

says it really could have been more dangerous than we even ever thought—I think we have to assess that in the context of all of the rhetoric we are hearing about second-guessing a decision that was based on what we had at the time.

Senator FEINSTEIN said we should relook at our intelligence-gathering organization. I do not think anyone would disagree with that, including the President of the United States.

In our first effort to address the issues of the failure that led to 9/11, we all tried to look at the intelligence failures, to look at the things that did not compute, to look at the communications systems that did not match up. We tried to put a grid in place in the agency that was created for homeland security that would allow all of the intelligence gathering that is done in and for our country to be put through a grid to warn us when there was an imminent danger.

Let's talk about what the result has been because we have tried to address those failures. We have prevented potential terrorist acts. We know we prevented an airliner from being blown up because a very smart flight attendant saw a man get ready to strike a match and light his shoe. We know from that experience what to look for in an airline passenger, and we have refined the system. We have seen flights canceled because there was a suspicion there might be something going on. Who knows what was prevented in that instance?

We have seen arrests in very remote parts of our country because of intelligence gathering. We have not had a terrorist attack on our country since the time we were attacked on 9/11. We have had attempts, but we, because we have processes in place from what we have learned, have thwarted those attempts, including one this week in the United States Senate.

So, yes, we need to relook at our intelligence gathering. Yes, we are learning every day. And, yes, the President of the United States has already said he will have an independent investigation of our intelligence gathering that led to the invasion of Iraq. He has said he would do that. The President has also agreed to the extension asked for by the 9/11 Commission, the bipartisan commission that is looking into what happened before and during the 9/11 incident. He has said, yes, I will agree to an extension, because he was asked. The President of the United States is being open. The President of the United States is trying to do the right thing to get to the bottom of this because he has the interests of the United States at heart.

Let's look at some other results. Let's look at the difference in the hope of the people of Iraq and Afghanistan today. Yes, there are continuing problems. Yes, it grieves every one of us. Our hearts stop when we hear there has been another bombing or mishap that has hurt one of our soldiers or killed

one of our soldiers or an Iraqi citizen. Yes, it hurts.

But do the people of Iraq today have a better chance to live in freedom and prosperity than they had the entire time they had been ruled by a despot? Absolutely. Do the people of Afghanistan today have the hope for a future of freedom more than they had under the Taliban and the other despots under whom they have been buried for all these years? Oh, yes. They have a constitution that is getting ready now to become implemented that actually says women will be equal in that country.

We have come a long way.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. HUTCHISON. Madam President, I ask the distinguished Senator from Oklahoma if he would like to extend the time or is he prepared to go to the highway bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, we are prepared to go back to the bill at this time.

Mrs. HUTCHISON. Thank you.

Madam President, let me end by saying I hope we will come together and support the President in his initiatives to get to the bottom of this issue. The President is looking out for the United States of America, and we do not need partisan rhetoric on an issue such as this. We need to come together. That is what we must do.

Thank you, Madam President. I yield the floor, and I yield back the time that was allocated for morning business.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the hour of 10:50 having arrived, the Senate will resume consideration of S. 1072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1072) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Modified committee amendment in the nature of a substitute.

Dorgan amendment No. 2267, to exempt certain agricultural producers from certain hazardous materials transportation requirements.

Gregg amendment No. 2268 (to amendment No. 2267), to provide that certain public safety officials have the right to collective bargaining.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. 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 that the order for the quorum call be rescinded.

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

Mr. INHOFE. At this point, I will yield to the Senator from Iowa, and following his remarks I will seek to be recognized.

(Mr. ENSIGN assumed the Chair.)

Mr. GRASSLEY. Madam President, I want to address the consideration that the Senate Finance Committee gave to the portion of the highway bill that determines the size of the trust fund, source of the trust fund, and our committee's decisionmaking over that. And my speaking to the Senate is based on the proposition, thus far, that we are moving ahead with the total highway package the way that has been suggested by the Senate Environment and Public Works Committee, Senate Banking Committee, and the Senate Commerce Committee, with my committee working in cooperation with those three committees, at that level of expenditure.

Somehow, if the President, in succeeding days, would say he is not going to sign a bill that is that big, I will moderate my remarks to conform with that. But right now, all I know is what this body has done in three of its committees to arrive at where we are now. I want to address, within that framework and that environment, the work of our committee.

I will particularly speak about some other Members of this body who lack a consideration of the hard work that has been put into this product, as well as their philosophical objections to what we have done. I don't have any question that any Senator can have any philosophical objections to anything he wants, but I want everybody in the Senate to know that the 21 members of the Senate Finance Committee did not take this product lightly.

There has been a lot of harsh criticism of the upcoming Finance Committee title of this highway bill.

What I will do is lay out the context of the funding portions of this legislation and respond to this harsh criticism. The role of the Finance Committee on the highway bill is centered on the highway trust fund raising, not expending, funds. Finance Committee jurisdiction involves the Federal excise taxes, the highway trust fund, and the expenditure authority of the trust fund. The Finance Committee has acted in all of these areas as recently as just this Monday.

The authorizing committee's actions will result in outlays from the trust funds of \$231 billion for highways, and \$36.6 billion for transit, spread out over the next 6 years. Essentially, those figures I just gave you represent the cash-flow out of the trust fund. The Finance Committee's action provided the resources in the trust fund to cover the cash outflows and provide a cushion in the trust fund balances. This is how we arrived at that action of the Senate Finance Committee.

But some of the critics have said the Finance Committee should have funded

the trust fund at the level of the motor fuel taxes and the compliant savings resulting therefrom.

This is a very fair debate to have in the Senate, or in any committee, but I want the Members of this body who don't serve on the Finance Committee to understand that we had that fair debate in the Finance Committee on Monday, and in other sessions before that. This committee had to decide otherwise from those critics who have said that the Finance Committee should have funded the trust fund at just the levels of the motor fuel taxes and compliant savings.

So I think everybody in this body has a responsibility to be realistic and wake up to the facts of life as we are considering this legislation and in their responding to it because there will be a time when the Senate will express its will on this floor, and we all have to face the reality of the legislative process. The will of the Senate, at the end of the day, will be to fund highways and transit programs at the outlay levels provided by the three authorizing committees of Banking, Commerce, and Environment and Public Works.

So to my critics, some of whom chose to criticize me directly, let me remind them that last year I was 1 of 21 votes against the Bond-Reid amendment during the budget debate. That wasn't an easy vote. So I understand the sentiments for lower funding levels, but Members of this body need to understand that 21 is a sizable minority of this body, and the vast majority decided more money should be spent on highways and transit.

That was last year, and this is now, today. A majority of the Finance Committee dealt with this fundamental reality. So I would like to ask the critics to come out of their ivory towers and deal with the reality of the Senate.

The reality that faced us on the Finance Committee was how to bridge the gap between the baseline revenue collections and the outlay levels of the three authorizing committees, which was considerably higher.

In consideration of this major problem facing us, the leader of the Democrats on my committee, Senator BAUCUS, and I—and we try to work together whenever we can, and that is most of the time—had the reality of the Senate to take into consideration. We had to keep in mind the institutional issues with which the Senate Finance Committee has to deal. We could not and we would not choose an option that would undermine the integrity of the trust fund, and we surely are not going to do anything to undermine the role of the Senate Finance Committee.

What do I mean by the integrity of the trust fund? The answer is that the Finance Committee needs to ensure that there is a relationship between the receipts in the trust fund and the spending from that trust fund. To the extent that relationship is undermined, I say to my fellow colleagues, the Fi-

nance Committee's role is undermined as well.

I also wish to point out the bottom line for those other 20 Senators who, like me, voted against the higher trust fund spending last year. Again, the political reality is that the Senate is going to approve outlays at the levels approved by these three authorizing committees.

One option would be a direct general fund transfer. A direct general fund transfer erodes the integrity of trust funds, and it dilutes the role of the tax-writing committees. It directly delinks highway spending and highway receipts, and we believe those have traditionally been tied together and should be tied together. Because of that, the Senate did not go there.

There is a danger for us fiscal conservatives of such an approach because direct general fund transfers would potentially be open ended and no fiscal discipline whatsoever.

If the Finance Committee had done what the critics argue, what would have been the outcome on the floor of the Senate? Does anyone believe that we would have been left at the authorized funding amounts? No, we all know the funding levels would have gone way up. Where would we end up? The answer is that we would end up with a direct general fund transfer.

Any Finance Committee member should be concerned about that bottom line result and what that does to the trust fund concept and the history of our committee's jurisdiction over that trust fund but, more importantly, our responsibility we have to the Senate.

In the Finance Committee, we decided to maintain the relationship between the trust fund receipts and the trust fund spending. It is so important then to distinguish between trust fund receipts and revenues that is counted for budget purposes.

Embedded in the trust funds are several policies that burden the trust fund. The clearest of these, and one we always hear, is the treatment of ethanol. The tax benefit for ethanol is the only—the only—energy production incentive that is not borne by the general fund. There are billions of dollars in tax benefits for oil and gas that are charged to the general fund, for instance. Do Senators from oil and gas States understand that the tax benefit for ethanol is the only energy production incentive that is not borne directly by the general fund?

Under current law, the use of ethanol is prejudiced in terms of the highway trust fund resources. That is because the benefit is charged against the trust fund up to this point when we adopt this legislation because my VEETC proposal eliminated the inequity by making sure the trust fund is fully funded by those who use ethanol fuel. For my friends who are always criticizing, the tax benefit for ethanol, like that of any other energy source, will be borne then by the general fund.

There are numerous other exemptions from the fuel taxes in addition to

ethanol. These exemptions further important policy purposes but purposes which are not embedded in highway policy. No one takes issue with the exemption but whether they should be borne by the highway trust fund. We don't hear that argument.

Contrary to what has been suggested, increasing highway funding in this manner is not unlimited like the direct general fund transfers but is limited by the universe of exemptions.

For the 20 other Senators who, like me, last year voted for lower highway spending, they have an interest in what the Finance Committee did. By maintaining the relationship between highway receipts and spending, we maintain a ceiling on the spending. A direct general fund transfer does not have such a limit.

I repeat and remind my colleagues, the bottom line is that the so-called illusory receipts that Finance came up with result in a ceiling on highway and transit spending. Don't these other 20 Senators want some sort of a ceiling? The ceiling is not available with a direct general fund transfer.

The Finance Committee bill contains a self-imposed ceiling that relates the receipts to expenditures of the trust fund and everything connected with the trust fund.

Do these receipts end up as refunds or exemptions? No, those are legitimate policy choices made by Congress in law. I cited the case of ethanol. There are others. Those receipts represent the burden users put on our roads. The trust fund then properly accounts for these users.

Where we have shifted the burden of an exemption or refund from the highway trust fund to the general fund, the Finance Committee has provided offsets. In the end the Finance Committee has made sure this will not add to the deficit.

To those who choose to ignore the political reality of the Senate, decisions made overwhelmingly by three other committees, decisions made last year on the budget we are still operating under with only 21 dissenters, the rest of the Senate decided there ought to be more massive amounts of money spent on roads.

That is the political reality of the Senate. I say to these people, what would you do? What would you do to make the trust fund a relevant part of the highway program, where it has been since we have had Federal gas taxes? What would you do to maintain the relationship of the trust fund receipts and trust fund spending? What would you do to avoid an open-ended general fund transfer where there is lesser, or maybe absent any, fiscal responsibility?

I get back to some old sayings that can say it better than I can, and I think I read in Lyndon Johnson's biography, "The Master of the Senate," that Sam Rayburn said something about any jackass can push a barn down, but it takes a carpenter to build one.

We have a few people who are trying to kick the barn down. These people are not really interested in building a barn like the three authorizing committees are, as they tried to put something together. Albeit there might be some sort of disagreement about exactly what the right and ideal level of expenditure is, but they have worked hard. The American people want us building the legislative barn.

I turn to these people who do not want to build this barn—our Federal obligation under highways. It has been a pretty dominant Federal policy since Eisenhower and the interstate system, and of course a long time before that with other highways. They ought to quit kicking and focus on the reality of getting this highway bill done. The Finance Committee amendment took a step forward to getting this job done.

The Finance Committee did the job. We provided the funding. More importantly, we linked the highway receipts to the spending, and we did this in a deficit-neutral way.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Finance Committee. I congratulate him and the ranking member for moving forward. I found the comments of my neighbor in Iowa to be particularly appropriate about the need to build the barn. Again, I express my thanks to our colleagues on the Environment and Public Works Committee, Senator JEFFORDS, Senator REID, and the others, for moving forward.

Right now we are asking that Chairman INHOFE return. He has an important meeting right now and he is going to come out to assure we can get more of this bill moving. We have a very short time window today. I know that on both sides of the aisle we would like to have people come down, offer relevant amendments, try to get as much of this bill moving as possible, and begin the voting process.

As I said, we have much work going on just off of the Senate floor as we try to move this legislation forward. We have several more pieces of SAFETEA to be brought forward. We are working with the other committees involved to make sure they come forward. I believe Chairman SHELBY from the Banking Committee will arrive shortly to bring forth a mass transit bill.

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. INHOFE. 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. INHOFE. Mr. President, at this time I would like to recognize Senator SHELBY for some comments about his amendment and then reclaim the floor.

Mr. REID. Mr. President, reserving the right to object, was this a unanimous consent request?

Mr. INHOFE. No.

The PRESIDING OFFICER. The Senator does not have the right to yield the floor to another Senator.

The Senator from Alabama.

AMENDMENT NO. 2269

(Purpose: To amend chapter 53 of title 49, United States Code, relating to the authorization of Federal funding for public transportation, and for other purposes)

Mr. SHELBY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2269.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SHELBY. Mr. President, the text of this amendment is identical to the legislation that the Banking Committee ordered reported from the committee by a voice vote yesterday. In other words, it was a unanimous vote in the Banking Committee.

I rise today in support of the Federal Public Transportation Act of 2004. This is the bill, as everyone knows, that was successfully reported out of the Committee on Banking, Housing, and Urban Affairs yesterday.

I am proud of this piece of legislation which was crafted on a bipartisan basis with cooperation from the distinguished Senator from Maryland, Mr. SARBANES, the committee's ranking member.

This amendment, which I hope will be part of the bill, provides record growth for public transportation at \$56.5 billion—a 57-percent increase over TEA-21. This funding level tracks with the growth in the highway program to \$255 billion. This combined funding will go a long way toward improving and expanding upon our Nation's transportation infrastructure. I am pleased, as I said, to be working with the Environment and Public Works Committee chairman, Senator INHOFE, to accomplish this goal.

Our amendment, which will be part of the bill, we trust, accomplishes three important policy goals. It creates funding flexibility, increases accountability, and improves the performance and efficiency of the transit programs in the United States.

The bill creates several new formulas to better address growing transit needs. A rural low density formula is created to allow for transit services in sparsely populated areas where employment centers and health care are great distances apart. A growing States formula is created to allow communities with populations projected to grow significantly in the coming years to put in place needed transportation infrastructure. A small transit intensive cities formula is created to address the needs of communities where the level of transit service exceeds what their population-based formula provides.

Our bill also creates a super-high density formula to provide additional

funding for States with transit needs that are particularly great because they have transit systems in extremely urban areas with high utilization rates.

