one of the three largest States and it is a fast-growing State. In my opening remarks, I mentioned that to come up with a formula, as the Senator from Nevada has said, it is a very difficult thing, because there are fast-growing States. There has to be a ceiling but there also has to be a floor. There has to be consideration for donee and donor.

I thought it was kind of interesting, during the remarks of the Senator from Texas, that the Senator from Nevada came over and said, I wish we were doing as well as Texas on percentages.

Later on we are going to have full-size charts.

Mrs. HUTCHISON. Madam President, could I offer to make that trade to the Senator from Nevada on a percentage basis? I will trade him right now.

Mr. INHOFE. Later on we are hoping we are going to have larger charts to be able to show one for every State, but this one which I will hold up—I hope everyone will be able to see it—we take under TEA-21 the average in the State of Texas was \$2.1 billion. That is the average of each year for a 6-year period. Starting in 2004, they would go up to \$2.6 billion; 2005, \$2.8 billion; 2006, \$2.9 billion; and going on up at the end of 2009, it would be \$3.6 billion, almost \$3.7 billion, which is a huge increase, of course, over previous years.

I recognize there will be a lot of States that are not going to be happy with their formulas. It is those people who try to find a better formula, after we put all of our resources together and spent a year doing this, who have had a very difficult time coming up with something that is going to be any better.

Quite frankly, I spent some time in Texas. I held a field hearing in Texas. I talked to them and hopefully they are going to be very pleased with the massive increases, the percentage increase. For the State of Texas under this bill over TEA-21, the previous 6-year authorization bill, is 42 percent. Now the average increase is 35.6 percent. So Texas is way above the average increase and way above the average amount of the average States.

I recognize there are problems with any formula, but those are some facts we are dealing with and things we had to consider. It is always difficult when representing 50 States, as we were in the committee. I would like to have done a lot better for my State of Oklahoma. I know Senator SANTORUM talked to me about some of the problems in his State. When we look at the State of Texas and the State of Pennsylvania, where there is a donee State that is dissatisfied, the only way that can be improved would be to do something to lower the ceiling in the other States. So it is a difficult thing to deal with.

I certainly will yield to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I do understand the difficulty of dealing with these formulas, and I am sure the chairman of the committee and the ranking member tried in every way to please as many people as they possibly could. It just seems wrong to create a new level of super donor State. Yes, we have increased to 42 percent instead of the average 36 percent, but that is because our people are putting more in the highway fund because we are buying more gasoline. Therefore, of course, our rate of increase would go up. We are still in the same position of sending a dollar to Washington and getting 90.5 cents back until year 6. It is just hard to see that a donee State has more infrastructure burden than a State like Texas which not only has the most highway miles but has 80 percent of the traffic from NAFTA.

I would love to take the chairman of the committee to I-35 where it is a parking lot from Austin to Dallas. It takes more time to drive from Austin to Dallas than it does to fly from Austin to Washington. It is just ridiculous. It is a parking lot, and that is because it comes from Mexico through Texas and we do not have the capability to expand at the rate the traffic is expanding on that NAFTA corridor.

As I said in my statement, the chairman did create a real border corridor fund that will be helpful, but it still does not nearly make up for the deficit we are sending in this new super donor

State capacity to Washington. It is \$700 million we could be spending on our own infrastructure trying to meet these needs if we could get 95 cents on the dollar back so every donor State would be equal.

I know it was hard. I absolutely appreciate that. Unfortunately, representing Texas for 10 years, I have been in a lot of the formula fights, and small States tend to win. I know the Senator from Oklahoma has been a donor State and knows how it feels, so he probably understands how I feel right now. I just hope in the end we can see that we will get to 95 cents either through the help of the border corridors or in the formula in some way to acknowledge we should not be a super donor State with all of the problems we have.

Mr. INHOFE. Reclaiming my time, there is a lot of truth to what the Senator says. One thing that needs to be clarified, and we have asked the staff to do it because it has not been done before, is to see—I mean, we are in the same situation. The State of Texas today is getting back 90.5 percent. We are getting back 90.5 percent. It is kind of an interesting study that is being conducted right now to determine how much of the money—when the Senator says Texans pay in so much and get back so much, a lot of the fuel that is being purchased, subject to excise tax, is not purchased by citizens of Texas, particularly talking about a corridor going through. I know when I am down there, I purchase a lot of fuel. That same I-35 goes through my State of Oklahoma. A lot of the NAFTA traffic is traffic that is not Texas traffic, but they are purchasing fuel there. It would be interesting to know whether or not the citizens of my State of Oklahoma or the citizens of State of Texas are actually getting back perhaps more than they are paying in in fuel revenues.

Mrs. HUTCHISON. That would certainly be an interesting study to have. I would also point out that part of the purpose of the gasoline tax is to maintain highways for use, and even if it is someone like the Senator or someone using the highway for NAFTA purposes, they are using the highway and it is the wear and tear that must be maintained.

Mr. INHOFE. I thank the Senator from Texas.

I do not see others waiting to be heard. As we all know, tonight, in about an hour and 25 minutes from now, we will be having a cloture vote. Is that correct, Madam President?

The PRESIDING OFFICER. Yes, that is correct.

Mr. INHOFE. Between now and then, we will have a chance to hear from a lot of people, and as they come in I would be glad to have them heard on this subject. In the meantime, I will make a statement that I would otherwise be making after the cloture vote. I am hoping the cloture vote will be successful and we can move right on to

this very significant vote. In the meantime, I am inclined to want to share a few things that are in this bill, which I would be glad to do at this time, and then yield to any Senator who comes in who may want to be heard.

I ask the Chair to go ahead and recognize the Senator from Massachusetts now, if he wishes to be recognized. Mine is going to be a rather long statement. We will go ahead and move to that when the Senator from Massachusetts is through.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Mr. KENNEDY. I thank the Senator. Madam President, the matters before us are of enormous importance to this country, and certainly to my State. These issues dealing with road transportation and mass transit are basic, fundamental to our Nation's infrastructure and our economy. We are going to be focusing on this over the next several days. We are very much looking forward to it. There is an incredible need for attention to these important investments.

But I welcome the opportunity to take just a moment or two at this time to recognize the extraordinary success last evening, when the New England Patriots played the Carolina Panthers. Some 80 million Americans watched that extraordinary game.

I have a resolution which will give me a great deal of pleasure to offer in behalf of myself and my colleague and friend, Senator KERRY, who is not here physically but joins with his enthusiasm to urge favorable consideration of this resolution which is meant to congratulate the New England Patriots for their dramatic victory in yesterday's Super Bowl. It could not have been more exciting.

With 7 seconds remaining in the game, the score tied, Adam Vinatieri kicked a 41-yard field goal to clinch the Patriot's second Super Bowl success in the past 3 years. Mr. Vinatieri is making a trademark of kicking the winning field goals in Super Bowls. Two years ago, his 48-yard field goal won the game as time expired.

I also congratulate Tom Brady, the youngest quarterback in National Football League history to win two Super Bowls. He had another outstanding day with 350 yards passing and had 3 touchdown passes. Mr. Brady's performance gave him his second Super Bowl Most Valuable Player trophy in 3 years.

The Patriots had a remarkable season. They tied the Miami Dolphins' record in 1972, winning 15 straight games. Much of the credit goes to the man named Coach of the Year, Bill Belichick, and his two outstanding assistant coaches, Romeo Crennel, who produced the No. 1 defense in the National Football League, and Charlie Weiss, who produced the team's outstanding offense.

Among the Patriots' heroes of last night's game, and for the entire season as well, was the offensive line. They did an outstanding job of protecting quar-

terback Tom Brady. In fact, they allowed no sacks of the quarterback in the Super Bowl or in any of the other games in the post-season playoffs. Truly a remarkable record.

I want the Senate to adopt the pending resolution commending the Patriots on their dramatic victory in a game that will surely rank as one of the most exciting Super Bowls ever.

I notice in the chair the wonderful Senator from North Carolina, Mrs. DOLE. I commend, certainly, her enthusiasm for her team. She has reminded me of that enthusiasm and her very strong support. I commend the Carolina team for showing extraordinary sportsmanship and competitiveness and just a superb performance by that team.

If it is agreeable, I believe the resolution is at the desk. I believe it has been cleared.

The PRESIDING OFFICER. We do not have the resolution at the desk.

Mr. KENNEDY. Madam President, I will call for consideration of the resolution at a later time. We will do that, under prior agreement, at a time, as I understand it, that will be later in the afternoon.

Mr. INHOFE. Will the Senator yield?

Mr. KENNEDY. Mr. President, on another subject, I want to address the Senate for just a few moments on one of the important aspects of the President's budget. The President's budget should be looked at, not only for what it contains, but also for what is not included in the budget.

