

improving the nation's surface transportation network is \$375 billion over the next six years. The bi-partisan leaders of the House Transportation and Infrastructure (T&I) Committee identified this goal earlier this year and we continue to support their efforts to reach this objective.

The Senate passed TEA-21 reauthorization proposal (S. 1072) would authorize a total of \$318 billion for federal surface transportation programs, with \$294 billion in guaranteed highway and transit investment over the next six years. The Senate investment levels represent the mid-point between the nation's surface transportation needs and the current inadequate federal highway and transit funding levels.

As business and labor, we will only support a final conference report at the Senate investment level for a six-year bill. To that end, we support agreement on funding levels for the legislation before entering into a formal conference committee. We urge that final legislation meet our minimum \$318 billion objective.

A \$318 billion investment level would create and support over 2 million American job opportunities and help address the growing deterioration of the nation's highway, bridge and transit infrastructure facilities. With the Department of Transportation stating that 47,500 U.S. jobs are created for every \$1 billion of federal highway and transit investment, investment levels below \$318 billion would miss a critical opportunity to create badly needed jobs.

The U.S. is facing a transportation infrastructure deficit that can no longer be ignored. Traffic crashes cost our society \$230 billion per year and inadequate roadway conditions are a factor in one-third of these accidents. Traffic congestion robs \$70 billion per year from the U.S. economy and denies Americans time with their families. A recent study has shown the number of traffic bottlenecks nationwide have grown from 167 to 233, while only one-quarter of households have access to adequate public transportation. This situation will only get worse if we do not enact a reauthorization bill of at least \$318 billion.

The Senate-proposed investment levels are attainable without raising the federal gas tax or user fee, or increasing the federal deficit. It continues the important principle of paying for highways, bridges and transit through the Highway Trust Fund. As such, the \$318 billion investment level complies with surface transportation program financing parameters identified by the Bush Administration.

We strongly urge the conferees and the bipartisan House/Senate Leadership to support a \$318 billion investment level. Our business and labor organizations, and the American people, will accept nothing less. Thank you for your consideration.

Sincerely,

Americans for Transportation Mobility,  
Transportation Construction Coalition.

Mr. REID. I extend my appreciation to everyone on the other side of the aisle for extending me the extra 5 minutes.

Mr. BOND. Madam President, I want to reclaim my time. First, let me say I know all the pressures. I know the people my good friend from Nevada mentioned. They want a highway bill at \$318 billion that we passed. I want one. I have long quotations. I have all kinds of people behind me. The chairman of the committee, Senator INHOFE wants it. I know that Senator REID wants it and Senator JEFFORDS wants it. But do you know something, we can't do any-

thing because we are opposed, we are blocked by the minority from going to conference.

A lot of people in America don't understand. They have heard about filibusters. They know we filibuster judges around here. They know we filibuster bills. But this is the first time I know of where a bill that has passed this body with 76 votes has been stopped from going to conference by the opposition of the minority.

Mr. MCCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield to the assistant leader.

Mr. MCCONNELL. I say to my friend from Missouri, it is not actually the first time this has happened. It has become, actually, repetitious. They prevented us from going to conference on the CARE Act, the Bankruptcy Act, the Workforce Investment Act, the Patients Safety Act, not to mention the Transportation bill. So there is a pattern, I would say to my friend from Missouri, which is that the minority is saying to the majority of the Senate and to the majority in the House: You make the bill exactly the way we want it or we won't let the legislative process go forward. Complete stalemate.

Mr. BOND. Madam President, I thank my colleague and neighbor for the clarification. I have never seen, in my history, a bill passing the Senate with this much support, that is so important to our Nation, being held up. It is 11 weeks since we passed a highway bill, the \$318 billion Surface Transportation Equity Act. To get it to conference, we have to have the approval of the minority.