The bill increases the accountability within the transit program. It rewards transit agencies to deliver products that are on time, on budget, and provide the benefits that they promised. Further, this bill allows communities to consider more cost-effective, flexible solutions to their transportation needs by opening up eligibility of a new starts fund to nonfixed guideway projects under \$75 million in cost. With this change, other solutions can be fostered, such as bus rapid transit, which can produce the majority of the benefit of rail at a fraction of the cost.

Finally, the bill seeks to improve the performance and efficiency of transit systems nationwide. It provides incentives for the coordination of human service transportation activities to eliminate duplication and overlap. It increases the focus on safety and security needs with transit systems to insulate them against terrorist attacks. It also enhances the role of the private sector in providing public transportation in an effort to reduce costs and to improve service.

In short, the Federal Public Transportation Act is a good bill and one that will dramatically improve the public transportation program to help Americans with their mobility needs in urban and rural areas nationwide.

I commend this to the Senate and ask my colleagues for their support.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to join my distinguished colleague from Alabama, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in very strong support of the Federal Public Transportation Act of 2004.

First, let me express my appreciation to the chairman of the Banking Committee, Senator SHELBY, who has worked assiduously on this legislation, reaching across the aisle in a most cooperative manner to develop a transit bill that will begin to address the urgent needs faced by communities all across the country.

As a result of his efforts and those of other members of our committee on the transit bill, the Federal Public Transportation Act of 2004 was reported out of the Banking Committee yesterday morning with unanimous support. Every member of the committee supported this legislation.

Let me also acknowledge the contributions made by Senator ALLARD of Colorado and Senator REED of Rhode Island, the chairman and ranking member of our Housing and Transportation Subcommittee, who have worked with us step by step to develop the package that is being brought to the floor of the Senate.

I also thank the distinguished leadership of the Environment and Public Works Committee, Chairman INHOFE

and Ranking Member JEFFORDS, as well as the leadership of the Finance Committee, Chairman GRASSLEY and Ranking Member BAUCUS, with whom we have worked closely in order to address a number of important issues related to the financing of this bill. Without their help and the very committed work of the Senate leadership, Majority Leader FRIST and Minority Leader DASCHLE, I doubt that we could be where we are today. I think it is important to recognize the broad effort and the broad support that exists for this legislation.

As we approached the expiration of the previous surface transportation bill, the Transportation Equity Act for the 21st Century, known as TEA-21, the Banking Committee and its Housing and Transportation Subcommittee held a series of hearings—some at the full committee level and some at the subcommittee level—on the Federal transit program and its contribution to reducing congestion, strengthening our national economy, and improving our quality of life.

Over the course of those hearings, which extended over roughly a 2-year period, we heard testimony from dozens of witnesses, including Secretary of Transportation Norman Mineta, Federal Transit Administrator Jenna Dorn, representatives of transit agencies from around the country, mayors, business and labor leaders, environmentalists, and transit riders—virtually all of the stakeholders in this important matter—and including economic development experts, a very important dimension of this, to which I will refer again shortly.

Virtually all of the witnesses we heard agreed that the investment that had been made under TEA-21—in other words, the predecessor legislation to what we are now considering in the Senate—contributed to a renaissance for transit in this country. In fact, transit has experienced the highest percentage of ridership growth among all modes of surface transportation, growing almost 30 percent between 1993 and 2001.

We also heard testimony about the other benefits of transit. For example, the U.S. Chamber of Commerce testified that \$1 billion of capital investment in transit creates almost 50,000 jobs. Moreover, the economic development benefits of transit are becoming more and more apparent as new systems come into service. For example, we heard testimony from one of the county commissioners in Dallas that over \$1 billion had been invested in private development along Dallas's existing and future light rail lines, raising nearby property values and supporting thousands of jobs.

We heard from a representative of BellSouth that his company decided to relocate almost 10,000 employees from scattered sites in suburban Atlanta to three downtown buildings near the MARTA rail stations because, as he put it, transit "saves employees time.

It saves employees money. It saves wear and tear on the employees' spirit."

Transit benefits the economy in other ways as well. For example, transit investments in one community can have repercussions in many areas around the country. The president of the American Public Transportation Association, Bill Millar, who has testified before the Senate on a number of occasions and has brought extraordinary leadership to this effort, pointed out that when one locality builds a rail system or develops its bus system, much of that construction or the assembly of those buses may well be done in a different jurisdiction. So one has to keep in mind when considering the economic benefits, it is not just the area that is upgrading the transit system that is getting the money, but that area in turn is spending its money on a whole range of supplies and services which take place elsewhere in the country. When Texas cities buy buses, for example, it may be a company in Colorado that is producing the buses. As Mr. Millar said, "While the Federal money would appear to be going one place, the impact of that money tends to go very far and wide."

Of course, transit is about more than our economic life. It is also about our quality of life. During our hearings, we heard a great deal about the importance of transit to our senior citizens, our young people, the disabled, and others who rely on transit for their daily mobility needs. There is a population out there, significant in number, whose mobility depends on transit systems. They do not have the alternative of the automobile.

Several of our witnesses observed that the increased investment in transit and paratransit services under TEA-21, the previous legislation, provided the crucial link between home and a job, school, or a doctor's office, for millions of people who might not otherwise have been able to participate fully in the life of their community.

Further, we saw after September 11 how transit can be an important lifeline in other respects, as well. We had very moving testimony during our hearings about the efforts made by transit operators on that day to move tens of thousands of people quickly and safely out of our city centers.

As a result of transit's many benefits, the demand for transit is continuing to increase all across the Nation. States that for a long time had no interest in transit now have a very keen interest in transit. I say to the Presiding Officer, the State of Nevada is developing major transit in the Las Vegas area, for example, and it is made necessary by the population explosion which has taken place in that State over recent decades. Small towns, rural areas, suburban jurisdictions, large cities, all are struggling to keep up with the need to provide safe and reliable transit service for their citizens.

The Department of Transportation has estimated that nationally commu-

nities will need \$14 billion per year in capital investment simply to maintain the condition and performance of their transit systems, let alone what is necessary to improve conditions and service. If we do not make this investment today, we will be left with deteriorating infrastructure and worsening congestion tomorrow and that, of course, would be a depressing influence on our economy and would undermine our economic strength and vitality.

The legislation before the Senate authorizes \$56.5 billion in transit investment over the next 6 years. This is the amount approved by the Senate during consideration of the fiscal 2004 budget resolution and represents a substantial increase over TEA-21. Most experts conclude it is not adequate to address all the transit needs of the Nation, but it does represent a significant step forward in our efforts to improve our citizens' mobility and strengthen our national economy through investments in our transportation infrastructure.

The legislation maintains a feature of both ISTEA and TEA-21, the two previous surface transportation acts, namely, parity between the transit program and the highway program so that they will be able to move ahead in a parallel and comparable fashion. We are appreciative of our colleagues on other committees for recognizing the importance of that proposition.

Moreover, the legislation maintains the existing 80% Federal match on new starts transit projects. Again, that maintains the parallelism that has existed between highways and transit so that the decision being made at the local level is not weighted in one direction or the other because of the match that is required in order to move forward with the transportation infrastructure. Mayor McCrory of Charlotte, North Carolina, made this point at one of our hearings when he observed that "there's a strong need to keep the program 80-20, as we do for other forms of transportation, including roads. That does send a strong message that transit is as important as our road network."

The proposal brought forward by Chairman SHELBY provides for growth in both the urban and rural formula program, with added emphasis placed on the rural program. The committee was sensitive to the needs of the rural areas of our country, and the rural program will see significant growth in order to help States with large rural areas provide the services their residents need.

The bill also increases the Fixed Guideway Modernization Program. This funding is very important to helping cities with older rail systems, which in some cases were built almost a century ago, make the investments needed to preserve those highly successful systems, which move millions of people every working day.

The New Starts program, which helps communities make their first major investment in transit as well as expand

existing systems, also grows under this bill. The New Starts program will allow communities to address their growing needs with transit investment and gain the benefits of transit that exist elsewhere in the country.

The bill makes a significant change in the New Starts program by allowing New Starts funding to be used for the first time to fund transit projects that do not operate along a fixed guideway, as long as the project is seeking less than \$75 million in Federal funds. There are a few projects of this type currently operating the Nation, and I hope to work with the Federal Transit Administration to ensure that the FTA develops an appropriate quantitative methodology for evaluating the costs and benefits of such projects, particularly as they relate to land use and economic development impacts. As we begin to experiment with different forms of transit service, we must be careful not to adversely impact FTA's highly competitive and successful process for moving projects through the New Starts program.

While the bill preserves the general structure of TEA-21, several new formulas are included to target transit funds more directly to those states and cities with extraordinary transportation needs. The bill includes a new Growth and Density Formula: the growth portion will distribute funds to all states based on their expected future population, and the density portion will provide funding to those states whose populations are above a certain density threshold. The bill also includes an incentive tier to reward small transit-intensive cities—those cities with a population between 50,000 and 200,000 which provide higher-than-average amounts of transit service. The funds distributed under these new formulas will help communities address their unique transportation needs.

So there is an effort in this legislation to recognize the various types of transit needs across the Nation. Of course, as you do any formula, no one gets as much as they would like to get, but you work within certain constraints. Given the framework within which the committee had to work, I think we have responded fairly and rationally to the needs that have been expressed to us. We have a new growth and density formula in this legislation. We make some changes in the fixed guideway program to give a little more discretion for smaller projects. But, all in all, I think this is a balanced package. I commend it to my colleagues, and of course I am happy to discuss with any of them any questions they may have.

I want to highlight just a few more of the bill's provisions. The bill includes a requirement that metropolitan planning organizations develop a public participation plan to ensure that public transportation employees, affected community members, users of public transportation, freight shippers, pri-

vate sector providers—all the interested parties concerned about the transportation infrastructure—have an opportunity to participate in the transportation plan approval process. Transportation investments are among the most important decisions made at the local level. I firmly believe all interested parties should have an opportunity to contribute to this process. Our transportation infrastructure is central to making our economy, and indeed our society in a broader sense, work day to day. That is why this is such a critical and important piece of legislation.

I am pleased that the legislation includes a new transit in parks program to help national parks and other public lands find alternative transportation solutions to the traffic problems they are now facing. This is a program the administration supports, and it has had very strong bipartisan support in the Senate. It is an effort to address the problem, made manifest in certain of our Western national parks, of the overcrowding that has come with increased visitation. You have people who wait in line all day long to get into Yosemite, for example. They get to the entrance and they cannot get in, because the park's roads and parking lots are at capacity. It is a very serious problem.

TEA-21 required the Department of Transportation to conduct a study of alternative transportation needs in our national parks and other public lands, and that study confirmed that the parks are ready and willing to develop transit alternatives. This legislation will help the parks make investments in traditional public transit, such as shuttle buses or trolleys, or other types of public transportation appropriate to the park setting, such as waterborne transportation or bicycle and pedestrian facilities.

I also want to note that the bill makes a number of modifications to section 5333(b), known as section 13(c), the transit employee labor protections. These provisions were the result of extended discussions between the transit labor unions and members of the committee who were concerned about the impact of 13(c) on the transit program. I note that section 13(c) has been a part of every transit bill since 1964, providing crucial collective bargaining and job right protections. It has served to unify a broad coalition of transit industry and employee representatives to form a unique partnership which has worked together to expand the Federal transit program to what it is today: an unequivocal success. I want to mention one modification which addresses the concerns of members regarding issues arising when one private contractor replaces another private contractor through competitive bidding. Such rights were addressed in the Department of Labor's Las Vegas decision dated September 21, 1994, as amplified by letter dated November 7, 1994. This legislation includes language in section

13(c) to ensure that the Department of Labor's decisions involving so-called "contractor to contractor rights" are governed by the standards set forth in the Department's Las Vegas rulings, without otherwise affecting employee rights under section 13(c). In addition, I note that the changes to section 13(c) are not intended to impact the level of protections covering freight rail employees existing on the date immediately preceding enactment of this act.

There are a number of other provisions in the legislation that modify previous aspects of the transit programs, but for the most part the committee's intention was not to enact major changes to a program that has worked well.

For example, while the bill enhances the role of private-sector transit providers in several ways, it was not intended to change the long-standing congressional policy that decisions involving the choice between public and private transit operators should be left to local authorities who are better equipped to make local transportation decisions, and the Federal Government should remain neutral with respect to such local decision-making. In addition, while the definition of public transportation is modified slightly in the bill, the intent is to clarify, rather than change, the universe of modes and services encompassed by that definition.

And as I indicated earlier, some of the changes with respect to the formula seek to be sensitive to ensuring that all parts of the country can participate in the transit programs. But we have tried to essentially maintain most of the previous arrangements which have worked so successfully.

I conclude by saying that this amendment provides essential support to our local and State partners in their efforts to combat congestion and pollution and to ensure that their citizens can access safe and reliable transit services. That is why the bill is strongly supported by a number of associations representing local officials, transit providers, environmental groups, and others.

In a letter received by the committee yesterday, the American Public Transportation Association stated:

We support your commitment to retain the overall structure of the federal transit program and the decision to increase federal investment in transit infrastructure. This increased investment will not only improve and modernize the nation's transportation system, but it will also create and sustain millions of badly needed jobs.

Mr. President, I ask unanimous consent that that letter, along with other letters of support, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, I will close by saying, as these letters demonstrate, the legislation we are considering today is vitally important to

keep America moving forward in the 21st century. It is no exaggeration to say this is essential legislation to the future strength and vitality of our economy and of our society. I very strongly urge my colleagues to support the legislation that has been brought forward from the Banking Committee, as I said, on a unanimous vote in a markup yesterday morning.

I yield the floor.

EXHIBIT 1
COMMUNITY TRANSPORTATION
ASSOCIATION,
February 5, 2004.

Hon. RICHARD SHELBY,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS SHELBY AND SARBANES: We'd like to take this opportunity on behalf of our more than 7,000 members providing community and public transportation services around the nation, as well as the millions of Americans who rely on these services every day, to commend you for your leadership in the creation of the Federal Public Transportation Act of 2004.

This groundbreaking legislation builds the kind of 21st century transportation network our nation needs. We're pleased that it recognizes the real character of public transportation and invests in transit for communities of all sizes and locations. At long last, this bill begins to adequately address the transportation needs of rural Americans and of senior citizens.

Much of the success we've enjoyed in the past six years in community and public transportation was based upon the innovative guarantees and protections for transit financing made by the federal government in TEA-21. Continuing these guarantees in this important legislation is essential.

There's an old proverb that says the journey of a thousand miles begins with a single step. This bill is a giant step toward building the foundation for America's transportation future.

We're grateful. Thank you on behalf of our members, and on behalf of the American people.

Sincerely,

DALE J. MARSICO,
CCTM, Executive Director.

AMERICAN PUBLIC
TRANSPORTATION ASSOCIATION,
Washington DC, February 4, 2004.