Mr. INHOFE. Will the Senator yield so I can make a parliamentary inquiry?

Mr. KENNEDY. Yes.

Mr. INHOFE. Madam President, I am very interested in hearing the remarks of the senior Senator from Massachusetts. However, we are right now debating the cloture motion. While I think it is perfectly appropriate to talk about the game last night, I hate to get into another subject when we only have an hour and 20 minutes to be talking about our cloture motion.

I, first of all, ask the Senator if this is something that could be postponed until after that motion.

Mr. KENNEDY. I know we just heard my good friend from Texas talk about the Border Patrol and the commission that has been established.

Mr. INHOFE. Which is on this bill.

Mr. KENNEDY. It is on this bill. I am conscious of that. I will not take a great deal of time, but I am not familiar with restrictions. I inquired of the Chair to be able to work out a suitable time to be able to speak. I don't intend to take much time.

The PRESIDING OFFICER. Debate has to be relevant to the pending measure.

Mr. KENNEDY. Well, I will make it to be.

Madam President, 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. INHOFE. Madam President, I ask unanimous consent the quorum call be vitiated.

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

Mr. INHOFE. Under the rules, it is my wish, as the chairman of the committee, that we get to this very important bill. The Senator from Massachusetts has agreed, if he could be recognized, he would keep it down to 10 minutes. That would be acceptable to me, if it is acceptable?

Mr. KENNEDY. That will be fine. I ask to be notified when I have 30 seconds left.

#### THE BUDGET

Madam President, the President's budget that was submitted today, which is really the declaration by the administration with regards to defense and national security, but also is extraordinarily important in terms of health policy and education. There is probably not a more important document that is submitted by any President than the budget item indicating a nation's priorities. So that is why I wanted to be able to just take a few moments on one particular aspect of it, and that is the state of our economy and how this budget addresses the state of that economy or how it failed to do so.

I just wanted to share with the Senate the strong sense that we are in a jobless recovery. This economy may be fine for Wall Street, but it is bad for Main Street. I have certainly seen that in the last weeks or months that I have had a chance to get around this country. I saw it up in the State of New Hampshire, where every new job is paying 35 percent less than the jobs that had disappeared. I saw that down in New Mexico, where you still have 78,000 workers who are waiting for an increase in the minimum wage and the new jobs are paying 23 percent less.

It is the same in Arizona, in Michigan, in South Carolina, and across the country. South Carolina has lost tens of thousands of jobs. So I was interested about what is in this budget, or what would fail to be in this budget, with regard to American workers.

One of the principal concerns that I find from families while traveling across this country is the failure of the Senate to respond to the problems of those who are unemployed with the extension of the unemployment insurance. There are 90,000 workers a week who are losing their unemployment compensation. There is virtually nothing in this legislation that deals with that. The unemployment compensation fund has nearly \$20 billion.

The proposal that has been offered by Senator CANTWELL and others would provide for some 13 weeks of unemployment compensation. It has been rejected by the other side more than 12 different times.

Look at this chart. It shows the average number of out-of-work Americans who are running out of unemployment benefits and not finding jobs. The aver-

age monthly rate from 1973 to 2003 was 150,000. The estimate for January 2004 is 375,000. And there is not one word in here to recommend that we have a temporary extension of unemployment compensation.

These are all hard-working Americans. They are not eligible for the unemployment compensation fund unless they have paid into it. They have paid into it. And we are finding objection from the other side to providing some relief for these workers. I can't believe that.

Second, I ask unanimous consent to have printed in the RECORD a New York Times editorial from Friday that makes this very point I have just made. I will quote part of it.

The pernicious joblessness bedeviling the nation is spawning a new category of Americans dubbed "exhaustees"; the hundreds of thousands of hard-core unemployed who have run through State and Federal unemployment aid. According to the latest estimates, close to 2 million Americans, futilely hunting for work while scrambling for economic sustenance, will join the ranks of exhaustees in the next six months. They represent a record flood of unemployed individuals with expired benefits—the highest in 30 years—who are plainly desperate for help.

The emergency program cries out for immediate renewal.

I ask unanimous consent that full editorial be printed in the RECORD.

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

[From the New York Times, Jan. 30, 2004]

#### EXHAUSTING FEDERAL COMPASSION

The pernicious joblessness bedeviling the nation is spawning a new category of Americans dubbed "exhaustees": the hundreds of thousands of hard-core unemployed who have run through state and federal unemployment aid. According to the latest estimates, close to two million Americans, futilely hunting for work while scrambling for economic sustenance, will join the ranks of exhaustees in the next six months. They represent a record flood of unemployed individuals with expired benefits—the highest in 30 years—who are plainly desperate for help.

President Bush and the Republican-controlled Congress are doing nothing to help these people. Washington showed no qualms last month in allowing the expiration of the emergency federal program that had offered an extra 13 weeks of help to those who exhausted state benefits. Historically, such help has been continued in periods of continuing job shortages.

A year ago, the aid was extended an extra year by Republican leaders. But now, the G.O.P.'s election-year talk is of a recovery rooted in the tax cuts weighted for affluent America. Tending to the exhaustees clearly mars that message.

The emergency program cries out for immediate renewal. It costs \$1 billion a month, money that is available from the federal unemployment fund.

In January alone, 375,000 unemployed people are running out of state benefits with nothing to help them through to spring, according to estimates of new federal data by the Center on Budget and Policy Priorities, a capital watchdog group. Without action, the exhaustee toll will mount.

Many will slip into the limbo of the more than 1.5 million Americans who have given up looking for work in the inert employment

market. These amount to the flatliners, industrious people overlooked on the administration's screen of spiking recovery indexes.

Mr. KENNEDY. Madam President, I also want to mention one other item that is included by reference. That is the item of the President talking about his overtime provisions.

Again, he has indicated his support on the overtime provisions that will effectively eliminate overtime coverage for 8 million Americans—primarily firefighters, policemen, and nurses, who are the backbone for homeland security.

I have said here a number of times that I was not only strongly objecting to the administration's proposal but I particularly object to the inclusion in the administration's proposal that talked about training in the Armed Forces which can make a worker overtime ineligible. That, I thought, was the cruelest part of the proposal.

We have American service men and women who are in Iraq, in combat, or in the National Guard and Reserve. Many of them will be coming right back and will return to the civilian job market. Yet if they are going to have the training in the Armed Forces, they could be ineligible for overtime. I have said that before on the floor of the Senate.

My good friend Secretary Chao—and I see the former Secretary of Labor presiding over the Senate—wrote a letter to Speaker DENNIS HASTERT. She pointed out we shouldn't worry about the fact of the military.

I ask unanimous consent that the letter be printed in the RECORD.

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

SECRETARY OF LABOR,

Washington, DC, January 27, 2004.

Hon. J. DENNIS HASTERT,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I write to provide you with the facts to correct the record following last week's Senate floor debate on the Consolidated Appropriations Act with regard to the Department of Labor's proposed revision of the Fair Labor Standard Act's overtime exemption regulations. I also would like to thank you for your support and leadership on the important issue.

The recent allegations that military personnel and veterans will lose overtime pay, because of proposed clarifications of the Fair Labor Standards Act (FLSA) "white-collar" exemption regulations, are incorrect and harmful to the morale of veterans and of American servicemen and women. I want to assure you that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training.

First, the Part 541 "white collar exemptions" do not apply to the military. They cover only the civilian workforce.

Second, nothing in the current or proposed regulation makes any mention of veteran status. Despite claims that military training would make veterans ineligible for overtime pay, members of Congress should be clear that the Department of Labor's proposed rules will not strip any veteran of overtime eligibility.

This has been one of many criticisms intended to confuse and frighten workers

about our proposal to revise the badly outdated regulations under the FLSA "white collar" exemption regulations. It is disheartening that the debate over modernizing these regulations to meet the needs of the 21st Century workforce has largely ignored the broad consensus that this rule needs substantial revision to strengthen overtime protections.

The growing ambiguities caused by time and workplace advancements have made both employers' compliance with this rule and employees' understanding of their rights increasingly difficult. More and more, employees must resort to class action lawsuits to recover their overtime pay. These workers must wait several years to have their cases adjudicated in order to get the overtime they have already earned. In fact, litigation over these rules drains nearly \$2 billion a year from the economy, costing jobs and better pay.

I hope that this latest concern will be put to rest immediately. Once again, I assure you that military duties and training or veteran status have no bearing on overtime eligibility. We hope that future debate on this important provision is more constructive. If we can provide further assistance in setting the record straight, we would be pleased to do so. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ELAINE L. CHAO.

Mr. KENNEDY. Madam President, let me quote a couple of parts of it. This is the letter to the Speaker by Secretary Chao stating "that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training."

That is what she says.