I am taking this step. I am taking this radical step because the people of America need to know. When I go home, they say: How come we don't have a highway bill? They don't understand that we are being blocked from going to conference. We can't work out the differences between the House and Senate unless we can go to conference. If there has ever been a bipartisan bill, I believe this bill is it.

Chairman INHOFE with Senator JEFFORDS, Senator REID and I have worked, I think collegially and effectively, in bringing a good bill to the floor of the Senate. I appreciate the work that my colleagues did.

It is obvious when the bill passes with 76 votes that it was a good bipartisan bill. We can't tell what is going to come out of conference. I am going to go into conference saying we need a \$318 billion bill. But if we can't go to conference, we can't even take that step.

We have been delayed and delayed from going to conference. That is what, unfortunately, we have to explain to our constituents around the country—that the transportation system lifeline to our country and our economy is being held up. We cannot take the next step and make the major investment in the future of this system to promote increased employment, decrease con-

gestion, enhance security, to lay the sinews of economic development for the future and, most of all, provide safety on our highways.

There are 43,000 Americans killed on the highways each year; in Missouri, more than three a day, and at least one and probably more of those are killed because of inadequate highways. What can we do about it? We can do something in the Senate. But we don't get the job done. We have to sit down and work with our colleagues in the House and come up with a compromise proposal that I hope looks like our bill in the Senate.

I am going to fight as hard as I can when we can get to conference. But until we can get to conference, we don't know and there is no hope of us getting a new bill. That is why I have placed a hold on the extension of the highway bill. Yes, this is a drastic measure. How long are we going to kick the ball down the road? I objected to holding up the first extension, but we have had extension after extension after extension. When are we going to get a bill? It is very simple. We can have this bill. We can have the extension if the minority will agree to let us appoint conferees so this can go to conference.

I assure you that we will continue to work, Senator INHOFE, our ranking members, Senators JEFFORDS and REID, as we did before to get a bill that looks as much like the Senate bill as we possibly can, but until we do that, I am going to continue to object to the extension. I regret we have to take this drastic action, but the people of America and the people concerned about highways need to know what is causing this problem.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, first of all, to show how unrelated the statements are to reality, we couldn't have gone to conference 11 weeks ago. The House didn't pass the bill until the first part of April. The bill has been passed for 3 weeks. So there is no 11 weeks. That is certainly not a valid statement.

I repeat: We need to pass this 2-month extension in an effort to get this bill moving. If we don't pass a 2-month extension, 5,000 people are going to be laid off starting Saturday. This is no joke. This is not hyperbole. This is a fact. People will be laid off and construction projects around the country will come to standstill.

We can talk about the fact that in previous months we have enacted into law many pieces of legislation. We have entered into law 60 pieces of legislation without a conference. We have pre-conferenced them. We can do that on the highway bill.

The PRESIDING OFFICER. The Senator from Kentucky.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, am I correct that under the consent

agreement, we have 15 minutes for the discussion of the Burma matter?

The PRESIDING OFFICER. There are 8½ minutes for debate remaining in morning business followed by 15 minutes for the Senator from Kentucky.

Mr. MCCONNELL. Would it be permissible under the consent agreement for Senator McCain and I to proceed on the 15 minutes on the Burma issue?

The PRESIDING OFFICER. The Senator may use that time under morning business.

(The remarks of Mr. MCCONNELL, Mr. McCain, and Mrs. FEINSTEIN are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand that we have about 6 minutes on our side.

The PRESIDING OFFICER. About 5 minutes.

Mr. DOMENICI. I am going to use those 5 minutes, and then we will be on the Domenici amendment. Then, I will speak a few more minutes, as I have time. I will start by using some time right now.

### ENERGY

Mr. DOMENICI. Mr. President, I must tell my colleagues that, as chairman of the Energy Committee, I am having a good week for a change. On Monday, Senator CANTWELL came to the floor and sought unanimous consent to bring up one piece of the Energy bill. On Tuesday, the minority leader came to the floor and offered a portion of the Energy bill as an amendment to the Internet tax bill.