Hon. PAUL S. SARBANES,
Ranking Minority member, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the 1,500 member organizations of the American Public Transportation Association (APTA), I write to express our appreciation for your outstanding efforts in marking up the Federal Public Transportation Act of 2004 today. We strongly support the bill and urge Senators to oppose any amendments that would upset the carefully crafted compromise that the Banking Committee developed. In addition, we understand that an amendment will be offered to guarantee funding for transit and highway investment authorized under the transportation bill (S. 1072) now under consideration on the Senate floor. We strongly support that amendment as well, and urge the Senate to adopt it.

ABOUT APTA

APTA is a nonprofit international trade organization of more than 1,500 public and private member organizations including transit systems and commuter railroads; planning, design, construction and finance firms, product and service providers; academic institutions, state associations and departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of riders using public transportation in the United States and Canada are served by APTA member systems.

SENATE BANKING COMMITTEE BILL

APTA applauds your leadership in crafting this important legislation. We support your commitment to retain the overall structure of the federal transit program and the decision to increase federal investment in transit infrastructure. This increased investment will not only improve and modernize the nation's transportation system, but it will also create and sustain millions of badly needed jobs.

CONCLUSION

Again, please accept APTA's gratitude and support for your efforts. We look forward to working with you to enact legislation that addresses the nation's critical need to maintain and improve our surface transportation infrastructure. If we can be of assistance in any way please have your staff contact me or Rob Healy of APTA's Government Affairs staff.

Sincerely yours,

WILLIAM W. MILLAR,
President.

THE UNITED STATES
CONFERENCE OF MAYORS,
February 5, 2004.

Hon. WILLIAM H. FRIST,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. RICHARD C. SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: In January the United States Conference of Mayors met in Washington, D.C. for our 72nd Winter Meeting to chart a new agenda for keeping America's metropolitan economies strong. The cornerstone of that agenda is the reauthorization of TEA-21 that invests in public transit.

From that discussion we write to express our support for the Senate Banking Committee transit title funding level providing \$56.5 billion over six years for the federal transit program with at least \$47 billion of the \$56.5 billion for the transit program from the Mass Transit Account of the Highway Trust Fund. We also urge you to protect the funding guarantees and firewall for the transit program in its entirety.

Mayors know all too well the negative impacts of increasing congestion on our cities and recognize that anything less than \$56.5 billion for transit will continue America's dependence on the automobile and continue the funding challenges for the rail modernization, new starts, and bus programs.

We applaud the Banking Committee's work on reauthorizing the transit title of TEA-21 and look forward to providing further feedback on other issues in the bill once we are able to review the entire proposal. With strong backing from mayors across the na-

tion, we stand ready to work with you on the reauthorization of TEA-21.

Sincerely,

JAMES A. GARNER,
Mayor of Hempstead, President.

FEBRUARY 5, 2004.

Hon. RICHARD SHELBY,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SHELBY AND RANKING MINORITY MEMBER SARBANES: On behalf of the Surface Transportation Policy Project and its many partner organizations, we are writing to convey our support for the "Federal Public Transportation Act of 2004", legislation approved February 4 that provides for a 6-year, \$56.5 billion program commitment to public transportation as well as other critical transportation policies under your Committee's jurisdiction.

We want to commend you and members of the Committee for renewing the key program elements of current law, ensuring that the recent successes in improving public transportation services under TEA-21 will continue into this next renewal period. Our support for this package, however, is conditioned upon resolving outstanding funding issues with the full Senate regarding funding guarantees and firewalled spending to ensure that the critical feature of TEA-21 that made expanded transit investment and improved services possible is part of the final package. This must ensure that transit providers, other agencies and the public can count on the full \$56.5 billion over the 6-year renewal period.

Specifically, we want to applaud your efforts to protect the core elements of the existing program structure, ranging from continuation of the Rail Modernization program to the Jobs Access and Reverse Commute program, while finding resources to support new policy efforts such as those envisioned under the President's New Freedom Initiative and Transit in the Parks program. Finally, we also want to convey our support for the Committee's affirmation of current law protections for clean air conformity and other clean air-related provisions as well as preserving other important current law policies governing NEPA and other project delivery elements. It is our firm position that final provisions in the Senate bill must fully account for the need to consider fairly and fully transportation alternatives that minimize or avoid adverse impacts and affirm locally determined priorities. In this way, this renewal legislation will ensure that State and local investment decisions are more balanced, offering more choices to the public and making continuing gains in air quality and other community health and environmental objectives.

We support your legislation with the aforementioned condition and urge your colleagues to support it fully during Senate action on TEA-21 renewal.

Sincerely,

America Bikes, Association for Commuter Transportation, American Society of Landscape Architects, Chicago Bicycle Federation, Environmental and Energy Study Institute, Environmental Defense, National Association of Railroad Passengers, National Parks Conservation Association, National Recreation and Park Association, Natural Resources Defense Council, Sierra Club, Smart Growth America, Surface Transportation Policy Project, Union of Concerned Scientist.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. While the ranking member and the chairman are in the Chamber, I wish to express my appreciation—and I think that of the entire Senate—for the bipartisan bill that is now going to be part of this highway bill. These two men—the senior Senator from Alabama and the senior Senator from Maryland—are legislators. They are experienced. They understand when there is a time to be partisan and when there is a time not to be partisan. They understand when it is important to move forward for the good of this country. And that is what they did.

Without their leadership, we could not be in our present position. We have the highway portion of this bill that has been laid down. We have a few of our little technical things to do before they are joined together perfectly, but the transit portion of the bill—they are both excellent pieces of legislation. The transit portion of the bill affects all of our country.

As the Presiding Officer knows, the city of Las Vegas—and Reno to a lesser extent—is very dependent on transit moneys now. I cannot say enough to express my personal appreciation and that of the Senate for the work done by these two fine men. This is good legislation. I hope we can move forward on it quickly.

I wish to say, after having issued this compliment, with which I want the RECORD to be spread, that I have worked with Senator INHOFE on this legislation for now more than a year, and Senator BOND, and, of course, my distinguished former chairman and ranking member, Senator JEFFORDS.

The concern I see at this stage—we have been on this bill for some time now, a matter of days—is that we have not moved far. We started at the goal line, and we are at about the 5-yard line. We have to get to the other goal line, which is 95 yards away.

There is an issue that has been brought up by the distinguished senior Senator from the State of New Hampshire. I was talking to some of my friends earlier today. We have very few people in this legislative body who are as experienced as the senior Senator from New Hampshire—a House of Representatives Member, Governor, now a Senator—and he has brought forward an amendment he believes in, and he is not going to leave until something happens on this amendment. He may leave physically, but he is going to be around here. We are going to have to dispose of this amendment.

It is obvious now that the majority will not accept a voice vote. We do not have enough votes to table the amendment, and I would not vote to table his amendment anyway. So we have, on this amendment, a filibuster. That is what it is. It is a filibuster by I don't know how many members of the majority, but at least one.

I think we should recognize that it is holding up this bill. This bill is a very

important piece of legislation: \$255 billion that has been supported by trust fund moneys—all but \$30 billion of it. The other \$30 billion has been accounted for.

In my opinion, the administration has signed off on this. Any veto threat they have issued has been related to what they are trying to do in the House. So as hard as the chairman of the committee, Senator INHOFE, has worked, he cannot do anything as long as he has people on his side trying to hold up this bill. I think there has to be a decision made on what we are going to do about this. We have spent a couple of days hoping the senior Senator from New Hampshire would go away. I have had a lot of experience with him and he doesn't go away very easily.

I think we should recognize that we have an amendment that is popular and it has been brought here previously and more than 50 people will support his amendment. Whether 60 people will support it is another question. The leadership should understand that this bill is not going anywhere until we dispose of this amendment. It is extraneous, as the chairman will recognize. On this side, we believe in this bill and we thought, at least during this week, there should be no extraneous amendments offered.

We want to get the bill passed. This is important to the people of this country. If we want to create jobs, this is the way to do it: pass the highway bill. As many as 2 million jobs could be created with this highway bill. So I hope the majority realizes the predicament they are in. We are willing to work with them in any reasonable way to try to move beyond where we are today. Just giving speeches out here on the bill is not going to do the trick. If we want to pass the bill, we are going to have to, in effect, get rid of the Gregg amendment. I have to be careful how I say this. One of my friends told me something the other day. We were in a huddle talking about the bill, and I said: We are going to have to figure out a way to get rid of JUDD GREGG.

He said: You better be careful saying stuff like that. In England, the history is very clear that on the occasion when the King said the Archbishop is causing me a lot of problems, a couple days later three people went out and assassinated the Archbishop.

We certainly don't mean to apply that to JUDD GREGG. We are talking about his amendment, not him personally. It is a problem with his amendment.

Mr. INHOFE. Mr. President, first of all, I am sure we all appreciate that clarification. I often wish the Senators who are not on the committee knew the time, effort, the bridges we have crossed, the compromises we have made, and the time we have spent. We have some provisions that have nothing to do with the formula or the issues or the nongermane issues that the Senator from New Hampshire has. It has

been very difficult. It has taken many hours and committee hearings. We have had people coming in from local governments and State governments to get where we are today.

We would like to have gotten to this point back when the other authorization ran out but were unable to do it. We made a commitment that we would be there, and we are capable of being there now when this expires on February 29. So there is going to be every effort to get that done.

I know the Senator from Rhode Island wants to be heard. It will be my intention to reclaim the floor at the conclusion of his remarks.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Chairman INHOFE for his great effort to move the highway provisions forward. I very much would like to speak about the public transit issue.

Let me begin by commending Chairman SHELBY and Ranking Member SARBANES for their extraordinary efforts on a bipartisan basis to ensure that we continue the success that we have enjoyed since TEA-21 with our public transit programs throughout the country. I also thank Senators DASCHLE, JEFFORDS, SANTORUM, and BAUCUS for their efforts to convince the Finance Committee to provide us with the adequate resources that were necessary to bring this transit bill to the floor.

The bill before us today is a strong step forward toward meeting our Nation's significant transit needs. Over the course of the last 2 years, I had the opportunity, first, to serve as chairman of the Subcommittee on Housing and Transportation of the Banking Committee, and then as ranking member to my colleague, Senator WAYNE ALLARD of Colorado. Our joint tenure as chair and ranking member, respectively, allowed us to look deeply at the issues confronting transit throughout the United States. We had a number of hearings and we were able to get a broad-based spectrum of witnesses to talk about the successes and the challenges that face transit throughout the United States.

We heard from each region of the country—northern and southern, rural and urban. Mass transit is not exclusive to one region. In fact, what we are finding throughout the country, particularly as metropolitan areas grow and transit needs increase and commuting increases, every community is looking for ways to incorporate transit in their overall transportation plan—not simply to move people but also to meet environmental standards, which are increasingly difficult to achieve without some type of transit system. We heard from businesspeople, environmentalists, senior citizens, the disabled, and those making the transition from welfare to work. We heard from the administration and from academics who are experts in the field of transit.

Now, while these witnesses did not agree about every detail, they shared

one central message: TEA-21 works. The current Federal program for transit support works very well, but preserving that success is jeopardized by one simple thing: resources. We have to reinforce success. If we do not provide the resources and continued commitment, we will lose that success; we will disadvantage communities throughout this country.

Mr. President, I am very pleased today that the bill we have before us in the Senate makes some changes to current law, but it takes that central message to heart and provides increased resources to meet the demands of all of our communities for more effective public transportation.

When we passed TEA-21 years ago, transit funding doubled and ridership rose by 28 percent—faster than any other mode of transportation. Mass transit is increasing faster in terms of its use by the American public than any other form of transportation. Another example is how this program is being successfully greeted enthusiastically by people throughout this country. It is my hope the bill before us, which would provide \$56.5 billion for transit of all types, can help achieve the same levels of return on our investment, and that we see a continued increase in ridership and use. That has a positive effect in terms of moving people throughout metropolitan areas and rural areas to get to their jobs. It has a positive effect in terms of making the cost of transportation lower for most people. Also, as I mentioned, it has beneficial environmental effects.

This bill would increase our transit formula programs by 56 percent, on average, and no State sees a rate of increase below 37 percent for its apportionment, and the vast majority of States are at or above the national average.

The bill is not just an urban transit bill. Indeed, rural transit programs would grow from \$1 billion under TEA-21 to almost \$3 billion under this legislation.

The committee also responded to the needs of States experiencing the highest rates of population growth and those States with high levels of population density by creating a new program to address the traffic congestion so commonly experienced in these areas.

The bill also increases funding for the Elderly and Disabled Transit Program from \$90 million in the current fiscal year to \$187 million in fiscal year 2005 and would continue to increase this essential program to a total of \$248 million in fiscal year 2009.

This legislation will also provide significantly greater discretionary funding to improve our Nation's bus fleets and expand or construct new transit projects.

One of the areas that was of great concern to Senator ALLARD and I in our deliberations was the impact of 9/11 on our transit system. This legislation recognizes that after 9/11, we can't as-

sume that transit is just business as usual. We all recognize the vital role that transit played in mitigating the damages, both in New York City and in Washington, DC.

The transit system in Washington, DC, was remarkable in terms of moving and evacuating the city. The transit system in New York City was critical in literally saving thousands of lives as alert and experienced transit operators were able to close stations, move people out of stations, reroute trains, and save thousands of lives. We have to learn from that example. We have to incorporate in this legislation—and I am proud to say we do—the responsibility and also the flexibility so that local communities can use transit funds to prepare their workforce for these types of dangers. It is something that is necessary and something, indeed, I am proud to see.

We held two hearings in the subcommittee with respect to transit safety issues. In addition to that, Senator SARBANES and I commissioned a GAO study to look at the security needs for transit systems. Those needs are significant. This bill at least attempts to provide the resources to begin dealing seriously with those transit security needs.

Indeed, I am glad recommendations by the GAO have been incorporated in the bill before us. I am particularly pleased that urban grant recipients will be able to use their Federal funds to better train their personnel in security needs, as well as conduct emergency response drills to prepare for a potential terrorist incident. Such training is one of the single most important things that transit agencies can do to improve their passenger security.

This is an important step forward toward improved transit security. But there are two other issues that Congress and the administration must address.

First, the Department of Homeland Security must formally accept its responsibility for protecting the millions of Americans who ride our bus and rail systems every day. I hope to offer an amendment, when appropriate, to this legislation to ensure the Department of Homeland Security does take these responsibilities seriously. And second, improved transit security will require more resources than we are able to provide within the context of this reauthorization bill. I hope I can count on all of my colleagues to support increased funding for the Department of Homeland Security appropriations so that it can use those funds to enhance the security of transit systems throughout this country.

One of the unfortunate aspects of the world in which we live is that our foes seek the weakest links when they choose to attack us. Unfortunately, we have not invested in transit security to the degree we have in aviation and port security. It is, unfortunately, the weakest link, and we have to improve it.

Transit is an essential part of our Nation's economy in every region of the country. The investments in this legislation will help to ease congestion on our highways, reduce pollution, and provide for a smoother functioning and more efficient economy. I urge all of my colleagues to support this important measure.

Once again, I commend Chairman SHELBY and Ranking Member SARBANES for their great efforts, and also Senator INHOFE and Senator JEFFORDS for their leadership on the highway bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the chairman and ranking member of the Banking Committee not only for their work on this important part of the legislation but also for their willingness to work with me to reconcile the environmental provisions that are contained in this amendment with the provisions contained in S. 1072.

