

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.

The National Football League schedules 20 weeks of contests over 5 months to determine its champion. The Presidential nominating process, on the other hand, uses the equivalent of two preseason games in Iowa and New Hampshire to narrow the field to two or three—and sometimes they effectively pick the winner.

The NFL wasn't always so wise. In the 1930s, league owners rearranged schedules after the first few games so that teams that were doing well could play one another. This was good for the Chicago Bears, for example, but not for the league. Fans in other cities quit going to the games—just as voters in most States have quit voting in Presidential primaries.

Bears owner George Halas and others created today's competitive system in which almost any one of 32 teams can hope to make the playoffs. Green Bay can make it because the league makes sure that even smalltown teams have enough revenue. Prime-time television opportunities are rotated. Each Monday, senior officials in the league's New York office grade every call and no call to second-guess even the instant replays.

Professional football has become America's game because it symbolizes the most important aspect of the American character: If you work hard and play by the rules, anything is possible. As a result, 8 of 10 of the most watched network television shows have been Super Bowls; 98 of the 100 best watched cable television games have been NFL games.

Every September, the NFL fields 32 teams, almost all with a shot at the playoffs. Every 4 years, the Presidential nominating process does well to attract a half dozen credible candidates for the biggest job in the world. All but half are effectively eliminated after two contests. If professional football were Presidential politics, Sportscenter would pick the Super Bowl teams after 3 or 4 preseason games.

These two steps would fix the Presidential nominating process:

No. 1, spread out the primaries. Twenty-eight primaries are crammed into 5 weeks after New Hampshire. Congress should assume the role of Paul Tagliabue. Create a window between February and May during which primaries may be held every 2 weeks. Iowa and New Hampshire could still come first, but they would become off-Broadway warmups and not the whole show.

The second step that would fix the process would be to allow more money—to raise their first \$10 million, let candidates collect individual "start-up contributions" of up to \$10,000. Today's \$2,000 limit makes it impossible for most potential candidates to imagine how to raise, say, \$40 million. During 1995, when I was a candidate and the individual limit on contributions was \$1,000, I fattened 250 fundraisers in that 1 year to collect \$10

million. The combination of the new \$2,000 limit, the increased coverage of new cable channels, and the growth of the Internet have made it easier to raise money.

Still all but Senator KERRY was short of cash after New Hampshire. Put it this way: The Packers would never make it to the playoffs under the revenue rules of Presidential primaries.

Mr. President, 45,000 Iowans voted for JOHN KERRY in the first caucus. About 83,000 New Hampshire voters voted for him in the first primary. More Americans actually attended last night's Super Bowl game in Houston, TX, than voted in either Iowa or New Hampshire. Ninety million others watched the Super Bowl game on television.

Perhaps we should learn something from America's game about how to pick a President. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

"A TRUST BETRAYED"

Mr. DASCHLE. Mr. President, a recent article in the January 26, 2004 edition of TIME Magazine entitled "A Trust Betrayed" has again reminded the Nation of the shameful and illegal manner in which the United States treats Native Americans.

A pending class action lawsuit alleges that the United States owes over \$100 billion to some 500,000 Native Americans. For over 100 years, the Department of Interior has served as the trustee for the proceeds from the leasing of oil, gas, land and mineral rights on Indian land, yet the Department cannot tell us how much is owed or to whom it is owed. This money is desperately needed to address basic human needs and stimulate economic development.

There are important legal issues at stake. The concepts of sovereignty, treaty rights, and government-to-government relations all come into play.

Indian trust reform is also a civil rights issue. We are becoming a much more diverse country. How can Hispanic Americans, or African Americans, or anyone else, trust the United States if we are still breaking our legal obligations to our first Americans?

I commend this article to the attention of my colleagues, and once again

urge the Department of Interior to provide the accounting required to all Native Americans.

I ask unanimous consent to print the article in the RECORD.

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

[From Time Magazine, Jan. 26, 2004]

A TRUST BETRAYED?

NATIVE AMERICANS CLAIM THE U.S. MISMANAGED THEIR OIL AND GAS LEGACIES IT PROMISED TO PROTECT

(By Marguerite Michaels/Shawnee)

Ruby Withrow remembers the happy days she spent as a young child on her grandfather Moses Bruno's 80-acre homestead near Shawnee, Okla. There the extended Bruno family, members of the Potawatomi tribe, tended large gardens of vegetables and fruits and raised chickens, hogs and cows. On Sundays the whole family attended the Sacred Heart Catholic Mission just down the road. But all that changed soon after oil was discovered on the Bruno property.

Lease agreements were arranged with oil producers, wells were dug, and pumping began in 1939. But family members say Grandpa Bruno never knew how much oil and gas were being taken out of his land or how much money he was due from their sale. All his royalty payments went into a trust fund managed by the Bureau of Indian Affairs (BIA). If Bruno needed to buy something, he had to appeal to the local BIA agent, and he was rarely given cash. When he wanted to buy a cow, the price was deducted from his account and given directly to the seller. When he bought groceries, he paid for them with a BIA voucher.

The wells were plugged just 28 months later—Bruno family members say the wells' operator never gave a reason for ending production—but in that short time, they say, the soil was ruined, and the Brunos were able to grow hardly anything on it. Younger family members moved away to find jobs, and the old folks limped along on public assistance until 1960, when Bruno and his wife Frances died within a month of each other. Their heirs decided to sell what remained of the land the next year.

Such stories are common among Native Americans. Like legions of others, Bruno acquired his holdings under the Dawes Act of 1887. Its allotment program was an effort by Congress to break up the tribal structure by encouraging self-sufficiency among the Indians. The Dawes Act mandated that the land given to Natives be managed by the Department of the Interior's local BIA agent and promised that any profits from the property would be held in trust for its owners. The problem, say hundreds of families like the Brunos, is that the owners received relatively little of the money coming to them.

Over the past decade, many of the families have begun actively pursuing what they say is their rightful legacy. In 1996 Elouise Cobell, a member of the Blackfeet tribe, filed a \$135 billion class action against the U.S. government, claiming that billions of dollars belonging to some 500,000 Native Americans and their heirs had been mismanaged or stolen from accounts held in trust since the late 19th century. Through document discovery and courtroom testimony, the Cobell case revealed mismanagement, ineptness, dishonesty and delay by federal officials, leading U.S. District Judge Royce Lamberth to declare their conduct "fiscal and governmental irresponsibility in its purest form."

The BIA holds 11 million acres in trust for individual Native Americans. Money from timber sales and agricultural and oil leases