However:

Proposed section 541.301(d) states that "training in the armed forces" can make a worker an overtime ineligible.

This is new language. It is not in the current regulations. The only purpose is to take away overtime for veterans. Either it is in there or it is not in there. It happens to be in the regulation.

She states:

First, Part 541 "white collar exemptions" do not apply to the military. They cover only the civilian workforce.

No one is claiming that the rule affects the military force. The issue is the veterans who leave the military to work in the civilian workforce would lose overtime protections because they have had training in the Armed Forces. Then it goes on:

Second, nothing in the current or proposed regulation makes any mention of veterans status.

No. But the proposed regulation, for the first time, addresses "training in the armed forces." Veterans who work in the civilian workforce who typically have received such training.

It isn't the people who are in the military. We agree with that. It is after they get out that they are going to be subject to this. If they don't want it in, they ought to have another rule that eliminates that.

I want to bring to the Senate's attention the understanding of the National Association of Manufacturers.

Bush overtime proposal denies overtime to veterans.

The overtime proposal explicitly states that training in the armed forces can disqualify workers from overtime protection. Many employer groups encourage the Bush administration to deny overtime protection to more categories of work, such as veterans.

Look at these comments from the National Association of Manufacturers.

NAM applauds the department for including this alternative means of establishing that an employee has the knowledge required for the exemption from overtime protection to apply. For example, many people who come out of the military have the significant knowledge based on work experience.

There it is. Veterans who go in and have that specialized training which is so necessary not only for their security but the security of their squad members or their company members, their platoon, or whatever it might be, they get that. When they come back as a member of the National Guard and return to the civilian workforce, bang, zippo, their employer comes up and says, This is what the rule is. This is what the regulation is, the letter from the Secretary notwithstanding.

We are going to make an effort to eliminate that whole overtime rule because we do not believe the men and women who are the heart and soul of homeland security, who are the firefighters, police, nurses, and others ought to be carved out from overtime protections. There are many problems with our economy today, but one of them is not that our firefighters and policemen and nurses are getting paid too much.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. I thank my friend. I will take time at another time to go through the various provisions of the budget dealing with education and health. I think it is important that the American people understand exactly what those provisions do and don't do for the American people.

I thank the floor manager.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I appreciate the Senator from Massachusetts using the time. He has a concern about the extension of unemployment benefits, and we are all concerned about that. A lot of that would be alleviated with the passage of the transportation bill. This is the largest jobs bill we will be considering this year, or perhaps in a 6-year period. It is very significant.

Madam President, one of the goals for reauthorization of TEA-21 has been to increase the rate of return to donor States. We have talked about that. We have had several bills in the past in which we wanted to achieve that. In this particular one, we achieved it to a smaller degree in TEA-21. But in this reauthorization, we want to further increase the return to donor States without negatively impacting the growth of donee States. That is where we get into

the problem with the State of Texas and the State of Pennsylvania. If we do one, we will negatively impact the other. Our goal has been to streamline the project delivery process to create greater flexibility for States to spend their highway safety dollars in the areas of greatest need.

Most Members agree that in Washington we do not have all the answers. The Presiding Officer would admit readily that people in North Carolina know about the needs in North Carolina greater than we do. That is one good thing about this program; we do leave a lot of it to the States. We do more than that in this reauthorization. I have talked to people in a number of States, including people in the State of Texas, who are very pleased with the idea that they are getting more flexibility. This bill recognizes they have a better idea of the needs of their State. I certainly know that to be true in the State of Oklahoma.

Finally, the goals were to focus attention on freight movement. This has not been considered. Freight movement is the responsible party for a lot of the congestion referred to by several speakers so far, causing trucks to idle, cars to idle, time wasted when pollution carries on where we are paying for additional gasoline but nothing is moving.

Although the proposed bill before the Senate addresses each of these areas, it has not covered all the reforms I would like to cover. However, it is a good start. We made a good start. It has been in the spirit of cooperation. Historically, when we reauthorize a highway bill, it is not partisan. As we worked together, Senator JEFFORDS, Senator REID, Senator BOND, and myself, in many hours of putting together our best ideas, there were things I would have preferred to have in here that are not here. This is a good start.

The Federal aid highway system is a key component to America's continued economic growth. The free flow and movement of goods, safety for travelers, advancement and use of technology, and security of our borders and freight corridors are essential to our economic stability. Our investment in this critical infrastructure is not only required for people in goods movement but almost the foremost link in creation of jobs and opportunities for all Americans and represents the largest investing in discretionary programs.

I remember seeing that familiar square-shaped sign "Men Working" and someone very creatively inserted "Not"—"Men Not Working." It is clear, each day we fail to enact a comprehensive 6-year reauthorization of the highway program, we continue to erode the ability of our economy to grow.

Many colleagues share my strong desire to get this bill passed and sent to the President by February 29. On February 29, the extension we have on TEA-21 expires. No State benefits by

prolonging the process through temporary extensions of the current program. It disrupts planning; it disrupts the ability to plan ahead on the availability of workers to get the very most out of it. It is very important we do that. The proposal before the Senate provides the framework for transportation investments needed to accomplish our shared goal of creating new and better economic opportunities.

The centerpiece of our bill is the new Equity Bonus Program which replaces the Minimum Guarantee Program. The Equity Bonus Program increases the minimum rate of return for donor States while ensuring fair treatment to donee States, about which we have been talking.

All donor States reach 95 percent return on highway trust funds by 2009. That is a huge increase. We remember when it used to be 77 percent and 80 percent. In addition to the fact that we are going to get everyone up to 95 percent return in this bill, all States take home more money than they did under TEA-21. Unlike the current Minimum Guarantee Program, which is in place right now, where the table in section 1104 governed what your State received each year in Federal highway dollars, under the Equity Bonus Program the formulas are the driving force, not the politics.

The 1104 section approach, or minimum guarantee, is an approach that was purely politically driven. A lot of people were outraged about it. But they sat down and said we will put some percentages here until we reach 60 votes and we can pass a bill. But that is not fair. Certainly, we correct that situation in this bill.

We allow the formulas to work. We recognized there would be some inequities if we allowed the formulas to be the sole factor in distributing dollars to the States. Therefore, we subjected States to growth ceilings in each year; that is, there is a ceiling. So we get the fast-growing States that will not have more than they would be entitled to at the expense of those that are currently donee States. This accomplishes the two goals and keeps the costs of the Equity Bonus Program affordable and ensures that donee States are still able to grow.

We also recognized that States with lower tax bases have an added challenge to adequate funding of their transportation system. We define these States as States with low population or low population densities and low income. We guaranteed these States at least their TEA-21 rate of return.

Finally, large donor States do not reach 95 percent until 2009. This is a concern for some of the Senators from Florida, California, and Texas. This is because the growth ceilings prevent them from growing too fast at the expense of large donee States. This means they bump into the ceiling. For instance, if we were to increase the growth ceiling in any year to move the large donor States to 95 percent sooner,

the increased costs would be at the expense of the large donee States such as New York and Pennsylvania.

Since releasing this plan on January 21, I have heard from both large donor State members who are concerned their States do not reach 95 percent until 2009 and donee State Senators who believe their States do not grow as much as they would like. Both sides raise valid concerns. But the cold reality is, in order to get the bill through the Senate—we are talking about S. 1072, on which there will be a cloture vote an hour from now—it has to take care of both donor and donee States.

So there have to be compromises. We have made compromises. As the Senator from Nevada said, there are a lot of things he believed he cannot get for his State that he believed he should have, and the same is true for my State of Oklahoma.

After working on this for over a year, JIM JEFFORDS, KIT BOND, HARRY REID, and I decided the most fair, reasonable, and logical way to balance donor and donee needs was by creating ceilings and floors. Both benefit but both have to give up some growth in order to help others grow.

In order to get this bill off the floor, we have to have 60 votes, which means a balance between the donor and donee States. This proposal achieves that.

Another new initiative is establishment of a new core funding category for safety. With highway fatalities approaching an unacceptable 43,000 a year, Congress has the responsibility to make the roads safer. That is why we call this SAFETEA. The purpose of the new highway safety improvement program is to increase the visibility and effectiveness in funding for safety projects in such a way as to produce a dramatic reduction of highway fatalities and injury.

SAFETEA also addresses the significant challenges involved in intermodal connectivity by creating a set-aside from the National Highway System Program for the completion of “last mile” connections. One of the frustrating aspects of freight congestion is the need to complete the last connection between port terminals and highways or the connection between freight rail and highways. This has never been addressed in the previous authorization bills. This proposal not only identifies a funding source for intermodal connectors but also creates room at the planning table for freight interests and concerns.

Additionally, this bill lowers the threshold level for assistance under the Transportation Infrastructure Finance and Innovation Act, TIFIA, from \$100 million to \$50 million, which I think all four Members thought was a dramatic improvement, to make some structural changes to the program designed to make this financial tool more usable to States.