S. 1072 amends title 23 of the United States Code to provide for adjustments in the transportation planning process. The amendment the Banking Committee has admirably drafted contains similar provisions that amend title 49 of the code.

I understand that for the sake of good policy—that is, minimal confusion to the entities that must implement this law—the chairman and ranking member are willing to work with us to craft provisions that are consistent with the two titles. I thank the Senators for their help.

Mr. President, I am also very pleased that the bill the Environment and Public Works Committee reported contains a provision that will help fund community efforts to provide safe routes to schools for schoolchildren who walk or who ride their bikes to school.

This would include funding for overpasses, underpasses, red lights, or other ways to help reduce accidents and keep schoolchildren safer.

The exact use of the funds would depend on the needs of the local community. The funding is important because many school districts have a policy of prohibiting bus service for children living within a mile or perhaps a half mile of the school.

A National Academy of Sciences report shows that, on average, almost 16,000 schoolage children per year are injured or killed during normal school travel hours. Let me repeat that number. Almost 16,000 schoolchildren are injured or killed during normal school travel hours. Thus, I support strong funding for safer routes to the schools.

I know that in my home State of Vermont, especially in the dark winter mornings when it is icy, schoolchildren can be at risk while walking to school. When Vermont warms up, many schoolchildren may choose to ride bikes to school, and we should make it as safe as possible for them to get safely to and from school.

Often school districts do not provide bus service to children living near the schools they attend. Yet research shows that many children are injured within a mile or so of their homes.

The provision in our bill will provide \$70 million per year to help States and local communities reduce these serious risks to schoolchildren. The committee report notes that the purpose of this program is to enable and to encourage children to walk and bicycle to school and encourages a healthy and active lifestyle by making walking and biking to school safer or a more appealing transportation alternative for those living close to school.

I look forward to working with the other body on this important initiative. I know that safe routes to schools is important to my friend, Congressman OBERSTAR, and to a great many of his colleagues.

I thank Senators INHOFE and BOND for working with Senator REID and me on this important issue. We worked out a strong provision regarding safe routes to school.

Mr. President, I wish to briefly discuss the freight provisions we have included in this bill. We have crafted a package that provides considerable flexibility to States and metropolitan planning organizations in addressing freight rail concerns.

We have made improvements to intermodal freight transportation projects eligible for the Surface Transportation Program and the National Highway System funding.

We will have each State designate a freight coordinator to assist in integrating freight concerns into statewide planning and metropolitan planning.

We have also included funding to improve the condition and performance of the National Highway System intermodal connectors. These connectors are those last mile connections to ports and other freight-related facilities that experience a high volume of traffic and have not received the proper amount of attention in the past.

These freight rail provisions make our bill very responsive to the needs of the freight community.

These are important sections of the bill. I wish to emphasize the need for transit improvement. As we travel around this Nation, from California to New York—wherever we go—we have to develop better ways for our transit systems to be more effective. Looking worldwide, we have seen incredible improvements in some countries that are very populous with the utilization of new transit systems and new modes of transportation, such as maglev and other evolving systems. This is very important, and it is going to be more important as we continue to go forward and continue to increase the number of automobiles on our highways.

Mr. President, I yield the floor.

Mr. INHOFE. Before the Senator yields the floor, will he yield for a question?

First, I appreciate the fact the ranking member of the committee is bring-

ing up these issues. Everything he mentioned was controversial. Fortunately, we didn't have to handle a lot of the problems with transit because that was done in another committee, and I certainly commend the chairman of the committee, as well as the ranking member, as well as the subcommittee ranking member and subcommittee chairman. I understand the subcommittee chairman is going to come on the floor and make some comments.

When the Senator talks about safe routes to school, I think that is a good example of the weeks and months we spent coming to an agreement. Frankly, Senator JEFFORDS is the one driving force to get up from \$50 million to \$75 million. I felt that perhaps priorities could be in some other areas.

In looking at this, I want to commend the Senator for the work he did because I think he is right. We probably spent several months just on the freight area. Everyone knows that was not adequately addressed in TEA-21 and was not adequately addressed in ISTEA. I appreciate very much the time the Senator has spent in these very sensitive and controversial areas where it was give and take, it was compromise. Many times we gave up something we believed in in order to accomplish it and come up with a bill, a good bill, which we have right now.

Mr. JEFFORDS. I thank my chairman. I understand his dedication to doing so much more as we go forward. We are accomplishing a lot today, and yet we still have to sit down and look to the future as soon as we are done with the present.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask if the chairman of the committee has any further comments to make concerning this particular part of the bill, the transit portion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I hope we can get together in the hours to come and try to put a package together, perhaps, and move this bill. This is an important bill in America for highways and transit. It affects everybody in America. It affects every Congressman's district, every Senator, and I think it is too important to ignore in any way.

I commend the senior Senator from Oklahoma, the chairman of the committee, for the work he has done. He has been pushing this highway bill—I know because he has been pushing me—for months and months. I do not know how many hours of work he and his staff have put in, along with Senator JEFFORDS, Senator BOND, and others. This is just too important. It affects so many Americans. It covers everything dealing with our infrastructure, and it will be good for the economy.

The Presiding Officer comes from one of the fastest growing States in the

United States. Moving people in his State, as well as a lot of others, is very important. There has to be lead time to plan. I believe this is a good bill, considering everything. We have put it together in a bipartisan way in the Banking Committee where we, as well as the other committee, have authorization for transit. I stand ready to work with the principals to move this bill as soon as possible.

I yield the floor.

Mr. JEFFORDS. Mr. President, I recognize my good friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I concur with the remarks made by Chairman SHELBY. I think they are right on point. I want to stress again to my colleagues, as I understand it, the highway bill was brought out of the Environment and Public Works Committee with an overwhelming vote, almost unanimous but not quite. I think there were two exceptions, but otherwise all members of that committee on both sides of the aisle were supportive of this legislation.

The transit part that is being offered as a title or an amendment to the highway bill came out of the Banking Committee with a unanimous vote. I think this reflects the fact that in both venues, both forums, a major effort was made over a sustained period of time to address the problems Members confronted and to try to develop a formula, an allocation, and other provisions of the legislation that would be responsive to their needs.

So I say to my colleagues, this is legislation that has been very carefully developed. It has been worked over and over and I think it is a very good product. I think it has struck a very good balance. I think it contains within it a vision for the country.

There is a clamor across the country for this legislation on the part of the public and on the part of all of the stakeholders who deal with these issues. State governments, local governments, the various highway and transit groups, business interests, labor interests, are all strongly supportive of this legislation.

The reason they are so strongly supportive is because they recognize this legislation is critical to moving the Nation ahead. It is essential for the economy. It is essential for enhancing the quality of life. People are spending hours trying to get to and from work and we need to help address that issue. Seniors, young people, and the disabled need these various forms of transportation in order to live their lives. I strongly commend this legislation to my colleagues. A great deal of work has gone into it by many Members of this body. I think it is very important that we move this legislation forward and over the next few days to come, I hope we will be able to accomplish that and put into place this extremely important legislation.

Actually, in one of the statements of the majority leader he indicated he

thought this might well be the most important legislation to be considered by this body in this session of the Congress. I do not think that is an overstatement and I again commend this legislation to my colleagues. I thank Chairman SHELBY for the very productive, positive, and cooperative way in which he worked on this legislation and I join with him in commending Chairman INHOFE and Ranking Member JEFFORDS for the very fine work that was done in the Environment and Public Works Committee and Chairman GRASSLEY and Ranking Member BAUCUS for their efforts in the Finance Committee that, in effect, developed a full package that will make this legislation work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the comments the Senator made. I know it is a very difficult area to deal in, but I think it is also interesting. When we look at the chairman, the ranking member, and then the chairman of the subcommittee and the ranking member of the subcommittee, there is Alabama, Maryland, Colorado, Rhode Island. There is a huge diversity. Most people think that geographically only certain parts of the country have an interest in transit. It is not true at all because there is equal enthusiasm. I am quite sure, knowing all four personalities and the areas they represent, they spent a long time putting this together, coming up with the successes they did achieve.

I would like to go back and review a couple of subjects we have talked about, but, first, I understand that perhaps Senator CARPER was wanting to seek recognition.

Mr. CARPER. Mr. Chairman, when it is appropriate, I will welcome the opportunity to speak for maybe 5 to 10 minutes on the bill.

Mr. INHOFE. The Senator may have longer than that if he wishes, and then I would want to reclaim the floor at the conclusion.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Oklahoma yields the floor. The Senator from Delaware.

Mr. CARPER. Mr. President, I join my colleague, Senator SARBANES, in voicing my thanks for the work that has been done on the legislation before us today, and certainly to Senator INHOFE and his staff and Senator JEFFORDS and his staff.

As a member of the Senate Banking Committee, it has really been a pleasure for me these last 12 months to work with our new chairman—well, not so new chairman—Senator SHELBY and our ranking member, former chairman, Senator SARBANES, as we have attempted to craft any number of pieces of legislation. Last year, the Fair Credit Reporting Act, which I described yesterday, with Senator SHELBY, was just a model in the way we should be creating legislation in a badly divided Congress these days.

I don't know if the bill before us is going to be held out as a model for crafting legislation, but my hope is the product is going to be a good one for us and for our country.

I would like to speak for a few minutes about the transit provisions of this bill and then to talk a bit about our support as a nation for rail transportation and whether or not we have provided the right support and sense of priority for rail, be it freight rail or passenger rail.

Let's go back to the 1970s when something called the Urban Mass Transit Administration was created. We talk about legislation. We didn't have ISTEA; we didn't have TEA-21; we had a highway bill. Every several years the Congress would pass a highway bill. Even after the Urban Mass Transit Administration was created, we would pass in the Congress from time to time a highway bill.

In due course, the Urban Mass Transit Administration became the Federal Transit Administration. Somewhere I believe in the 1980s, the Federal Transit Administration funding was joined with the highway bill to become a transportation bill and we began taking money. Today I think it is a little less than 3 cents for every gallon of gasoline that is sold that will be allocated to the Federal Transit Administration to support mass transit services, including buses, including rail and a variety of other transit services.

With respect to the transit provisions of this bill, I think they represent our growing awareness that while roads and bridges and highways are important and we still love our cars in this country—cars, trucks, and vans—more and more people are using transit. It is a good thing they are. With the kind of congestion we have on our highways, with the kind of dependence on foreign oil and the kind of problems with air pollution, it certainly makes sense to have people get out of the cars, trucks, and vans to use transit to go to work or go shop or go to a ball game or any variety of other purposes.

I would like us to think of our transportation system in this country holistically for just a moment. It includes our highways, our roads, our bridges. It also includes transit. Last year we spent a fair amount of time reauthorizing the Federal Aviation Administration. In doing so, a variety of related programs, including the airport improvement program, were reauthorized. You may recall we fund aviation improvements, and particularly airport improvements, from a variety of user fees and some general fund moneys.

Last year we focused on aviation and how to improve our aviation component of our transportation system. This week we are focusing on highways and roads. Today we are focusing a bit on transit.

Mr. KENNEDY. Will the Senator yield for a consent request? I ask unanimous consent to be able to proceed after the Senator from Delaware finishes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CARPER. At a day and age in which some 16 percent of our freight in this country is shipped by rail, all told over 40 percent of our total ton miles of intercity freight go by rail, we have not yet seen fit to say the Federal Government should have some interest, more than just a passing interest, in helping to support, to nurture the rail component of our transportation system.

Later, probably not this week but I suspect next week, we will have the opportunity to consider that question: What kind of attention, what kind of support should we in the Congress and in this country be providing for freight rail service? What kind of support should we be providing in this country for passenger rail service?

Amtrak has just concluded a year where they had the highest ridership in the history of the company. More than 24 million people rode intercity passenger trains, and they had the highest revenue, I believe, for any year in their history as well.

We spend a whole lot of time from year to year in this body talking about passenger rail service and Amtrak. We really don't focus much on freight rail. I would have us keep in mind, in a day and age where we are using some 55 percent of the oil we use to run our cars, trucks, and vans, 55 percent of it comes from foreign sources.

You can take 1 ton of freight, put it on a train here in Washington, DC, and take it up to Boston, MA, and you use 1 gallon of diesel fuel. Let me say that again. You take 1 ton of freight, put it on a freight train here in Washington, DC, take it up the Northeast corridor to Boston, MA, and that train will use 1 gallon of diesel fuel to move a ton of freight by rail.

As Governor of Delaware, I was involved a whole lot in trying to improve our highways, our roads, our bridges. There has been a lot of State money and, frankly, a good deal of Federal money. We are always grateful for that partnership. We invest a considerable amount of money in transit services. We invest State money in airports along with Federal money.

We also invested State money in rail transportation projects. We did not have as a partner in those rail transportation projects the Federal Government. However, if it were a highway project, for every 20 cents we put up, the Federal Government would put up 80 cents to match. If we had the opportunity to choose between projects where we were getting an 80-20 match, an 80-cent match for our 20 cents on a highway project, and we had the option of putting our money and no Federal money in a rail project, the funding formula just automatically skewed our decisionmaking.

We may have had a rail project that made a whole lot more sense for our State, got a whole lot better bang for

the buck than the highway project, but we were inclined and encouraged to use the money for the highway project because of a far better return, 80 to 20 versus nothing for our 100 cents.

What I think some of us will be really asked to think about next week is whether it makes sense to say the Federal Government should be at least a modest partner in encouraging the utilization of freight rail—greater utilization of freight rail. Today, the role is almost zero.

I believe we can do better than that. There are a whole lot of different approaches, different ideas and thoughts about creating an entity that would issue bonds. The interest on those bonds would be paid for by the Federal Government through tax credits. The entity issuing those bonds would be essentially paid. There has been discussion of adding an extra penny or so to the Federal gas tax and using those funds to support rail in some context.

I know when I served on the impact board—and former Governor Tommy Thompson preceded me—he and I both suggested an extra half cent or so to the gas tax to provide additional money for capital investments for infrastructure. We thought that made sense.

We may be asking our colleagues next week to look at an approach that suggests maybe a source of funding through a gasoline tax. I don't think creating an entity to issue new debt is the answer, at least not now—but to look for some source of funding that would provide some money for the next 6 years to States that have identified good rail projects, freight rail, or even passenger rail, which makes sense for those States; if they are willing to put up their money in order to match monies from a Federal grant through the U.S. Department of Transportation, I think that is an idea that may not have had a lot of merit several years ago.

But, when you travel the highways around here or Delaware or Vermont or Maryland, I suspect even some places in Oklahoma, Missouri, Massachusetts, we see congestion on our roads the likes of which we have not seen in our lifetimes. When you travel to airports, whether it is in Philadelphia, or BWI, or other places around the country, the kind of congestion we see is congestion I have never seen in my lifetime, and the kinds of delays we are facing I have never seen in my lifetime.

When I got out of the Navy in 1973 and got off active duty and moved from California to Delaware, about 30 percent of the oil used in Delaware back then in this country that year was oil we got from overseas.

When we can move a ton of freight from Washington, DC to Boston on a freight train and use one gallon of diesel, that certainly says to me there are some lessons for fuel economy in this day and age that we ought to pay attention to.