We seem to be on a roll. Members know this country has a serious energy problem. They are feeling the political pressure to do something about it. That is good news for this chairman, who has waited so long and worked so hard seeking to develop some sort of political consensus on a broad energy bill.

Fellow Senators, I have never in my 31 years worked on legislation that is so hard to piece together, because every time you have a comprehensive bill, you show it to somebody and they read it in its entirety, they find one piece out of hundreds they cannot support. If I had the wisdom and the time to go to every Senator and let them read it and say what can I take out that would make you happy and have

you go for this bill, I assume that when I was finished, this 900-page authorizing bill would probably end up being just a few sheets of paper.

The truth is that America is crying for a comprehensive energy bill. America is not worried about one Senator's particular concern about one particular aspect. They are worried about the fact we will soon be importing natural gas. We have been using our own natural gas, and now predictions are that we are going to be using foreign natural gas in large quantities very soon.

The consensus that I indicated to you is very hard to achieve. In the last Congress, the House and Senate both passed bills but were unable to resolve their differences in conference. I am not speaking of a few months ago; I mean the last legislative session, the last Congress.

Last year the Senate considered energy legislation for somewhere on the order of 3 months before we were able to pass a bill off the floor. This time we got a conference agreement.

I have been criticized for that conference. Some say we didn't have enough meetings. Some say the meetings were not open to the public. Others say they were not open to the Democratic staff.

Let me tell you, this is good rhetoric, but the truth is we conducted one of the most open conferences that I have been in in almost 32 years in the Senate. We made agreements public as they were reached and at the end, before we circulated the agreement for signature, we held an open meeting and reconsidered all the amendments. When amendments could be agreed to by both bodies, we made changes. That is very different than the way most conferences are conducted. I have asked Senators on both sides of the aisle if they have been involved in bills where they were the minority and they didn't even participate in the conference, and many have said that is almost the course of things as we live in this Senate. Yet we did our best to use the Internet as a new tool. We submitted this to all the press through the Internet. They knew more about this bill if they wanted to report it than anybody has ever known. While doing that, we obviously submitted it to the minority and the minority staff.

I responded to that criticism by dramatically reducing this bill. It is a slimmed-down energy bill. It dramatically reduces the cost for the nontax portions. We have reduced the cost from \$5.4 billion to a minus \$1.3 billion.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S. 150, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

McCain amendment No. 3048, in the nature of a substitute.

Daschle amendment No. 3050 (to the language of the bill proposed to be stricken by amendment No. 3048), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Domenici amendment No. 3051 (to amendment No. 3050), to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people.

The PRESIDING OFFICER. Under the previous order, there will be up to 1 hour of debate only equally divided between the two leaders or their designees.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. I hope I don't use all that time. Will the Chair advise me when I have used 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

### AMENDMENT NO. 3051

Mr. DOMENICI. Mr. President, we cut the cost by \$6.7 billion. The amendment before us is not subject to a point of order and it can proceed without any concern in that regard.

We have been criticized heretofore because we had an MTBE safe harbor provision. That provided faulty product liability protection for the manufacturers of MTBE. When the conference report was on the Senate floor, I spent a great deal of time defending that position which was insisted upon by the House. I thought that provision was necessary, but because we could not get that provision accepted by the Senate, it is not in this legislation.

I feel very chagrined today to note, while it has not been to my ear where I have heard it, I understand the oil companies and their major lobbying groups are opposing this bill because of MTBE not being in it. I think that is a shortsighted approach. How are they going to get MTBE if we don't get a bill? If we don't get a bill, we stay right where we are, except we don't have an energy bill for America. What we have is no change in the MTBE law, but we do not have an energy bill.

I urge those who are taking that position to assume the reality of things. If they think we are going to change the original bill and get two more votes—remember, in a cloture situation on the original bill, we got 58 votes. I remind those who think we can go back and fix it that it is also subject to seven points of order. Sooner or later, it would have been defeated by a point of order.