Freight congestion is not the only mobility issue. Personal mobility is also a problem in both urban and rural

areas. Reports indicate that on a nationwide scale, road congestion costs the U.S. economy about \$67 billion annually, including 3.6 billion hours of delay and 5.7 billion gallons of gasoline that is wasted. Here we are with a fuel crisis, an energy crisis in this country, and we are wasting 5.7 billion gallons of fuel.

The committee bill also proposes to give States and localities increased “tools” to deal with this problem, by permitting and encouraging the use of innovative techniques such as “hot” lanes for single occupants who pay a toll to ride in high-occupancy lanes as well as variable toll pricing, which uses varying peak-hour pricing to control congestion during regular high-volume periods. We have tried to do this in the past. We are just being more innovative in carrying this further.

SAFETEA establishes the Intermodal Passenger Facilities Program, which provides grants for making necessary connections between various modes of transportation. Current surface transportation programs fail to address the importance of intercity bus services. In my State of Oklahoma, many people are using the intercity bus services to travel between our two largest cities, Tulsa and Oklahoma City, and our rural areas.

In many cases, this type of service is the only link rural communities have to larger urban areas where connections can then be made to both national and international destinations. Specifically, this provision would encourage the development of an integrated system of public transportation facilities through intercity bus facility grants.

I see that the ranking member of the Environment and Public Works Committee, Senator JEFFORDS, is in the Chamber. I am sure he has a few remarks to make. If I could finish with this before I get into the section-by-section analysis, would that be acceptable with the Senator.

Thank you. I will go ahead and do that at this time.

During the 107th Congress, we all experienced a cold dose of reality when the revenue aligned budget authority—that is, RABA—was negative for the first time. Hysteria hit. We were all concerned at that time. The principle that dollars into the trust fund should equal dollars out is fiscally sound and responsible and something I strongly support. However, to maintain consistency in the program, we need to even out the swings in revenue projections.

Last year, we learned that unless the mechanism to predict future revenues is more realistic, the potential consequences can be disastrous. Some will argue that we should not allow negative RABAs. I disagree. As I stated earlier, I strongly support the principle of “dollars in equals dollars out.” If we continue to rely on the system of revenue projections, we must accept the negatives along with the positives. While the pay-as-you-go system of

funding highways may be cumbersome, it is also an important fiscal principle we should retain.

At the same time, we can and need to make improvements to RABA to make it more reliable in the future. This bill does that by modifying the RABA calculation so that annual funding level adjustments are less dependent on future anticipated receipts and more dependent on the levels of actual receipts to the highway trust fund.

We strengthen stewardship of highway trust fund dollars by requiring project management plans and annual financial plans to be submitted for all Federal aid projects above \$1 billion or more and requiring annual financial plans for all projects receiving \$100 million or more in Federal aid funding. Both of these items were raised in last year's hearings on reauthorization as areas needing additional oversight. I might add that even the States came in and were supportive of this idea.

As our system ages and becomes functionally obsolete, extensive reconstruction will need to occur. Typically, these projects are very large in scope and I believe require careful oversight to ensure proper management of funds and fewer opportunities for surprises in the construction process. These changes are designed to give us the information needed to accomplish critical oversight.

Colleagues, the bill in front of you represents the culmination of Senate efforts for reauthorizing critical transportation infrastructure needs across America. This bill aims at funding all States equitably and generously, increasing the safety of drivers and pedestrians on our roads, streamlining environmental review processes while protecting critical natural resources, improving program effectiveness and efficiency, and preparing for the transportation needs of the future.

I ask my colleagues to consider the significant level of effort put into the preparation of this bill by the several committees involved, the administration's recommendations, and stakeholder input. I believe this bill does that.

I would like to make one comment. We do have a vote coming up in 50 minutes from now, and we have several people who want to be heard. I would only say we have been talking a lot about formulas. As most of us know—but sometimes it does not come out forcefully—there are other funds that are going to be available. About 7 percent of the amount that would be in formulas would be found in projects. Anyone who wants this bill should consider voting for cloture so we can get on the bill. We would expect them to certainly support this motion if they have an interest in projects for their States.

At this time I will just repeat one thing I said earlier when the Senator, Mr. JEFFORDS, was not in the Chamber. We have been talking about how Senator JEFFORDS, Senator BOND, and, of

course, Senator REID and I have been working very closely, together with our staffs, to get to the point where we are now. So I publicly thank the Senator from Vermont for all the hard work he has put into this bill and for the cooperative method of how we have come to some compromises. Perhaps neither one of us is really excited about it, but we know that is the art of compromise.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I thank the Senator for his very kind words. I certainly reciprocate and acknowledge the amount of cooperation we have had, especially that our staffs have had working together, which has greatly stimulated all of us to recognize we have a good bill and we are going to get it done.

I would also like to announce to the Senator that I just left the Finance Committee, and we voted out—as was expected—favorably the money to get it done. So we are ready now to proceed to it tonight, and hopefully we will.

Chairman INHOFE and I are urging a “yes” vote, of course, to move the transportation bill to the Senate floor where it can be fully debated and amended. This bill will strengthen our Nation's transportation system, create hundreds of thousands of jobs, and improve the safety of our transportation system.

Our Nation's roads and bridges and transit systems need immediate attention. Passage of the bill will provide essential Federal funding to the States so they have the resources needed to maintain and improve our transportation infrastructure. We cannot afford to wait any longer to make much-needed investments in our transportation infrastructure.

Fortunately, unlike many other bills, our transportation bill will be fully offset and paid for. The Finance Committee did a tremendous job working this out. As I said just a moment ago, they passed it.

Let us not forget that each time you go to the gas pump, you are paying for this bill. Our transportation bill better spends the gas taxes you are currently paying. We do not increase the Federal gas tax; we better spend that tax to help States, counties, and cities address their transportation needs.

A 6-year bill will allow us to better spend the gas taxes and fund State efforts to reduce congestion, improve transit programs, repair dangerous bridges, and improve freight mobility. A 6-year bill will create over 2 million new, high-paying jobs. That is 2 million high-paying jobs.

Chairman INHOFE is absolutely correct; since the bill is deficit neutral, putting off our bill until next year will only make matters worse. So let's do it now.

An extension simply means that urgent highway and bridge repair costs will be more heavily borne by States and local governments than by the

Federal Government. A simple extension means commuters will spend more time stuck in traffic. A simple extension means visits to the grocery store or the doctor's office or the drugstore or the restaurant will take longer.

Thirty-two percent of our major roads are in poor or mediocre condition. Almost 30 percent of our bridges are in bad shape. We have to address these problems, and our transportation bill will help get that job done.

We are asking for a “yes” vote to move this bill to the Senate floor for a full debate on its merits, and we hope to do it soon. It will be open for amendment, and the chairman and I will work with all Senators in this effort. Do not forget, the EPW bill increases the amount of funding for each and every State. And every State gets more than they did last time. I think that is correct.

Chairman INHOFE has been a very forceful leader in this massive undertaking to reauthorize our Nation's transportation laws. He has thoughtfully devised an innovative plan that balances the interests of the great majority of donor and donee States.

That is a tough one. Chairman INHOFE is to be commended for his creativity and energy in crafting major aspects of the bill, which the EPW Committee is putting before the Senate.

As head of the Subcommittee on Transportation, Senator BOND has worked closely with Senator INHOFE and led the charge to obtain a strong level of funding for this effort.

Senator HARRY REID, the ranking member of the subcommittee, and I have worked together with Senators INHOFE and BOND throughout the Committee process and stuck together at the Committee markup to protect and enhance the passage of the bill.

History should also record that many fine staff worked long hours and proposed some excellent approaches for our consideration. They have done a tremendous job.

Before I conclude I would like to mention my old friend John Chafee. Six years ago, Senator Chafee was the Chairman of the EPW Committee. He moved this massive bill with the grace and the tenacity that was his trademark.

John Chafee was a giant in this body, and he is missed very much today by all those who had the wonderful opportunity to work with him and shared his expertise.

I can only hope that we all draw on the lessons of bipartisanship, of cooperation and of consensus that John taught us.

To sum up, we are asking for a yes vote to get this bill to the Senate floor for a full debate on its merits.

Our Nation needs this bill and needs it now.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I would like to take a few moments to raise some questions about

the wisdom of invoking cloture on this bill at this time. I am concerned that this is a deficient bill in a very fundamental sense.

One, it is deficient because one of the key parts of this bill, public transit, has not yet been voted out of the committee of jurisdiction. So we are dealing with a bird which is missing its right wing and a significant number of tail feathers. I believe we ought to wait until we can see the full program before we vote cloture on proceeding on this bill.