Senator JEFFORDS has provided great leadership with respect to clean air

issues. We are wrestling and wrangling before the committee on what is the right approach. We have seen improvements in certain aspects of air quality. In the Northeast, we still have huge problems with respect to smog and nitrogen oxide; great problems with respect to mercury. I believe others here will agree to disagree that global warming is a growing concern. But in that kind of environment, the notion that we as a nation should be interested in fostering and encouraging a greater dependence on rail—freight and passenger—to move people and to move goods is I think the right notion.

I want to close by going back to where I started.

Again, we worked a whole lot last year on aviation. This week we are working on highways, roads, and bridges, and that certainly is appropriate. During today's debate, hopefully we will introduce transit into the fray. That is another important component of our transportation system that should get special attention. I don't know how long I am going to be in the Senate. I hope I will be here for a while. But I am going to keep reminding my colleagues that rail deserves a place at the table. If we provide that place, without even providing a huge amount of money, I think we are going to find our country and our respective States are well served by that attention.

I thank the Senator very much for yielding the time.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Massachusetts is recognized.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. KENNEDY. I am happy to yield without losing the right to the floor.

Mr. INHOFE. I yielded to the Senator from Delaware at his request, and I asked that I get the floor when he finished. I want to explain to the Senator why I wanted to get the floor back. We are on the transit section. The chairman of the subcommittee, Senator ALLARD, has been waiting to be heard on that. I only inquire about how long the Senator will be until we regain the floor.

Mr. KENNEDY. It is a relevant point. If the Senator is here and wants to make a brief statement on it, I would be glad to yield now if I have the right to follow.

Mr. INHOFE. How much time does the Senator think he will require?

Mr. KENNEDY. Probably 20 minutes.

Mr. INHOFE. I thank the Senator.

Mr. KENNEDY. If he is here on the relevant part, I would be glad to wait. That is an enormously important sector of it. I intend to speak very briefly about it, but I don't intend to be longer than that.

Mr. INHOFE. I thank the Senator.

Mr. KENNEDY. Mr. President, I thank Chairman SHELBY and Senator SARBANES for their bold transit proposal that is before us. Throughout this

process, they have been resolute in their defense of mass transit and the result is the proposal that benefits cities across this country. Simply put, mass transit, subways, commuter rail, and rapid transit is the lifeblood of metropolitan economies. We cannot expect our cities to remain the enormous economic engines they are today unless we make the critical investments.

The U.S. Conference of Mayors recently released a study that shows U.S. metropolitan areas have accounted for 87 percent of the Nation's economic growth and have generated over 85 percent of the economic output, labor, income, and jobs over the past 10 years. Eighty-seven percent of the Nation's economic growth was from the cities.

When we consider statistics like these, I think my colleagues will agree this Senate should invest in transportation resources in a manner that benefits America's metropolitan areas.

I am particularly happy to report that the package crafted by Senators SHELBY and SARBANES does just that, and all of us in the Senate are truly in their debt.

On another matter, I strongly support the Public Safety Employer and Employee Cooperation Act amendment. I commend my colleague of the HELP Committee, Chairman JUDD GREGG, for sponsoring the Public Safety Employer and Employee Cooperation Act, and for offering it as an amendment on this bill. I am a cosponsor on this bill which was reported out of the committee last fall. We are joined by 25 other sponsors of the Senate, including a number of our Republican colleagues.

Our public safety workers play a tremendous role in protecting our communities and families. I remember the extraordinary courage we saw among those rescue workers, among those firefighters, and among those police officers on September 11 in 2001. They entered those burning buildings, risking their lives, and after the buildings fell, they raised an American flag amid the ruins. That image captures perfectly what these brave men and women do. They not only protect homes and our lives, they represent the very best that is in us. The courage and the sacrifice of ordinary working Americans is our Nation's greatest strength.

We were prepared to call on these men and women on 9/11, and they answered the call. It is time to honor them—to honor their service and their sacrifice—by giving them collective bargaining rights.

For more than 60 years, collective bargaining has enabled labor and management to work together to improve job conditions and to increase productivity. These productive relationships also help workers to obtain better wages, better health benefits and pension benefits.

Collective bargaining in the public sector, once controversial, is now widely accepted. It has been common at

least since 1962 when President Kennedy signed an executive order granting these basic rights to Federal employees. Indeed, over 30 States already recognize bargaining rights for these employees. Unfortunately, public safety employees in many States still lack the right to bargain collectively. They lack a voice on the job. By giving them this voice, we will not only help these brave workers, but we will also increase the safety and effectiveness of our public services.

This amendment guarantees the fundamental rights necessary for collective bargaining—the right to form and join a union, the right to bargain over working conditions, and the right to legally enforceable contracts.

The benefits of this legislation are clear and compelling. First, this amendment will improve public safety. Our firefighters and police officers are better equipped than anyone else to know how to improve our public safety.

As the former president of the Fraternal Order of Police testified at a congressional hearing in 2000: “Public safety service is delivered by rank-and-file officers. Therefore, it is their observations and experience which will best refine the delivery of service. To exclude them from having any input relating to their job, particularly when their lives are on the line, is not only unfair to the officers, but the public they are sworn to protect.”

Unfortunately, many public safety officers do not have this right today. They risk their jobs when they speak out about working conditions that are a danger to themselves and the public. Take, for example, the firefighters in Springdale, Arkansas, who testified to the city council about the need for better equipment in staffing. He was fired for insubordination. Or the firefighters in Odessa, Texas, who set up a Web site and newsletter publicizing the fire department's failure to provide them protective masks in the case of a chemical attack and were interrogated and disciplined for their actions.

There are too many examples like this of public safety workers who see inadequate staffing and equipment, placing themselves and the public at risk, who do not have the right to bargain to change the problems in a contract. Our public safety employees know best what is needed to keep us safe. Under this amendment they would have the right to negotiate these workplace conditions with cities and towns they serve. This will lead to greater cooperation, improved labor-management relations, and better service.

One example of this success can be found right here with the Capitol Police. When the Capitol Police were granted collective bargaining rights, their contract provided for a joint labor-management relations committee to review police practices, equipment, and officers' safety. As a result of these discussions, the United States Capitol Police were given great-

er access to body armor and upgraded weapons. Over a year before September 11, 2001, our officers were already aware of the need for increased security in the Capitol buildings, something we are reminded of every day, particularly this week.

Collective bargaining is also more cost effective. A study by the International Association of Firefighters shows some States and municipalities that have given firefighters the right to discuss workplace issues have lower fire department budgets than States without such laws.

Not only would collective bargaining benefit the public, it would help these employees who do so much to protect us. Every year more than 15,000 police officers and 75,000 firefighters are injured on the job. On average, 160 police officers and nearly 100 firefighters die in the line of duty each year. This amendment gives these workers the opportunity to discuss the on-the-job safety concerns with the management. It would also give workers a chance to improve their wages and benefits.

Public safety employees without collective bargaining rights are often paid less than their representative counterparts. In some of these States, it is not unheard of for firefighters to earn less than \$18,400, the Federal poverty level for a family of four. Many of these workers have to pay for their own health insurance. This costs thousands of dollars a year they cannot afford.

Some of my colleagues have previously expressed concern that this legislation affects States rights and public safety. This amendment would preserve States rights. Each State would maintain and administer its own collective bargaining law. States would have the ability to decide how they want to provide the collective bargaining rights. Indeed, the majority of the States already meet the amendment's criteria.

This amendment also recognizes the importance of community security. I strongly believe our police officers and firefighters will always act to protect the safety of the public first. However, in order to ensure there is no possible risk to this, this amendment expressly prohibits the right to strike. My colleagues should, therefore, have no concern that this would in any way compromise the safety of our cities and our neighborhoods.

The Federal Government recognized the right to collective bargaining more than 60 years ago. Public safety workers are one of the largest sectors of the workplace who do not yet have that basic right. Our Nation's police officers, firefighters, and emergency rescue workers have earned that right. I urge my colleagues to give them that right by supporting this amendment.

MEDICARE

Mr. President, on another matter, the administration is robbing the Medicare Program to finance the Bush reelection campaign. That is wrong. Today, we call on the Comptroller General of the United States to investigate

the legality, propriety, and accuracy of this unprecedented and improper use of taxpayers' money. The Washington Post describes the ads the Bush administration is running as designed to build public support for the new Medicare prescription drug law, seeking to counteract Democratic criticism that changes to the program will harm older Americans.

The \$12.6 million of Medicare money the Bush administration will spend on these ads is on top of the \$10 million they plan to spend on a deceptive mailing to all 40 million Medicare beneficiaries touting the new law. There is no purpose for these advertisements except to convince senior citizens the Medicare bill is good for them. They are nothing more than propaganda for the Bush reelection campaign, using \$23 million of senior citizens' own Medicare money.

The merits of the new law are a legitimate subject for political debate. Democrats intend to keep talking about this issue all the way to November. We will be fighting to rewrite this deeply flawed and destructive bill. President Bush will be claiming credit for it, defending it, as he did in the State of the Union Message. He is entitled to do that. But he is not entitled to use senior citizens' own money, the taxpayers' own money, to sell this bill like a car or a cake of soap so the President can improve his fading chances of reelection.

For those who have not seen the advertisement, it features actors pretending to be Medicare beneficiaries. Every question the actors ask is answered with a variant of a simple-minded slogan which is shown throughout the advertisement: Same Medicare, more benefits.

The advertising campaign is managed—listen to this—the advertising campaign is managed by the same firm that works for the Bush reelection campaign and for the drug industry. If there is anyone who thinks the sole purpose of these ads is not to promote President Bush's reelection, they must come from another planet, maybe Mars.

There is a lot the ads and mailings do not tell the senior citizens because the Bush administration understandably does not want them to know the facts of the new law. Its bland assurance that the elderly can keep their Medicare does not tell them the administration's own estimates project over \$50 billion in excess payments to Medicare HMOs in order to prevent Medicare from competing on a level playing field and ultimately privatizing the whole program.

It does not tell them up to 6 million senior citizens will be forced into a vast demonstration program that will require them to pay higher premiums if they want to keep their Medicare.

It does not tell them if the insurance company offering the drug benefit in their area charges a premium that is too high or does not cover the drugs

doctors prescribe, the only way they can get the drug benefit is to leave regular Medicare and join an HMO or other private insurance plan. It does not tell them that.

There is a lot more this ad leaves out. It does not tell senior citizens the bill has provided over \$100 billion in windfall profits for the pharmaceutical companies and that the Government is prohibited from negotiating better prices for senior citizens.

It does not tell them almost 3 million senior citizens will lose good retirement coverage and be forced into the inadequate Government program.

It does not tell them if they are poor and on Medicaid they will have to pay more for drugs they need and have less access to the drugs their doctor prescribes.

It does not tell them if they wait a year or two and see how the program turns out before they join it, they have to pay higher premiums. In fact, it does not even tell them they will have to pay a premium.

It does not tell them they are prohibited from using their own money to buy supplemental coverage to fill in the gaps in the inadequate Medicare benefit.

It does not tell senior citizens the Bush administration misrepresented to their own party and to the American people the costs of the bill.

The more senior citizens learn about this program, the angrier they become. I predict when they learn this misleading ad, designed to help the President's reelection campaign, is paid for by their own Medicare money, they are going to be even angrier.

UNEMPLOYMENT

Finally, I bring to the attention of the Senate an excellent report, the Economic Policy Institute report that talks about the wage and salary income for workers in this country. It is an ominous report and is something all Members who have been traveling around our States certainly have found out in talking to any of the workers.

I ask unanimous consent to have the document printed.

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

[From the Economic Policy Institute
Economic Snapshots, Feb. 4, 2004]

WAGE AND SALARY INCOME YET TO SHARE IN GROWTH

The Department of Commerce's advance release on gross domestic product (GDP) estimated that the U.S. economy grew 4% in the last quarter of 2003. This is a solid growth number, although well off the extraordinarily high (and unsustainable) 8.2% rate of the third quarter. However, the rise in GDP has not yet translated into higher wages and salaries for many U.S. workers.

Despite solid GDP growth in the second half of 2003, many Americans continue to rate addressing the economy and jobs as the nation's highest priority. One possible reason for this continued anxiety in the face of rising GDP is shown in the figure below: the current recovery remains the single worst on record in terms of generating the real (infla-

tion-adjusted) growth in wages and salary income that is the economic lifeblood of most American families.

In the 25 months since the recession ended, total wage and salary income is up only 0.4%. It should be emphasized that this is growth after the recession ended and does not include income losses incurred while the economy was contracting. This is the slowest wage and salary growth of any recession since 1959, the first year in which monthly data on total wage and salary income is consistently available.

Wage and salary income after the previous five recessions was an average of 9.4% higher by this point in the recovery. Prior to this recovery, the worst post-recession spell for wage and salary growth was the last jobless recovery of the early 1990s, which still saw wage and salary income rising nine times faster (3.6%) than in the past 25 months. The current slow growth of wages and salaries means that many U.S. workers are not reaping the benefits of the recent GDP growth.

Mr. KENNEDY. This is the first time in over 50 years that long-term joblessness has reached such high rates. Mr. President, 22.3 percent of the unemployed have been out of work for more than 6 months. Without workers being offered any Federal job benefits, every week 90,000 workers are running out of unemployment benefits.

In the Senate, we have tried more than a dozen times to extend the unemployment benefits to ensure that those workers can continue to support their families while they look for a job. More than a dozen times our Republican colleagues have said no.

The White House has been silent on the issue claiming "mission accomplished" on the economy while millions of Americans remain out of work. The Bush economy continues to create only one job for every three people out of work.

But yesterday we finally had some good news. Our colleagues in the House recognized the unemployment crisis and voted, 227 to 179—including 39 Republicans—to reinstate the Federal unemployment benefits for 6 months. Workers have paid into the unemployment insurance trust fund. The trust fund is now \$17 billion. The extension would cost \$6 billion to \$7 billion. This is a matter of fairness.

In December, only 1,000 new jobs were created. Tomorrow we will find out how many jobs were created in January. I hope it is good news. But I can assure you right now, it will not be enough to restore the 2.4 million jobs lost under President Bush or enough to ensure that every worker who wants a job can have one.

That is why we need to reinstate the unemployment benefits. Americans are suffering. They are struggling to pay their mortgages and keep food on their families' tables.

If the House of Representatives can accept this, in a bipartisan way, with 39 Republicans, you would think we would be able to accept it and not have it continually blocked.

I will just show a chart. This chart shows the average number of out-of-work Americans running out of unem-

ployment benefits without finding a job from 1973 to 2003. For 30 years it has averaged 151,000. In January of this year, 375,000. Our Republican friends refuse—absolutely refuse—to permit the continued help and assistance which those workers have paid into the unemployment compensation fund, which today is \$17 billion in surplus.

The House of Representatives has accepted it. Thirty-nine Republicans went along with it. I wait, as many of our colleagues, for the amendment that will be offered by our friend and colleague, a leader on this issue, Senator CANTWELL, who will offer that amendment; and it will give an opportunity for the Senate to address this issue.

But I also point out—I see my leader in the Chamber—the Economic Policy Institute, on February 4, issued a presentation of which I cite a chart entitled "Real growth in wages and salaries, 25 months since recession's end." They go back to 1961, 1970, 1975, 1982, 1991, and 2001. In the 25 months since the recession ended, wages and salaries have only grown 0.4 percent. It is the lowest in the history of any economic recovery that has ever been recorded.

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

Mr. KENNEDY. I am glad to yield.

Mr. REID. I had to step off the floor, but I did come back and heard part of the Senator's statement regarding Medicare.

It is true, is it not, that the taxpayers of this country are paying for political advertisements to talk about how good the bad Medicare package is? Is that true?

Mr. KENNEDY. Well, the Senator is absolutely correct. A total of \$23 million will be money that is paid in for our seniors. It is taking that money that was to be used for the protection of our seniors, and it says \$12 million—\$6 million will be spent on the television. That is on top of the \$10 million that will be done for a mailing to all 40 million Medicare beneficiaries. The ad house that is handling this is in charge of the Bush administration's reelection campaign.

Mr. REID. May I ask another question.

Mr. KENNEDY. Please.

Mr. REID. So the Senator is saying, not only are taxpayers' dollars being spent to promote a bad Medicare program, but that the advertising is being done by the President's own reelection media team?

Mr. KENNEDY. The Senator is absolutely right. I know the Senator is in disbelief of the gall the administration would have to take \$23 million out of Medicare to use it with their own ad agency for mailings to 40 million seniors and to use on the airwaves in support of a bill and in misrepresenting the bill itself.

I took a moment of time to show how the ad itself is so misrepresentative of what is in the bill. But the Senator is correct.

Mr. REID. Will the Senator yield for one other question?

Mr. KENNEDY. Yes.

Mr. REID. Is it also true that in the mailings and the television they do not bother to tell what is going to happen after the election that takes place in November with Medicare? Because I believe—and think the Senator from Massachusetts believes—most of the bad stuff happening in this bill comes after the election. Is that true?

Mr. KENNEDY. The Senator is quite correct, although he is not entirely correct. The bonuses that are going to the HMOs—some \$12 billion now will go to the HMOs to treat any person who would qualify for Medicare. They will get a 25-percent bonus over Medicare with direct subsidies, which is not a level playing field, of which we hear so much from the other side, but direct subsidies. Those subsidies start in March of this year.

So you are right, the benefits are way down the road. The benefits that will affect the poorest of the poor are going to be after 2006. But the payoffs, the bonuses to the HMOs of \$12 billion will start in March. In fact, the Administration's own internal estimates, that were kept secret from the American people, and have just been released, indicate that the payoffs will be more than \$50 billion.

So I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I appreciate very much the Senator from Massachusetts being sensitive to the chairman of the Subcommittee on Transit who wants to come down to the floor. He will be here shortly.

Mr. President, what I thought I would do is continue to go through—in these moments where there is a little bit of a lull—this section-by-section analysis, as arduous as it may be to some people. But I think we need to have it in the RECORD so everybody has an understanding of not the hours, not the days, but the more than an entire year we have worked very carefully with the Senator from Nevada and the Senator from Vermont in coming up with the agreements and the compromises we have.

As we had said before, the goals of the reauthorization of TEA-21—which for the next 6 years we refer to as SAFETEA—have been to increase the rate of return to donor States. This is something of which certainly the Presiding Officer is fully aware. It is something we are all sensitive to.

My State of Oklahoma, for example, was down in the 70 percent range prior to ISTEA. Then with ISTEA and TEA-21 we crept up to 90.5 percent. This bill will take us up so every State will be guaranteed to get back 95 percent. I think that goes a long way. Some people who are a bit sensitive to the plight of donor States believe that getting to 95 percent pretty much resolves the problem.

That was one of the points we dealt with, and that took a long time on

which to get an agreement. At the same time we did that, we wanted to make sure we were not negatively impacting donee States. We hear people come down and complain about the formula approach, their State perhaps is not getting what they should be getting. Then we hear later on a donee State will come down. We have to recognize, if we don't have floors and ceilings and we take care of all the needs of the donor States, it is going to affect the others.

For the fast growing States, that is a consideration in the formula. We have never done this before. For those States that are growing very fast, we had to put in a ceiling, so we bumped the ceiling; otherwise, there wouldn't be anything for the other States.

We have to keep in mind that the three largest, fast growing States are consuming in this bill 26 percent of the growth. Consequently, as people have come to the floor, if you try to look at that and say, yes, we are sensitive to this, we must do something about the fast growing State, and yet at the same time you have one of the States such as New York or Pennsylvania that would be negatively impacted by the same thing. So this was a compromise all the way through.

Streamlining is something we tried to address. I was actively involved in the other body during the development of ISTEA in 1991 and then again in TEA-21 in 1998 on this side. We were not successful in doing it. In other words, there are things we can do to streamline some of the regulations we have to deal with. Many of those are environmental regulations where we can get that taken care of first, and we have provisions in this legislation that will do that and end up getting a lot more for our dollars.

The reason we are calling this SAFETEA is that right now we have some 43,000 deaths on the highway. We are looking now at a trend line that is going the wrong way. So it is time to address that. We even have the name SAFETEA. That is very appropriate.

Freight movement: We haven't really spent a long time on addressing these things. Nonetheless, this bill does do it. The Federal Highway System is a key component to continued economic growth in this country. We have talked about the positive effect of this bill when we get it passed and get by these parliamentary obstacles. Keep in mind, it bothers me a little bit that we have obstacles from perhaps 5 or 6 people when we had 75 votes to move on and invoke cloture.

Remember when we saw in one of the publications on the Hill the "Men Working" sign, and then, superimposed in the middle of that, "Men Not Working." That is a sign that we still have a problem. We have an economy that is on the rebound now, but jobs are lingering behind.

There is no program out there that is more of a significant jobs program than this bill. The IPAM provisions in

the legislation will allow those projects which are immediately ready to be completed. I know the Senator from Oregon has been very concerned about how quickly we can get in there and get some of these jobs going. That is why that provision is in there, so you can move immediately to those projects that have been approved without going through a long and arduous process.

That is the major concern the American people have with our not getting something done. There is a lag behind highway construction and getting the job done, we all know that.

When you talk about deficient bridges, of all 50 States, my State is No. 1. People are very sensitive to that. But they also recognize that even when we pass this, it is going to take a while to get this done.

What they are aware of is, you pass this and immediately it is going to have a very positive impact on the job market. In calculating job opportunities, it is about quadruple the number of jobs that would be corrected with this legislation. The reason is this: If a guy has a job, he is out building a road; he is also buying goods and services. The manufacturing jobs are improving. We are talking about a huge issue. There is nothing we can do that would more quickly take care of this problem.

The old bills had what was called a minimum guarantee. TEA-21 had a minimum guarantee. We all remember. We remember that formula, the 1104 formula. As you looked at the formula, each State had a percentage of the total amount, and that was what was called the formula. But politically speaking, once you get up to the 60 votes you need, it does not make any difference what they did. Consequently, it didn't have any of the provisions in there that would try to do the most good, build the best roads, and take care of the problems in the States where they are the most serious. We have done away with that.

It would have been easier to just go ahead with that because everybody understands that and you get 60 people happy and you have a bill. But we didn't want to do that because there are a lot of the categories of people in the States that need to be taken care of.

One of the problems we have with the very fast growing States and the large States is that while we are going to end up in 2009, at the end of this 6-year period, with 95 percent in terms of the donor States, the fast growing States, the large States will not reach that until 2009. I regret that is necessary, but frankly there is no other way to make this happen. So what we did was to put the formula into effect and let the formula work.

I have been going through and outlining the various sections of the bill. We have done it from the very beginning, section 1101, all the way up now to 1620.

Section 1620 is the Highway Stormwater Discharge Mitigation Program. As introduced, S. 1072 did address the issue of contaminated storm water runoff from highways. Specifically, it expanded the eligibility of storm water projects to be able to use a State's funds under the NHS program and extended the eligibility of storm water projects to mitigate runoff on existing Federal aid highways, ongoing reconstruction, rehabilitation, resurfacing, or restoration projects. An amendment was adopted to create a 2 percent set-aside from the Surface Transportation Program amounting to nearly \$1 billion.

This is something about which I know a lot of Members have a concern. My position has always been that if a State wants to use a 2 percent, a State can do it. If you have a mandatory set-aside, it puts us all in the position of where not only do we not have a choice, no other State has either. When you add it up, that is a lot of money. You are talking about a billion dollars. That is something that is going to be dealt with, it is my understanding, by interested Members. We will have to debate that.

My concern is getting to the position where we can debate legitimate differences of opinion. And that was one on which our committee was divided right down the middle. The concern I have right now is we are not debating things where there is a legitimate difference of opinion or even things that are germane. I hope that we can get to a point where we can table all non-germane amendments. I don't think we are going to get there, but I would like to get there. If we did, that would resolve that problem.

There are legitimate issues to deal with, with amendments. Section 1701 is transportation systems management and operations. Despite the historic increase in highway investment following the enactment of TEA-21, operational performance has declined. For example, a trip that would have taken 25 minutes during the congested period in 1987 now takes an additional 5 minutes. What we are talking about here is we have more congestion. I have seen this congestion mount. I was in the other body for 8 years. I was on the Transportation Committee during that time. The committee structure in the other body is not the same as here. In the other body, all they deal with is transportation.

Over here, we have Environment and Public Works, so we have other issues with which to deal. But when I got to the Senate, a vice chairmanship of the subcommittee became available. That was clean air. We went through the clean air problems we had during the Browner administration in the EPA. A lot of the problems that came up in my State—in fact, with original proposals that came through, out of 77 counties in Oklahoma we would have had some 50 counties that would have been out of attainment. We worked on that and

tried to get something done that would be successful.

But when we deal with this section 1701, we are saying that if you are out there taking a trip, going from one point to another, and because of congestion you have to stop and let your engine idle and let the truck idle, you are using up a lot of fuel unnecessarily, and we will quantify that in a moment in our discussion. No. 2, it is a time waste. So you have an air quality problem as well as a pollution problem. This bill makes several changes to improve the transportation system's management and operations, including the creation of a foundation for transportation systems management and operations. Through the provisions of this bill, transportation systems management and operations programs and projects are integrated into the capital planning and construction processes. States are given tools for reducing traffic delays caused by vehicle accidents and breakdowns on highways during peak traveling times. The bill encourages continued development and deployment of safety measures, notification systems to disseminate safety information on Federal aid highways to motorists and public safety agencies as needed. Examples may include traffic congestion, freight movement and conditions, amber alert, weather event emergency notifications, and border and homeland security notifications.

I have been informed there may be another Member who wants to speak for a specific period of time on an unrelated issue.

Mr. WYDEN. Will the Senator yield?

Mr. INHOFE. I will yield—

Mr. WYDEN. For a question?

Mr. INHOFE. Yes.

Mr. WYDEN. First, I express my appreciation to the chairman on the committee on which I sit. He has worked very closely with Senator SMITH and me, and we appreciate that. If it doesn't cause any great travail, I was interested in speaking for maybe 10 minutes on a health care issue. I see our friend from Colorado. Maybe something could be worked out among the three of us whenever the chairman has completed his remarks. I think at 1:30 the rule kicks in where you can address other issues. If something could be worked out, it would be helpful.

The PRESIDING OFFICER. The time is 1:49 when that rule kicks in.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senator from Oregon be recognized for up to 12 minutes on a subject of his choice and that Senator ALLARD be recognized immediately after that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I wanted to understand where we were. The Senator is going to speak for 12 minutes and then I will be recognized for 10 minutes; is that correct?

The PRESIDING OFFICER. Yes.

THE MEND ACT

Mr. WYDEN. Mr. President, skyrocketing prescription drug bills are

hitting senior citizens in this country like a wrecking ball. It seems to me it is critically important that the Congress move on a bipartisan basis to put in place aggressive cost containment measures that can best be achieved by making sure that the Medicare Program has real bargaining power, that the barriers are eliminated to bringing in drugs that are safe from other countries, and that seniors are in a position to compare prices, with real price disclosure in markets across the country.

Today I have introduced, along with the senior Senator from Maine, Ms. SNOWE, legislation that would do just that. I believe it is critically important for Congress to move on this legislation in the days ahead. If for no other reason, the legislation I introduced with Senator SNOWE should be priority business because of the developments in the last week.

In the last week, it has become clear that the prescription drug measure passed last year—a measure I voted for—will cost over \$130 billion more than was originally anticipated. So I think there was a strong case for the cost containment measures that Senator SNOWE and I are advocating today even before the developments of the last week.

But on the basis of what we have learned in the last week, I don't see how you can logically argue that Medicare should not have the same authority to bargain for seniors who need those prescription drugs that Members of Congress benefit from because of the Federal Employees Health Benefits Program that goes to bat for us.

So I am hopeful that this bipartisan legislation—which I believe is the first significant bipartisan health reform bill this Congress—will be considered quickly. Certainly the developments of the last week have given, in my view, new impetus for this legislation.

Our legislation is called the MEND Act, the Medicare Enhancements for Needed Drugs Act. It attacks the high prices seniors are facing in four major ways:

First, it leverages the market share of tens of millions of seniors into real bargaining power.

Second, it breaks down the barriers to reimportation of lower cost drugs.

Third, it makes Congress a watchdog against unfair price spikes.

Fourth, it creates real incentives for seniors to get the best prices for their medicine.

I think colleagues understand, having been home over the last few weeks, that there is tremendous concern with respect to this legislation. There is confusion about what it stands for. I think we have all heard that. But at the top of the list of concerns seniors are bringing to us is the question of what is being done to rein in these costs. It seems to me that with an opportunity to address this in a bipartisan way, which is what I have done with Senator SNOWE—we have been at this now for 5 years—the Congress could come together.

Now, if that is not done, it seems to me that given the developments of the last week, and the legislation costing \$100 billion-plus more than anybody anticipated, we are going to see the frustration mount not just with seniors but with taxpayers across the country.

I am going to be talking about this legislation more in the days ahead. I am very pleased that the Senator from Colorado was kind enough to give me the opportunity to speak for a few minutes in the Chamber today. I am very pleased that, with Senator SNOWE, we have a bipartisan, commonsense proposal that can help America's seniors receive the prescription drugs they need.

Our legislation will give seniors a powerful one-two punch to fight back against high prescription drug prices. It will help seniors save money on every prescription and give the new Medicare benefit even more buying power.

Under our bipartisan bill, the Secretary of Health and Human Services could fight on behalf of seniors for lower drug prices and individual Medicare plans would actually have incentives for negotiating prices comparable to the VA.

Seniors should not have to underwrite tax breaks for companies that try to keep affordable, reimported drugs out of their hands. Today, drug companies get a dollar-for-dollar tax writeoff on their advertising, advertising that is helping, in my view, to drive up the cost of prescription medicine. In the last year for which we have figures, direct-to-consumer advertising cost \$2.5 billion.

What we say in our bipartisan legislation is if the drug companies say no to affordable reimported drugs for seniors, then they are going to have to say no to the tax breaks that are paid for with seniors' tax dollars.