Second, the Finance Committee has just voted on the legislation relative to how to finance this bill. I will have to say, I am very concerned about the approach we are taking. Essentially the approach is, by whatever words you wish to use to describe it, to take money from the general revenue fund and use it to replace funds which historically have come from the users of the transportation system.

At a time when we just received a budget from the President that is over \$500 billion in deficit—I repeat, \$500 billion in deficit for this next year—to be further adding to the deficit by stripping out funds which would otherwise have gone to general revenue seems to me to be more than reckless.

Even if you accepted the proposition that it was all right to use general revenue to finance highway and transit purposes, the key portions of these funds come from what I would call, charitably, “funny money sources.” As an example, we use the closure of certain tax loopholes, which even have names such as the Enron tax loophole. That is probably a very good thing to do. The problem is, we have already done it twice before. We used the same set of tax closures of loopholes to finance the jobs bill. That is the bill that relates to international taxation and has been precipitated by the fact that the European Union declared—supported by the World Trade Organization—a portion of our taxation of international transactions to be illegal. And if we don’t provide an acceptable alternative, we face the prospect of very significant retaliatory tariffs against our products. So there is going to be a lot of impetus to get that bill passed.

The second bill which uses these same items is the CARE bill which is the charitable giving legislation that I know has a significant amount of support. Since we can’t use the tax loophole closures more than once, are we making the decision that we are going to do it for the highway bill and, therefore, have it unavailable for the jobs bill and the CARE bill?

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM of Florida. I yield, yes.

Mr. MCCAIN. Has the Senator seen the size of this bill?

Mr. GRAHAM of Florida. Yes, I have observed it. And I might say, it will be somewhat larger when the public transit section and the financing section are added.

Mr. MCCAIN. Has the Senator seen the first bill that we passed in 1956? This is the bill that was passed in 1956. This is the bill in 2004. How far we have come.

How far and disgraceful a path we have tread with this porkbarrel-laden piece of overspending at a time when we have all-time deficits.

I urge my colleagues—in fact, I urge the managers of the bill—to look at what they did in 1956 to fund the highways in the United States and what they are trying to do now which is wasteful and disgraceful. I wonder if my colleague would have a look at that.

Mr. GRAHAM of Florida. I look forward to doing so.

Let me make my last point with which you might not agree. I think we need to establish what are we trying to do with this legislation. We are not just passing a piece of legislation in order to shove money out the door. When we passed TEA-21 5 years ago, I made on this floor a prediction which saddened me but has come to pass; that is, that as a result of TEA-21, our highways, our bridges, and our public transit systems are in worse shape with greater congestion than they were the day we passed TEA-21.

Why is that? It is because we have either inadequately funded those basic parts of our American infrastructure or, if we did adequately fund them, the resources were not distributed to where the needs were the greatest.

Let me cite a few examples. According to the U.S. Department of Transportation’s conditions and performance report, which is prepared every other year to measure the needs of the Nation’s highways and transit system, let me quote from that report:

Capital investments by all levels of government between 1997 and 2000 remain below the “cost to maintain” level. Consequently, overall performance of the system has declined.

That same report estimates that over the 6 years of TEA-21, the quality of the highway system has degraded by 6 percent and that 29 percent of America’s bridges are considered structurally deficient.

On the issue of congestion, there is a study which was done by the Texas Transportation Institute, I believe, at Texas A&M University. This was what they had to say about congestion:

In 2001, 5.7 billion gallons of fuel were wasted as a result of congestion; 3.5 billion hours of lost productivity resulting from traffic congestion.

Those hours and gallons lost cost the Nation \$69.5 billion, a \$4.5 billion increase from the year 2000. The estimate is that if we appropriate the funds that are currently being suggested, that loss in gallons of gasoline and productivity will rise to \$90 billion by the year 2009.

Mr. President, we have lots of deficits in this country. We are talking today about the deficits in our budget. We talk regularly about the deficits in our trade balance. But we have another

deficit, and that is the deficit in our basic infrastructure. While it is not as graphic and we do not get a report on it as frequently as we do on the trade deficit or the fiscal deficit, it is just as pernicious and maybe even more so.

If you ask yourself the question, how is the United States of America going to compete in a global economy which worships at the altar of lowest unit cost of production and be able to maintain American living standards, that will be a major challenge for the next generation of the American public and their political representatives.

Mr. REID. Will the Senator yield for a question?

Mr. GRAHAM of Florida. I will conclude first and then I will take a question. I believe two of the fundamental parts of being able to answer that question are that the United States needs to have the best educated population on earth so that we can continue to generate the innovative ideas and the efficiency in production that has hallmarked our economy.

Second, the key responsibility of the public sector is to maintain an infrastructure that will be as efficient as possible. Those are two of the keys to American productivity which will allow us to compete in the global economy and maintain an average income and standard of living that is dramatic and above the rest of the world. In my judgment, this legislation will not achieve that objective, while at the same time adding to our national deficit.

For those reasons, I believe we should take more time with this legislation, see what comes out of the Banking Committee for public transit, be able to understand the implications of the financing program that was just reported by the Finance Committee, and what is going to be required in order to avoid another 6 years of degradation of our basic public surface transportation system.

Mr. REID. Will the Senator yield for a question?

Mr. GRAHAM of Florida. Yes.

Mr. REID. It is my understanding that the Senator from Florida is concerned about, for example, the bridges. Of all the bridges we have in America, about a third of them are in disrepair. The Senator is aware that some of these bridges are in such bad condition that school buses won’t drive over them. They stop the bus and have the kids walk across and the bus comes across and they load it up again. The Senator, from the statements I have heard him make before the committee on which we serve together, statements I have heard him making over the years, and in his experience as the Governor of Florida, indicates to me that he thinks we should do something about these bridges, as an example.

The Senator may be aware that prior to 9/11, I introduced legislation called the American Marshall Plan. The resolution has been passed by the National Council of Mayors and other organizations in the States saying we need to

do something with our infrastructure separate and apart from the regular highway bill we do every 5 or 6 years.

Is the Senator in a position to say in addition to the work being done on this highway bill, we need to look at other parts of the infrastructure, including water, sewer, and bridges? Does the Senator acknowledge that?

Mr. GRAHAM of Florida. Absolutely. I am privileged to serve on the Environment and Public Works Committee with our distinguished colleague from Nevada, and we both know the state of our water and sewer systems are even worse than our transportation system, in terms of their degradation and inadequacy, and with every year that passes, that degree of decline further accelerates. So we have many needs in America to reverse the decline of our infrastructure so that we cannot only have a quality of life today—water systems that will serve our people's needs, highways that are not excessively congested and are safe to drive on but also are absolutely fundamental to our economic well-being.

Mr. REID. I also ask this question to my friend. The Senator is aware that my legislation—after 9/11, other things got in the way and nothing happened with that. Is the Senator aware that the Banking Committee, which does mass transit—they have agreed on a mass transit bill. Is the Senator also aware that the Finance Committee has agreed—in fact, they have probably done that by now because they were meeting this afternoon—to make sure that bill is funded properly, as is our highway bill? Is the Senator aware that that has taken place?

Mr. GRAHAM of Florida. As a member of the Finance Committee, I can say that the Finance Committee has just voted out a financing program to support this legislation. We were not informed as to what the Banking Committee's number would be for public transit. It was estimated that it would be \$36.6 billion over 6 years. I don't know if that is the final number that the committee recommended.

Mr. REID. Let me ask a final question. The Senator is aware that the State of Florida, for example, in this highway bill, will wind up getting \$3,138,589,000, which is a growth rate of some 40 percent, and that the fiscal year 2003 number the people of Florida got for a return on the dollar they put in was the minimum, 90.5 cents. At the end of this bill, Florida will go to 95 percent; that is, they will get 95 cents back for every dollar. I think the Senator would acknowledge that is an improvement over the last bill for the State of Florida.

Mr. GRAHAM of Florida. I don't deny that this legislation is better than it has been. I make two points: One, it is not enough to keep pace with the annual demands on the system, both for maintenance and to avoid increasing congestion. Every survey I have seen, including those I just cited, give statistical validation to that.

The second concern is that we are going to be adding to one of the other deficits in this country, which is our fiscal deficit, by diverting money which otherwise would have gone into general revenue in order to pay the cost of both the highway and the public transit system.

Finally, the specific elements of that transfer from general revenue to the transportation fund are extremely questionable. I mentioned one set of so-called tax loophole closers that we have already spent before. How much confidence can we have that this bill is going to get to the finish line before the jobs bill or the charitable giving bill, so that this essential part of the financing package is still available? I think it is a high risk. I say that to someone who knows something about high risk. I think it is an unstable platform on which to place our Nation's transportation funding.