I hope in this session of Congress we will see an effort on a bipartisan basis to improve on the legislation that was passed last year. I voted for that bill last year. I still have the welts on my back to show for it. But I also came to the floor at that time and said I think the Congress can do better in terms of cost containment, not by setting price controls, not by some big Government regime that has the Government interfering in various kinds of areas where there is no appropriate role. But I said there is no logical reason why Medicare shouldn't have the same bargaining power to get a good price for seniors the Federal employee plan has for Members of Congress. Now there is a bipartisan proposal before the Senate that will get seniors a fair shake using marketplace forces.

I hope in the remaining days of this session, legislation can be acted on favorably. Senator SNOWE and I have worked as a bipartisan team for 5 years now in an effort to try to get this prescription drug issue right.

At the top of our seniors' concerns today is the need for better cost con-

tainment. We can do it with marketplace forces. The Senate now has bipartisan legislation that will do just that. I hope my colleagues will support it.

Again, I express my thanks to Senator ALLARD and look forward to working with him on the transportation bill as well.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank my colleague from Oregon for his comments. I, too, look forward to working with him on these transportation issues. We worked together on a number of issues throughout our careers. I always look forward to the cooperation he is willing to share in a bipartisan way.

While we are passing out some "atta boys," I want to again congratulate the chairman of the Environment and Public Works Committee for getting this bill to the floor. It was not easy. I know he worked all last year, and while most of us were on break, he was working hard trying to work out compromises so this legislation would be one of the first with which we would be dealing when we came back in for this particular session of the Congress.

Historically, transportation issues have not been partisan. Usually, it is approached in a bipartisan way. It is very complicated. Every State is affected differently. The bill has a highway transportation portion and a mass transit portion. Usually, there are some provisions, such as we saw this year, that come out of the Commerce Committee. The Finance Committee gets involved because there are some issues on how we are going to come up with the money that is required.

I also wish to compliment Chairman SHELBY. Chairman INHOFE is chairman of the Environment and Public Works Committee, and then we have Chairman SHELBY who is chairman of the Banking Committee. A major part of the mass transit provisions comes out of that committee. He has been working with the ranking member, Senator SARBANES. I am chairman of a subcommittee in the Banking Committee that deals with housing and transportation, so I have oversight over mass transit. I work with the ranking member, Senator REED of Rhode Island. They, too, spent a great deal of time working on this legislation, and I thank them for working in a bipartisan way to reach a consensus on this bill.

One of the issues we struggled with is how we are going to pay for what everybody wants in highway transportation and mass transit. It is something with which Congress has been struggling.

This bill came out of the Finance Committee, and they put in provisions. My concern is that we don't add to the deficit and we use those dollars that are available in the highway trust fund to finance transportation needs, particularly for highways.

The bill is a step in the right direction. It makes important steps in a

number of areas. I come from a State that has experienced rapid growth. I know a lot of Members of the Senate who come from rural areas, particularly in the West and the South, have experienced similar growth rates in their particular States. So we all are challenged with the transportation problems that come with that rapid growth. One problem is mass transit.

Historically, most of the dollars in mass transit have gone to those States that have large metropolitan areas or directly to a large metropolitan area, such as New York, Los Angeles, or Chicago. But those of us who come from relatively small metropolitan areas but are showing a lot of growth have never had access to dollars that are required for us to begin to move forward with mass transit.

In the State of Colorado, Denver is our metropolitan area. It was very difficult at one point to access the dollars to start mass transit systems. There were provisions put in place when we had Chairman Alfonse D'Amato from New York. I worked with him to try and put together a formula for mass transit where the smaller States could begin to participate in some of the mass transit dollars. That originally got put in place when Alfonse D'Amato, who was from New York, was chairman of the committee. Like I said at the time when we were working with Chairman D'Amato, we don't want to take all the money for small States, but I think when we have more than 90 percent of the dollars in mass transit going just to 11 cities, that is not a good balance either. So we needed to work out a formula.

We worked out a formula where the smaller growing metropolitan areas in this country would have some additional access to mass transit money.

We continue to work on that provision in this bill. We are beginning to recognize the growth and the needs in many other communities throughout the United States and working to give them flexibility to approach their transportation problems with different perspectives. We give them as many alternatives as they possibly can select in trying to meet their transportation needs.

One area is using buses, what we call rapid transit buses. These are buses that have dedicated lanes on highways. In some areas, it is cheaper to put down roads and highways than it is to build rail. They use that and then use buses instead of mass transit. It has the advantage of additional flexibility because the bus doesn't have to stop at one particular station. I know my State of Colorado is looking at this as an alternative.

We have money in the section that came out of Banking to provide additional flexibility to the States and local communities so they can look at these various alternatives as to what they can afford. There is no getting around it; when you start putting in a fixed rail system, they are very expensive.

I am happy to report in my State of Colorado, we have a major construction project combining expanding highways with mass transit. That particular project has been under budget and is ahead of schedule. As a result of that, the State is developing a good reputation in that regard. We have tried to put incentives in this legislation that says to communities throughout the country if you begin to take on these projects, we have incentives where you can work on the project, and if you are responsible with the taxpayers' dollars and you are ahead of schedule and under budget, this is all good news, so we want to encourage that type of behavior.

That is so much of what we have been trying to accomplish in the mass transit section of the bill.

Highways, obviously, are important as far as rural transportation is concerned but also is bus service. In some isolated areas of this country, there are elderly people, and many rural communities are disproportionately impacted by again rural populations. So they need to have some other alternatives of being able to get to their doctor or being able to get down and around in their communities to take care of their vital needs. So we have provided some programs that begin to provide bus service for the rural communities.

Overall, I think there has been a little bit of shift, if one looks at this transportation bill, from large States to the smaller States and giving the smaller States some flexibility as far as the dollars. That is good because that is kind of what is happening with the population. There is a lot of population change. People are moving from the larger communities and going out into the smaller communities, and sometimes it has to do with the quality of life. They are going out in the smaller communities because they have smaller classes in the schools. They like the rural living. They like easier access without having to deal with traffic problems.

We need to keep this in mind. So there is a provision in there to help take care of some of these big issues. We figured out that about 40 percent of the counties in this country do not have any transit at all and they are looking at some ways of trying to meet the needs of their local citizens.

Overall, this package has some good in it. We just need to work out how we are going to pay for all of it.

The other thing I would mention is, the private sector plays a key role in all of this. We sort of leaned on the private sector to help provide the expertise, and we want to be sure they have an opportunity to get into public-private partnerships because it can benefit all parties. Many times if it can be opened to a free market approach, it holds down the cost of the project. If projects develop into monopolies where one company, one group of employees, or one community has such control,

then we do not have the competition out there to hold down the cost of the project.

I am one who ordinarily believes that if costs for a project are to be held down, competition is the way to do it. Rules and regulations are passed, as well as having price controls. Basically, it is going to be competition that best serves the customers, whatever that transit project would happen to be, and also would be a process where we do not have an overburdensome bureaucracy which in itself does a lot to add to the cost of the project because of so much oversight.

So it is kind of a balance between where is the proper level of regulation so they can assure that things are done right but on the other hand hold down on the regulations so there are not unnecessary bureaucratic delays.

This is sort of a broad-brushed approach to our transportation needs. We began to recognize that there are lots of ways people can travel, and I think we have done that in this particular bill.

I want to talk a little bit more about my own State of Colorado and what is happening. If we look at the highway transportation funding formula, Colorado does well as far as the formula is concerned. This kind of chart sort of illustrates that. If we look at TEA-21, the 6-year average is \$335 million available for Colorado in the previous 6 years, per year. TEA-21 is the highway transportation bill that was passed and its funding ended in 2003. Now we are on 2004. This is what we call SAFETEA. If we look at the funding there, we have \$423 million in 2004 for Colorado. In 2008, it goes up to \$505 million, but in the last year we have a real balloon that goes up to \$603. Some people say: I do not know if it is going to be there.

Well, it is out there quite a ways, 6 years. In the last transportation bill we had, it was available for the State of Colorado. In the last transportation bill, they had flexibility that the States could use. There were some rather unique happenings in the Denver metropolitan area in trying to meet the transportation needs of the State as well as that metropolitan area. So for the State of Colorado it is about a 46-percent increase. All total, we are talking about 934.3 million new dollars over and above what was provided in TEA-21. If we want to spill those over into jobs, it is estimated that could create as much as 44,300 new job opportunities in the State of Colorado. So there is no doubt that if the infrastructure is worked on and it is done the right way, it can create a lot of opportunity in one's State. Certainly in the State of Colorado it is creating a lot of opportunity for us.

Now, when we talk about transportation issues in my State, there are a lot of things with which the local communities have to deal. Obviously, there are those who have to commute to work who want to get to work as fast as possible. There are those who say,

look, we have air pollution problems and as a result of that we want to restrict the amount of driving that goes on. So maybe mass transit is one of the ways to do that.

The first large mass transit line that we put in the State of Colorado, in the Denver metro area, out toward what we would refer to as the southwest corridor, has helped hold down our air pollution. People are using that.

Some people say we spent a lot of money on mass transit but it does not get used. Well, at least as far as the Denver metro area, it is being used. In fact, it is being used to the point where it has exceeded the amount of revenue that anybody anticipated. The usage is much higher. There is so much demand to get on the train that one of the things that has become an issue is parking, where are people going to park around the various stations in order to be able to take the train to work.

So now this has been moved a step further. With the success of that train, they are taking the money and saying, OK, now we can expand it out to the major project they are doing now, which is between two major business centers. As far as Denver is concerned, it is going to help the economy a lot. So when done right, this can create a lot of opportunities in the various States.

Again, I would stress the importance of the provisions that we have in here that encourage local control, encourage accountability, encourage efficiency so public policymakers in one's State will ask: What is it that we can do that will allow this project to move forward, without unnecessary delays? Our communities will benefit if we can get these projects done under budget and ahead of schedule.

This is something I think every community should have the opportunity to strive for. As policymakers at the Federal level, it is something we need to begin to push.

Again, the issue we are all facing is how to pay for this. I know the Finance Committee struggled. We are still struggling with it. What is the proper funding level for mass transit? I think the key markers that the President and so many Members have talked about is that we have to make sure the money is money that does not come out of the general fund, that it stays with the—now I am talking about highways—gas tax, because the gas tax is an allocated stream of revenue that has gone to a special purpose, and that special purpose is to build roads and highways and meet the needs of this Nation.

We need to make sure we stay with that principle. Also, we want to make sure we do not begin to spend money on a bill, or through a bill, that is going to add to our Nation's deficit. Our deficits in this country are reaching historic highs, and we need to do something now to get deficit spending under control.

I think the Budget Committee and the Members of this body are beginning to treat that issue in a very serious way. So we still have some challenges ahead of us, as we move forward with this particular legislation.

I have a lot of confidence in Chairman INHOFE as well as Chairman SHELBY. I think they have the ability to shepherd this very controversial, very complicated piece of legislation through the process.

This is just one body. You have the House. They take a little different perspective on the highway transportation bill because they have districts they have to represent, and they don't look at it from a State view like those of us here in the Senate.

I don't like, in my State, to be putting in special projects because what happens with special projects is they take away the flexibility of the State. You are telling your State where they ought to be spending their money on certain projects. I think that ought to be left to the States.

For example, in the State of Colorado we have sort of a complicated process. We have a highway commission. They allocate. They make recommendations to the Governor and legislature. I don't feel comfortable as a policymaker here in Washington telling my Governor and the highway commission, people who know what is happening as far as their transportation needs, what should be done in the State of Colorado. So I try to avoid what is referred to as porkbarrel spending, where you earmark any particular projects in your particular State because I think that ought to be done in the State level.

In the Senate that has never been much of a problem. When you get to the House side, where Members have their own districts they have to worry about, sometimes they worry about not having adequate voice even at the State level for the district they represent, particularly if it is a rural area, because it gets run over by the masses in the metropolitan areas. So on the House side you will see more earmarking, but on the Senate side you don't see so much. If I talk to my colleagues I try to encourage them to stay away from earmarking projects.

I think the chairman on the Environment and Public Works Committee shares those views. He has done a good job of making this a responsible piece of legislation. We still have a few challenges ahead of us, but it has been a pleasure working with the chairman.

I see he has made it here to the floor. I don't see anybody else right now here who is interested in speaking, so without any more comment on anything.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the efforts my colleague from Colorado has made on the committee all the way through, in addition to the transit portion of this bill. We have had a very cohesive committee in the time, well over a year, we have worked on this issue.

I would like to go through a few more sections here until someone appears, wanting to be recognized.

Arguably, this bill could be characterized as the most significant bill we will deal with in terms of how it affects so many people.

Regarding the Real-Time System Management Information Program, real-time information is the key to enhancing the operation and performance in the management of our transportation system. In drafting this legislation we adopted the ambitious and important goal of providing nationwide capability of real-time traffic and travel information. The more up-to-date information available to highway users, the better they are able to utilize the highway transportation system efficiently. The objectives of the Real-Time System Management Information Program include improving the security of the surface transportation system, addressing congestion problems, improving responses to weather events, and facilitating national and regional travel information.

As part of this real-time information program, States are required to establish a statewide incident reporting system within 2 years unless the Secretary grants a longer extension of time.

We try to recognize all the way through the bill what we don't want to do. Having been a mayor of a major city for four terms, I know what unfunded mandates are. That is something we don't want to be a part of, and we are not. We were sensitive to the problems of States and local governments so unique problems we cannot foresee at this time are taken care of with the discretion of the Secretary of Transportation.

Regarding future Interstate System routes, under current law, States have 12 years to construct National Highway System roads according to the standards of a highway on the Interstate System if they wish to designate the highway as a future Interstate System route. Recognizing the relative needs of the States and their respective abilities to meet these standards, this bill extends the current 12-year requirement to 25 years in order to give States more time to substantially complete the construction of highways designated as future Interstate System routes.

One of the problems, if we didn't do this, is that is making this a race to complete projects. The decision that programs should warrant more time, we feel, is going to end up being in everyone's benefit.

Stewardship and oversight is section 1802. Value engineering is another important stewardship tool for reducing the total cost of projects and improving their quality. Along these lines, States must annually certify the adequacy of their financial management systems and project delivery systems to meet all Federal requirements for financial integrity.

Accordingly, the Secretary is required to develop minimum standards

for estimating project costs and to periodically evaluate the States' practices for estimating costs, awarding contracts, and reducing costs. States must apply a value engineering analysis during the design phase of all highway projects on the Federal aid system over \$25 million and all bridge projects over \$20 million to reduce the overall cost of the project and improve project quality.

Not only are States required to meet standards of financial integrity for federally funded projects, but they must also determine that subrecipients of those Federal dollars also have sufficient accounting controls and project delivery systems.

The bill also contains mechanisms to protect future Federal aid projects from fraud by mandating the debarment of contractors who have been convicted of fraud related to Federal aid highway or transit programs. It mandates the suspension of contractors who have been indicted for offenses relating to fraud.

This has become a problem because there is no mechanism set up to keep this from happening. We now will have the mechanism.

Section 1803 is design-build contracting. Under the current law, a design-build contract is defined as an agreement that provides for both the design and construction of a project. The goal of design-build contracting is to reduce costs by contracting out the design and construction of a project to a single contractor. At Senator CORNYN's request, the bill expands eligibility for design-build projects to include the design and construction of intermodal facilities.