Mr. REID. What I hear the Senator saying is that the Senator has no question with the amount of money being spent in this bill, the Senator has some question how it is being financed?

Mr. GRAHAM of Florida. No. Even if we provide adequate financing to assure that this level will be allocated, I think we are doing as we did 6 years ago with TEA-21, assuring that whoever is here in 2009 is going to be facing a transportation system that has been further degraded.

Mr. REID. Mr. President, I do say this to my friend, and I ask that he respond: We have programs that are funded in this bill that were the property of Senator Pat Moynihan, principally, that I think are certainly far from being perfect, but they are the best programs we have had during the lifetime of this legislation.

I say to my friend, with the fact that we have 2 weeks to complete this legislation—we bring it up now or the majority leader said we wouldn't be able to do it—I would think doing this highway bill is so much more important than not doing it, that it is easier to weigh that on the scale of legislative necessity.

Mr. GRAHAM of Florida. I think that self-imposed standard that we have to do this in the next 2 weeks is unacceptable. This has to be done, yes, but it ought to be done when we have had an opportunity to view all the pieces and understand the implications of all the pieces. By trying to do this between now and what happens to be President's Day is arbitrary and does not serve the interests of our public and does not serve our ability to represent our constituents.

Mr. DODD. Mr. President, may I inquire, those of us who would love to be heard on this—

Mr. REID. Will the Senator yield? Mr. President, we have a vote scheduled at a quarter to 6. There are Senators who want to speak before the vote. I apologize to everyone for having taken the time with Senator GRAHAM. We have 25 minutes remaining. I won-

der if Senator DODD can indicate how much time he wants.

Mr. DODD. Ten minutes.

Mr. INHOFE. Will the Senator yield?

Mr. REID. Yes.

Mr. INHOFE. I suggest, we have 24 minutes and we have three people to be heard, including the Senator from Connecticut. That is 8 minutes apiece. Does the Senator object to speaking for 8 minutes?

Mr. DODD. No.

Mr. REID. Mr. President, I ask unanimous consent that Senators DODD, BOND, and THOMAS be recognized for 8 minutes in that order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend all of my colleagues who worked on this legislation. This is a difficult bill. I have been around this institution long enough to know that when you have highway bills and formulas, it is always complicated. We are seeking perfection, and we are never going to achieve it. I admire those who serve on these committees and have to work on these issues to try to put these bills together. I begin on that note.

I also thank my colleague from Florida who knows a lot about transportation issues and has worked on these issues a long time. I associate myself with his remarks.

I am concerned about this bill. I have talked with my colleagues about it. I wish to say publicly that I am grateful to the distinguished Senator from Vermont, the Senator from Nevada, and others who spent some time talking with me about this bill and what happens to my State.

Obviously, we all begin by looking at what happens to our States in a bill such as this. Connecticut receives, under the present version of this legislation, the smallest increase of all of the 50 States, a 10-percent increase. I am deeply worried that we are no longer discussing a bill that was once rooted primarily in the notion of need and are now moving into a different consideration for how these dollars will be spent.

My State is a donor State. It contributes more each year in tax revenues to the United States than we receive back in funding.

As a small State, we do not contribute more than we get back in terms of gasoline tax revenues. My State is 100 miles long. The average vehicle can cross my State with about 3 gallons of gasoline.

Yet I think everyone is aware geographically where my State is located. It is a thoroughfare. Millions of vehicles literally every year pass on the Northeast corridor through my State.

So with the wear and tear on our highways, the tremendous congestion, the huge volume of transportation that occurs, it is unfair to make allocations solely based on gas tax revenues.

I particularly note, as I look at the managers' amendment, that there is a

provision that provides for a floor of a 35-percent increase for States with a total population density of less than 20 persons per square mile, a total population of less than 1 million people, as reported in the decennial census conducted by the Federal Government 2000, or a median household income of \$35,000.

There are seven States that fall into that category. Where is the need? Those States receive a 35-percent increase in funding, regardless of whether there is any traffic, or whether there has been any deterioration in road conditions at all. Here we are taking seven States which have fewer than 20 people per square mile, a population of less than 1 million people, or a median income of less than \$35,000, and yet they get a 35-percent increase. But a State such as mine that has cars and trucks passing through all night long and all day long believes that these highways are critically important to our economy and well-being. I am troubled by how this formulation is being considered.

It is worthy of note that when we first wrote the highway bill, to which Senator McCAIN referred, back in the 1950s, it was called the National Defense Interstate Highway System. Few people today would deny the indispensable role that the Nation's highways, as well as mass transit systems, play in homeland security.

I can say to my colleagues, I am sure they are aware of this, that on September 11, 2001, one of the reasons my State was able to contribute as much as it did to the devastation in New York is because of that National Defense Interstate Highway System that Dwight Eisenhower authored back in the 1950s. It allowed for our first responders to get into New York City, as well as for people to flee that city, which is exactly what Dwight Eisenhower had in mind when we created the National Defense Interstate Highway System.

Today, as we talk about the needs of my State and others—by the way, there are a variety of States throughout the Northeast and Midwest that I don't think do as well as they should be doing under these formulations. I know this is a work in progress, and I know we are not done yet. I say that with the full knowledge of those who helped us work on it.

I felt it necessary this evening, as we prepare to vote on cloture, knowing these formulas can get locked in and once they are locked in, it is awfully difficult to change them. Trying to add discretionary funding here and there may be satisfactory to some, but we are looking at a 6-year bill where economic development and congestion is so incredible.

Tonight, one could go on Route 95 in my State and see that it is a parking lot. It isn't just between peak hours; it is getting that way all day long every day because of the tremendous congestion.

As the Senator from Florida pointed out, we need to know what the mass

transit piece of this legislation is going to be. I am pleased things seem to be moving in the right direction, but it is going to be awfully difficult to try to explain to people why certain States are just so limited in their ability to get the resources necessary to see to it that they can replace the older infrastructure to accommodate the tremendous demand that is building up in our region of the country.

I hope we will take a look at some of these formulations. I say with all due respect to the seven States that are going to automatically get 35 percent, show me your need. If you have a need, I will listen, but if you are merely going to get a 35-percent increase because you have less than 20 people per square mile, population of less than 1 million, or median income of less than \$35,000, how do you justify getting a 35-percent increase when the need doesn't exist? When there are other parts of the country that have tremendous need, how can you justify that we are only getting a fraction of that increase over the next 6 years?

That is not how this ought to work. If we are going to start making decisions in this country on these kinds of formulations, then those of us who come from donor States, who contribute far more than we get back, are going to have to start making that kind of calculation on every issue that comes along.

It strikes me that in too many cases the States getting the most out of this bill as presently crafted are the ones that contribute the least when it comes to Federal dollars, and those that contribute the most get back the least. We need to consider that as we move forward.

Again, I appreciate immensely the work my colleagues have done in writing this legislation. It is not easy, I know that. I am grateful to them for giving me an ear when I talk about these issues and share my concerns that come from not only my State but a region of a country that runs as a belt across the Midwest and Northeast.

I know my colleagues are cognizant of that. I am not telling them something of which they are unaware.

Certainly, as we talk about a highway bill for the next 6 years, as well as transit when it comes along, we need to have formulations that are, as they historically have been, based on need, and not on a formulation that is going to disregard it.

Whatever time I may have remaining, I yield it to my colleague from Missouri who, if I have another minute or so, I will give him those minutes to use as he sees fit.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Connecticut for his understanding. He and I have worked together on many issues, and it is not easy. Certainly, this one is not easy. There is no question that we are not

seeking perfection. We understand the problems that all States face. Over the 6 years, this bill actually winds up giving, as best I can figure, the State of Connecticut 20 cents more on every dollar they put in than the money we get back in the State of Missouri. So we have given at the office, and we are attempting to achieve equity.

Nobody is going to be 100 percent happy, but this is one where there has been tremendous cooperation, over better than a year, among Chairman INHOFE, Ranking Member JEFFORDS, my colleague, the subcommittee chairman, and Senator REID, trying to listen and develop a framework that is fair and that deals with the pressing needs that this Nation faces.

I commend the chairman of the Senate Environment and Public Works Committee, JIM INHOFE, along with Senators REID and JEFFORDS, for a job well done.

The Finance Committee has been working hard. I gather they have done a good job to come up to the level that was originally contained in the Bond-Reid amendment in the Budget Act. We thought this was the minimum we needed because there are such pressing needs for highways. Obviously, everybody knows good highways lessen congestion. Everybody knows that they are the guidelines to economic development. If we do not have good highways, we cannot keep and grow good jobs. So it is vitally important for the long-term future of the State.

In my State, it is really a safety issue. We are a very wide, broad, and tall State with lots of traffic through it. In many of these areas, the two-lane highways are carrying traffic that is designed for at least four lanes nowadays. Safety in this authorization is for the first time given a prominent position, being elevated to a core program.

We have more than three deaths a day on Missouri's highways, and at least one and maybe more than those are attributable to the conditions of our highways. I know this happens in other States. That is why I am delighted that the administration, in laying out the title SAFETEA, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, has emphasized safety because good roads and highways are a matter of safety.

I think this bill does mirror the administration's proposal continuing our commitment to the motoring public's safety. This is accomplished by providing much needed funding to reduce highway injuries and fatalities, all without the use of mandates. Funding for good highways and bridges is absolutely essential and a key component of our bill will go a long way toward saving lives by providing funds to States to address safety needs at hazardous locations, sections, and elements. These include roadside obstacles and unmarked or poorly marked roads that may constitute a danger to motorists, bicyclists, pedestrians, and other highway users.

We know in Missouri that inadequate roads not only lead to congestion, therefore more pollution, they delay, deny, and derail economic development opportunities, but they also kill people. When you have traffic—10,000, 15,000, 20,000 cars a day—on a narrow, two-lane road, you are going to have people passing when they should not and they run into other people head on.

We heard testimony from the administration that nearly 42,000 people are killed on our roads and highways each year. We need to make an investment to reduce that loss. I am glad that the bill reflects the continued commitment to making not only investments in our infrastructure but also to the general safety and welfare of our constituents.

On the question of equity, our bill is the best we can come up with in the real world to achieve equity among all of the States. Some of us have been donor States for a very long time, getting back far less than the dollar we put in. There are other States that have consistently received more. As a result, this bill tries to achieve some equity by getting all States to a 95-percent rate of return, at least by the end of the authorization.

There are 24 States; Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington. At the same time, we wanted to make sure that every State got an increase. So every State gets at least a 10-percent increase over the amount of funds that they were getting in TEA-21, and we put a lid on so that some States would not take an undue share. I think the top rate is about a 42-percent increase. So in that framework, we have come up with what we think is equity.

My home State of Missouri, as many of the donor States mentioned, has some of the worst roads in the Nation. It has about the third worst roads in the Nation, with 59 percent of its major roads in either poor or mediocre condition, requiring immediate repair or reconstruction. We also have the second worst bridges in the Nation.

I take my hat off to the chairman of the committee because I understand his State may be the one State that ranks in worse shape than Missouri does on both of these. As my colleagues will notice, Missouri is very much in the middle ranks of those getting an increase.

During the reauthorization of TEA-21, donor States did not think it was feasible to achieve the 95 percent rate of return. Under our proposal, we are able to get them there. However, I am aware that some of the donor States are concerned they hit our growth caps and do not achieve a 95 percent return in 2004.

We were unable to bring donor States up as early as we might have wished due to our budgetary constraints, and

balancing the needs of the donor States with the needs of the donee States. But as donor States grow, the donee States see a gradual decline. To bring greater equity between the States, I am proud to announce that all States will grow not less than 10 percent over TEA-21.

This bill also addresses important environmental issues that were part of a compromise, worked out with great input from all sides. To ease the transition to new air quality standards, the conformity process is better aligned with air quality planning, as well as streamlining the project delivery process by providing the necessary tools to reduce or eliminate unnecessary delays during the environmental review stage. We think that is very important.

We know there are lots of different ideas on this bill. We tried to accommodate all of those ideas. We had ideas and requests coming in over the transom, through the window. We met people on the floor. Our staffs worked together to try to balance all of these needs. Clearly, there are going to be a number of amendments. I hope our colleagues will work with us because there is a real desire, on the part of the chair and the ranking member of both the full committee and the subcommittee, to give a hearing to these. If there are important issues that need to be dealt with, we want to get the votes and move forward so we can, we hope, get the bill signed before the current authorization expires at the end of February.

Regarding a sufficient level of growth, the administration proposed, in my view, an insufficient level of growth for our Nation's aging infrastructure. The reason for offering the Bond-Reid amendment was because the administration's SAFETEA proposal came in at a mere \$200 billion for highways.

During last year's budget debate, I, along with Senator REID, offered an amendment to fund highways at \$255 billion over 6 years, which was supported by a vote of 79 to 21. I am pleased to report that the bill we have before us follows the Bond-Reid amendment providing a 31-percent increase in funding over TEA-21. While this is not as high as some might have wanted, we are able to achieve this goal without raising fuel taxes.

In this bill, I think all of us are concerned about jobs as well as the benefits that good highways and bridges bring if we are to get people to work this summer, which I think is very important because we still do not have enough people working. We need to get the authorization so it can get out to the highway departments so they can make their contracts for the coming year.

I do not need to tell my colleagues, because I think everybody has heard it too many times, that the Department of Transportation estimates that for every billion dollars in new Federal investment, there are 47,000 jobs created. We want to see those jobs created this

year. Accordingly, in 2009 our comprehensive 6-year bill at \$255 billion will sustain over 2 million new jobs.

According to the Associated General Contractors, the same \$1 billion investment yields \$500 million in new orders from manufacturing and \$500 million spread through other sectors of the economy. Construction pay averages at \$19 per hour, 23 percent higher than the private sector average. Failure to enact a 6-year bill yields the loss of 90,000 jobs.

Another accomplishment of our package will ensure transportation projects are built more quickly because environmental stakeholders will be brought to the table sooner. Environmental issues will be raised earlier and the public will have better opportunities to shape projects. Projects more sensitive to environmental concerns will move through a more structured environmental review process more efficiently and with fewer delays.

The bill also ensures that transportation projects will not make air worse in areas with poor air quality, while giving local transportation planners more tools and elbow room to meet their Federal air-quality responsibilities. The bill will put transportation planning on a regular 4-year cycle, require air quality checks for projects large enough to be regionally significant and reduce current barriers local officials face in adopting projects that improve air quality.

This comprehensive package is a good step forward to addressing our Nation's needs in infrastructure development and improvement.

I thank my colleagues from the Finance Committee, and others. I urge everybody to work with us. The managers of the bill will be doing their best to expedite it. I appreciate the time. I urge my colleagues to support the motion for cloture and to move to the bill.

I yield the floor.

**THE PRESIDING OFFICER.** Under the previous order, the Senator from Wyoming is recognized.

**Mr. THOMAS.** Mr. President, I think this is one of the most important issues we have had before us. As we look to a year with relatively short time to work on issues, with a large number of issues out there, I think it is important for us to deal with this and to deal with it promptly. I am delighted that we are going to have it up to date and be able to work on it over the next week or so.

I have not heard all of the discussions. I am sure I understand what most of them have been because I have been on the Finance Committee. We have finally come to an agreement as to what the funding level will be and what the sources of funding will be. It follows very closely what we came out with in the Environment and Public Works Committee, of which I am also a member. So I am very pleased with what we are doing.

Does it suit everybody? Of course not. There are all kinds of discussions

about funding source. The funding source is not entirely the gas tax. But the way we work it out, all that additional funding does come from something related to transportation, so I think it is a justifiable way to put this in a spending arena that will help accomplish the things we need to do. I cannot think of anything more important.

We have been in a CR since September. I don't know what you heard from your transportation departments at home, but they feel as if they can't move forward, can't do contracting, can't plan on what they need to be doing in the future until they get more assurance of where we are. So it is imperative that we do something here.

I can't think of anything more important to our lives, unless it is energy, than transportation. To be able to go with our families, do our work, protect our country—all these things are related, of course, to travel and the highway bill.

The interstate system is 50 years old. The Senator from Arizona was talking about the little bill that passed 50 years ago. Times have changed substantially and I believe there is a more comprehensive approach to travel that combines the spending of all levels of Government, which amounts to over \$100 billion annually, when you talk about all of them put together. So our share is not the largest, but it is more than we have had in the past.

It is a critical time. It is a critical situation. We need to move. As I said, I know there are different views and I understand that. There are decisions that have to be made in this bill in terms of distribution of funding, not only among States, but what is used for mass transit, what is used for pathways, and a number of other safety projects and things of that kind.

But, really, our responsibility is to come to an agreement and move forward here and then bring it to the House and get this done. I think, of course, it is also one of the big economic features before us. It creates lots of jobs immediately. But more importantly, it strengthens the whole economic structure so we can develop with other kinds of jobs.

I know there is the case about there being donors. Let me talk about a larger State that does pretty well. We have thousands of miles of roads, 27,000 miles of roads, and relatively few people. But lots of people who do not live with us are going through. This is a Federal highway system and it has to move throughout the country. So the decision as to appropriating and adjusting the money among the States is not an easy one. Certainly not everybody agrees with how we are going to do it.

In any event, I am not going to take more time. We have learned a great deal about it. Again, one of the most important aspects we have to deal with is the funding that is related to the tax that is assessed on gas. We made some changes on some of the others.

I urge Senators to pass this bill.

Mr. INHOFE. Will the Senator yield? I understand the Senator, in addition to being on the committee I chair, is also on the Finance Committee. Would he care to report on what has just transpired in the last hour or so?

Mr. THOMAS. We have passed a bill there to bring it to the floor. The funding is very close to what the chairman used in our Environment and Public Works Committee.

As we said, the direct amount from gas funding was somewhat short, but we used some other things, dollars that were related, and scooted them over from other expenditures into this bill so we are offsetting the costs. We find ourselves with the amount of money pretty much as laid out by the chairman and the chairman's committee. I appreciate very much what he has done and certainly hope we can move forward.

Mr. INHOFE. I further ask, since I am chairman of the committee, if the Senator who has the floor now will yield to me for a few comments.

Mr. THOMAS. Certainly.

Mr. INHOFE. I see Senator THOMAS, from a State such as Wyoming, falls into a category we are taking care of in the formulas. That is low-yield or low-population States. They have to be looked after. As he points out, people are driving through, yet they don't have the population base to be supporting large amounts of revenue to pay for the roads.

On the other hand, we see Senators such as the Presiding Officer now, from the State of Texas, one of the fastest growing, largest States. He certainly has problems. So being very careful to try to take care of all these diverse needs in establishing a formula to put together something that would take care of the large States, we put in a ceiling and we put in a floor. We put something in there for donee and donor States. It is a very difficult formula.

I remind my colleagues who might not feel this is a fair approach to it, to remember, to recall when we tried to do this before under TEA-21, we had a purely political system. Everybody got a percentage of the amount of money that was there and it was all driven by politics. Once they received 60 votes, they didn't care what happened. We are not doing that. We have a formula that takes care of all these needs.

I saw the senior Senator from Pennsylvania coming through just a moment ago and there have been some complaints from that State. I compare that to my State. My State is 20 percent larger than the State of Pennsylvania, yet we have roughly the same number of miles of roads. Yet under this formula, he is receiving some \$3 for every \$1 we receive. That doesn't look like I do a very good job for my State of Oklahoma. Nevertheless, it is a reality that we have to consider all these things.

If you look at some of the compromises we have made, we had four

principals who spent more time than anyone else drafting this bill. They were, of course, myself as chairman, Senator JEFFORDS as the ranking member, Senator REID as the ranking member on the subcommittee, and Senator BOND on the Transportation and Infrastructure Subcommittee, subcommittee chairman.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INHOFE. I will conclude by urging my colleagues not to waste any more time. We need to get to this. We should have done this back on September 30. I urge colleagues that we invoke cloture and get right to the bill.

Mr. KOHL. Mr. President, it is with great disappointment that I rise today to express my objection to moving forward on the bill before us, SAFETEA. The cloture vote that we will have in the next few hours is the first step towards debating a bill with which few in this body are completely familiar. Essential elements of the bill came out of the Finance Committee today, and Senators have clearly not had enough time to review these proposals and to assess the effect on their States. I believe that debating and voting on this legislation this week would be irresponsible, and potentially damaging to many States, including the State of Wisconsin.

The leadership has made it clear that they intend to push this measure through under artificial time constraints. Yet, members of the Environment and Public Works Committee were not given essential information before the transportation bill was brought for a vote on November 12, 2003, and now Members of the Senate will be debating a formula we haven't seen and are told we can't change. The unknowns, at this point, outnumber the areas of understanding. Many Senators still haven't seen crucial information from the Finance and Banking Committees. Questions of how to pay for this bill and how transit funding will be distributed among the States were debated in Committee as recently as today. I fail to see how we are acting responsibly to vote on legislation the same day it comes out of Committee.

I want to make my self clear. I support a 6-year authorization of transportation dollars. And I support a bill that would be funded at the levels the Senate supported in last year's budget resolution, and that is fiscally responsible. During every previous authorization, I have fought to give my State equitable—equitable, not favorable—treatment under the various formulas. I could not, in good conscience, move forward with a bill that would be a step backwards for my State.

I understand that moving forward today does not eliminate all the opportunities to alter this bill and make it better. However, the complexities of the formulas that the Senate will be dealing with require additional time for review. I am particularly troubled by possible effects on Wisconsin of the

proposed amendment dealing with the distribution of highway funds among the States. This formula was not released until just over a week ago, and yet this is what determines every State's level of transportation funding for the next 6 years. This amendment contains the new "equity bonus" program, dictating the State's percentages of formula funding. The State of Wisconsin is a loser under this formula. According to charts from the Federal Highway Administration, Wisconsin's rate of return will drop to \$.95 by the second year of the bill, and remain there for 4 years. I understand that the formulas involved are complicated and difficult to alter. In my mind, this provides all the more reason granting Senators additional time to review and amend them.

A 6-year authorization bill should not move forward under an arbitrary time limit. As a Senator whose State could be harmed by this legislation, I will use all the procedural tools at my disposal to give myself more time to understand and amend the bill. In addition, I will use any legislative means to fix the inequities that exist in the proposed formula amendment. I am hopeful that the leadership will work with me in the coming weeks to protect my State and advance the best possible reauthorization bill.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion. The clerk will report the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 426, S. 1072, a bill to authorize funds for Federal-aid highways, highway safety programs, transit programs, and for other purposes:

Bill Frist, James M. Inhofe, John Cornyn, Susan Collins, Craig Thomas, Pat Roberts, Conrad Burns, Thad Cochran, Norm Coleman, Richard Shelby, Mike Crapo, Robert F. Bennett, George V. Voinovich, Ted Stevens, Lamar Alexander, Lindsey O. Graham.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1072 shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The yeas and nays resulted, yeas 75 and nays 11, as follows:

[Rollcall Vote No. 7 Leg.]

#### YEAS—75

Alexander	Daschle	Lugar
Allard	Dayton	McConnell
Allen	DeWine	Mikulski
Baucus	Dole	Miller
Bayh	Domenici	Murray
Bingaman	Dorgan	Nelson (FL)
Bond	Enzi	Nelson (NE)
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Pryor
Brownback	Frist	Reid
Bunning	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Hatch	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kennedy	Snowe
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Wyden

#### NAYS—11

Akaka	Gregg	McCain
Dodd	Hutchison	Specter
Feingold	Kohl	Sununu
Graham (FL)	Kyl	

#### NOT VOTING—14

Bennett	Edwards	Lieberman
Biden	Ensign	Murkowski
Burns	Harkin	Reed
Coleman	Hollings	Stevens
Durbin	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. HARKIN. Mr. President, I would like today's RECORD to indicate that I am necessarily absent due to a delayed incoming flight to Washington. Had I been present for the vote on the motion to invoke cloture on the motion to proceed to consideration of the highway funding bill, I would have voted yea.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on Senate rollcall vote 7, to invoke cloture on The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (S. 1072), I was absent due to a delayed flight. If I had been present for the vote I would have voted in the affirmative, to invoke cloture and proceed to the bill.●

Mr. INHOFE. Mr. President, first of all, I thank all the main principals in-

volved: Senators JEFFORDS, REID, BOND, and the entire committee. I think it was a very good vote. I think we are going to be able to move on to the biggest jobs bill probably in the last 10 years. I thank my colleagues for their strong support.

Mr. JEFFORDS. Mr. President, I commend the Senator from Oklahoma. I have been through this before, but this was the most expeditious and well-run operation I have been involved in, and I think we are moving toward a successful result.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1072, the highway bill, at 10:30 a.m. on Tuesday, February 3.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. What is the parliamentary situation?

The PRESIDING OFFICER. We are postcloture on a motion to proceed to the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Is the Senator wishing to speak in morning business?

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### TWO SUPER BOWLS

Mr. ALEXANDER. Mr. President, I rise to propose that we turn the Presidential nominating process over to the National Football League, except for Super Bowl half-time shows. Then maybe we can have a second Super Bowl, where anything is possible and everyone can participate.

Take the example of our colleague Senator KERRY's team—I am sure the Senator from Vermont will be quick to point out it is the team of many Senators from New England—the New England Patriots. Last night, they became the Super Bowl champions.

On September 12, in the season's first game, the Buffalo Bills trounced the Patriots 31 to 0. If this had been the first-in-the-Nation Presidential nominating caucus, the Patriots would have been toast. You know the pundits' rule: Only three tickets out of Iowa. The Patriots certainly didn't look like one of the three best professional football teams. Then, the Washington Redskins defeated the Patriots, as unlikely as it would have been for DENNIS KUCINICH to upend Senator KERRY in New Hampshire. But in the National Football League, upsets don't end the season. The Patriots played 14 more games. They won them all. Yesterday, they beat the Carolina Panthers in the Super Bowl for their 15th consecutive win.