Section 1804 is program efficiencies financing. To address certain program efficiencies in the area of financing, the bill revises current law by removing the existing restrictions that States must obligate all apportioned or allocated funds or demonstrate they will use all obligation authority allocated to it for a Federal aid highway or highway safety construction before advanced construction projects are approved. This revision clarifies that advance construction procedures can be used for all categories of Federal aid funds, and that when a project is converted at a regular Federal aid project, any available Federal aid funds may be used to convert the project.

The bill further removes the existing requirement that the Secretary first approve an application from the State before authorizing the payment of the Federal share of the cost of the project when additional funds are later apportioned or allocated to the State.

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

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

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I will be speaking, for the next several moments, on leader time.

DC SCHOOL CHOICE INCENTIVE ACT

Mr. President, very briefly, I will address two issues, the first relating to a bill we passed 2 weeks ago. In fact, 14 days ago—exactly 2 weeks ago—the Senate voted 65 to 28 to help liberate Washington, DC's schoolchildren from its worst performing public schools. The bill itself was called DC Choice. The "DC" is obviously the District of Columbia. And the "choice" really is right at the heart of empowering parents and families and schoolchildren to participate in the decisions that we know strike right at the heart of opening that American dream and giving hope to young schoolchildren here in the District.

DC Choice had weathered years of debate and even a veto by President Clinton, but finally DC Choice is on its way to the District's neediest public school children.

It was 2 weeks ago that we passed a bill that helps schoolchildren here in the District. Under the DC School Choice Incentive Act, the District will receive 40 million new dollars to support public schools and charter schools and choice scholarships. Indeed, nearly 2,000 District schoolchildren will now be able to receive federally funded opportunity scholarships to the tune of about \$7,500 each in order to attend schools of their choice.

I take this opportunity to thank some of the people—I regard them as true leaders—who made this historic legislation happen.

First, I commend Senator DEWINE for his integrity and fairness in guiding the school choice debate. Senator DEWINE, as we all know, is a consummate gentleman and has been an invaluable ally in the cause of justice for the District's schoolchildren.

I also express my deep appreciation and respect for Senator JUDD GREGG. His passion for this issue, his dedication to this issue, his unflagging commitment to seeing that DC's children get the very best education possible, the best education we can offer, really is an inspiration to us all.

Senator FEINSTEIN also deserves tremendous praise for her leadership. Her devoted support for DC schoolchildren was critical in moving this legislation, this effort forward.

But in addition to our colleagues, none of this would have been possible without the leadership and courage of the city's elected leadership, people such as Mayor Anthony Williams. He has been sincere and tenacious throughout the discussion and the debate. He has again and again reflected his belief in and commitment to the District of Columbia's children. Over the last several weeks and months, he

has shown extraordinary strength and determination in achieving that goal of giving children here in the District that hope for the future, that opportunity to succeed, to realize the American dream.

Others who have been instrumental in this effort—Cardinal McCarrick, Peggy Cooper Cafritz, Kevin Chavous, and Virginia Walden Ford—have demonstrated exemplary leadership in accomplishing passage of this legislation. They are, to me, true champions of the public good, and the District of Columbia is made better by their leadership.

I also thank Senate staffers Mary Dietrich, Sharon Soderstrom, Townsend Lange McNitt, and Denzel McGuire for their hard work, their compassion, and their dedication to passage of this bill. They devoted long hours to this legislation.

Washington, DC, the District here, is blessed to have caring and committed citizens pressing for change. And with passage of this bill, change is coming soon to the District's classrooms.

Some colleagues—some in this body and others—have implied that they want to reverse this historic accomplishment. These individuals, I think, by doing so, by expressing they want to see the reversal of this historic accomplishment, at least imply to me tolerating the status quo. That simply is unacceptable—the status quo—where we do have too many failing schools here in the District, where we have frustrated parents who see their children locked in these failing schools.

We have kids here in the District, within blocks and miles of this Capitol Building, without hope, without ambitions, without dreams. We have an obligation to help reverse this hopelessness, and indeed that is exactly what this legislation does.

We no longer can keep this city's children in the shadows. It is time to help lift them up, lift them up to ours and their parents' and their families' highest expectations. Lifting the District's children out of illiteracy and educational poverty, putting the District's children on the path to academic excellence, is just too important. The District's leaders want it, the District's parents want it, and, most importantly, the District's children deserve it.

We can all expect intense scrutiny as this choice plan, which is now law of the land, unfolds. Critics, I know, are going to assail every perceived setback. But also expect the District of Columbia schoolchildren to prove them wrong. In cities such as Detroit and Milwaukee, where choice has been tried, choice has thrived. We see scores go up; we see educational gaps narrow; we see parents much more pleased, much happier with their children's schools; and we see that public support for school choice rises.

Choice in the District will succeed because it is based on the belief that achievement is for everyone and not just a privileged few; that if you open

the door to opportunity, hard-working people are going to step through that door.

I am proud of everyone who made the D.C. educational choice happen. It begins with the parents, probably ends with the legislators, but also includes the elected officials and committed community leaders.

I am also proud of the District schoolchildren. Now, because of DC Choice, they are more likely to have that more cherished of American birthrights: a solid education, something we all know is the key to the American dream.

MARRIAGE

Mr. President, I will take just a few minutes and comment on another issue, an issue that relates to the decision yesterday by the Massachusetts Supreme Court. By now we have all heard that, in the decision yesterday made by the Massachusetts Supreme Court, same-sex marriage is the law of that State according to the courts. Indeed, same-sex marriage licenses will be issued beginning May 17 in Massachusetts.

Same-sex couples from across the Nation will go to Massachusetts to get married. They will return to their home States—whether it be Tennessee or Alabama or Wyoming or Ohio, all 50 States—and I would think and assume that all of them would sue.

Some of our best legal minds conclude that courts will require recognition of same-sex marriage in every single State in the Nation.

Marriage should remain the union of a man and a woman. The evidence is overwhelming that children do best with a mother and a father. We are gambling with our future if we permit activist judges to redefine marriage for our whole society.

I want to be very clear: We reject intolerance. We reject hatred. We must treat all our fellow citizens with civility and kindness. But marriage should not be redefined by the courts, and we in this body cannot let it. We will not let it.

The U.S. Congress has codified this principle in the Defense of Marriage Act. It passed with 85 votes in the Senate and was signed by President Clinton in 1996. We must protect, preserve, and strengthen the institution of marriage against activist judges. If that means we must amend the Constitution, as it seems increasingly likely, then we will do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

CUBA

Mr. BAUCUS. Mr. President, I would like to spend some time today talking about the issue of Cuba. This was an issue that the Senate spent a lot of time on last year, and I am here today to tell my colleagues we are just as committed this year.

Last year, as most Members know, we made tremendous progress toward eliminating the Cuba travel ban and

easing the four-decade-old embargo. As part of the appropriations process last year, both the Senate and the House passed amendments overwhelmingly that would temporarily suspend enforcement of the Cuba travel ban.

I was, frankly, not only disappointed but outraged that this provision was taken out of the final omnibus bill. It should not have been, especially since the measure passed both bodies by very large margins. In stripping out that provision, the leadership broke the rules of Congress and defied the will of the majority of both Houses. That is simply undemocratic. It is wrong. It is not the way bills should be handled.

While disappointed, I emphasize today that the majority of us who favor ending this embargo will work hard this year to pass legislation, one way or another, through both bodies of the Congress, through conference, and on to the President's desk. Senators ENZI, DORGAN, and I have introduced legislation that would permanently end the travel ban. Last year, that legislation passed out of the Foreign Relations Committee by a vote of 13 to 5, a very large margin. The bill has 33 cosponsors and is now ready for floor consideration. I respectfully ask the majority and minority leaders to make floor time available to consider the legislation.

The fight to end the Cuba travel ban is not over. It has just begun. It is ironic that we finally face this moment at the same time that we are scrutinizing both the war on terrorism and the stretched Federal budget because enforcing the Cuba travel ban means the use of scarce Federal resources.

It is important for Senators to understand that the Cuba travel ban is enforced by the same Federal agency—the Office of Foreign Assets Control or OFAC—that also is charged with rooting out the sources of international terrorist financing and stopping the spread of weapons of mass destruction. Somewhere overseas, a massive international financial network routes millions of dollars to Osama bin Laden and other terrorists. Their access to dollars is their lifeline, their sole means of attacking our citizens and our soldiers. Rooting out this network and shutting it down is clearly one of our Nation's top priorities. Yet the very agency that is charged with this crucial task must divert valuable resources to enforce an absurd travel ban that a clear majority of Congress has already voted to terminate. It doesn't make any sense.

By its own estimate, OFAC diverts one-sixth of its employee resources to enforcing a silly travel ban. How can we justify diverting \$1 of this limited budget, let alone one-sixth of our resources? Just as disturbing, late last week the Department of Homeland Security announced that it, too, would divert some of its resources to monitoring U.S. citizens who might have traveled to Cuba.

In a post-9/11 world, I do not understand the administration's priorities. I

hope this year we can finally change this policy and the Senate will have a chance to fully debate the issue so we can finally make some sense out of the travel policy we do not have with Cuba. I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. What is the matter now before the Senate? Is it the Dorgan amendment or the Gregg amendment?

The PRESIDING OFFICER. The matter before the Senate is the Shelby amendment.

Mr. REID. I thank the Chair.

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

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

MAD COW DISEASE

Mr. DASCHLE. Mr. President, I wanted to take a minute to come to the floor this afternoon to talk about the report issued yesterday by an international panel of experts that was convened by the Department of Agriculture to look at this whole issue of BSE, otherwise known as mad cow disease. They have, once again, announced—and publicly stated—what many of us have known for a long time, that there are still many outstanding questions about BSE.

I think the unfortunate fact about all of this is that the one question for which there isn't any doubt is the origin of the mad cow problem to date: one Canadian-born cow which cost a tremendous amount of market and value in the agricultural markets today. The one cow has shed an adverse light on American cattle producers in a way that is not only unfair but extraordinarily costly to every producer in the country today.

Just yesterday—yesterday—the cost per hundred in the Chicago Mercantile Exchange was \$75. A couple of weeks ago, it was \$118 per hundred. So we have seen a precipitous drop in the marketplace. Yet we still see a resistance on the part of many with regard to one simple effort that could change a great deal of confidence on the part of the American consumer—a change that has already been adopted by 43 other countries. Forty-three countries currently have country-of-origin labeling. We have been told by some of our exporting partners in some of those markets abroad that unless we implement country-of-origin labeling, we can forget about exporting our products to those countries. So we languish with tens of millions of dollars of product still on the water unable to unload in those markets, and unable to bring the product back to this country because we don't want to further jeopardize what fragile market there is.

We have—I do not recall now the exact figure—tens of millions of pounds

worth hundreds of millions of dollars out there on ships unable to go anywhere in large measure because we continue to refuse to label the product. It is not just a question of consumer information, as important as that is.

I find it intriguing that today we label for content. We can tell you down to the last gram what is in a can or a package. We can tell you what the nutritional value is. We can tell you how many carbohydrates there are. We can tell what the calories are and the fat, but we can't tell you from what country it has come. It is a remarkable omission.

What is all the more remarkable is that there are those who actually argue that it would be an impractical requirement. We have already adjusted to content. We have adjusted to nutrition. But somehow it is impractical—and we are told almost impossible—for us to put country-of-origin label. I don't know anybody who honestly believes that, but there are those who profess that.

There is a reluctance on the part of the administration and a reluctance on the part of some in the Congress to recognize what I think is inevitable. One day we will have country-of-origin labeling. One day we will have the full advantage—I would say the patriotic advantage—of ensuring that we know we are eating American beef and agricultural products—one day. But that day should have been a year ago when we passed the farm bill. We gave them a year. They had until last September to implement it, and we have now been put on a 2-year delay.

But this international export issue, the consumer information issue, and the tremendous advantage in creating greater competence for producers alone ought to be arguments that the time has come for us to pass country-of-origin labeling without incumbrance.

For the life of me, I can't understand in this day and age, with all the facts on the side of those who argue in favor that there can still be the intransigence, that there can still be the reluctance and that there can still be the opposition from the administrations, the meatpackers, and some of our Republican colleagues in the House in particular. This is not a partisan issue in the Senate. There have been a number of Republican and Democratic Senators who have worked together to cosponsor legislation. An overwhelming number of Members have voted in favor—not once but twice so far. We have had ample debate. I must say I think the arguments get flimsier and flimsier.

The international panel that convened and looked at this situation once again offer us yet another illustration as to why it is important for us to do this now.

Let's pass country-of-origin labeling. Let's ensure that consumers have the same information as fellow consumers have in 43 other countries. Let's do for origin what we have already done for nutrition and for content.

We will continue to offer amendments. We will continue to make it the policy of this Senate, we will continue to ask for rollcall votes, and we will continue to keep the pressure on until this job is done. I think it is inexcusable and somewhat embarrassing that in this day and age with all the facts presented to us, as they now have been, that there could be any question. We need to get this job done—I think for good reason among producers and consumers alike. Patience is wearing thin.

Mr. DORGAN. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say that the Senator from South Dakota, Mr. DASCHLE, has been leading on this issue for some long, long while.

Country-of-origin labeling is a requirement under the law. We passed it. It is just that this administration and the U.S. Department of Agriculture doesn't want to implement country-of-origin labeling.

I held up a beefsteak by consent here on the floor of the Senate about 2 weeks ago, and I asked the question: Can anyone here tell me where this piece of beefsteak came from? Everyone can say where his necktie comes from. That is labeled. Just turn it over. But can anyone tell where a beefsteak comes from? Could it have come from the plant in Mexico where one USDA inspector showed up, and found diseased carcasses hanging, covered with feces, getting ready to be put in the meat supply for human consumption in the United States? Could it be from that plant?

After that USDA inspection, that plant changed its name, changed owner, the inspector has never been back, and that plant is certified now to ship into this country. The question was, did that beefsteak come from that plant, a plant from Guatemala, Canada, the United States? Where? No one knows.

I ask the Senator from South Dakota, can he tell me which special interest has fought so aggressively, so long, and so hard to try to prevent country-of-origin labeling and prevent consumers and farmers and ranchers from being able to understand where this meat comes from? Who has the administration listened to, in deciding not to implement current law?

Mr. DASCHLE. That is a very good question, and I must say I know the Senator from North Dakota certainly knows the answer, but for the record it is the packers. There is an amazing coalition on one side, over 160 consumer groups—agriculture groups, good government groups of all kinds, people who have said without equivocation, this is good law, it ought to be done—160-plus groups on one side, the packers on the other side. Guess who has sided with whom? The administration is saying, we have to listen to those packers.

The point made by the Senator from North Dakota is absolutely right. We have had a change of heart with regard to downer cattle in this country and it goes to the point the Senator from North Dakota is making. We had the picture of a British downer cow, crippled, sick, unhealthy, and that picture was portrayed over and over and over again. Rarely was it noted that downer cow was not from the United States, that was a British downer cow. But it left the perception there are downer cows in this country that were entering the meat system, sick cattle, diseased cattle entering the meat system. So that steak could have come from a downer cow, a diseased cow.

What happened? The administration rightfully said, we are going to ban downer cattle from the market. I applauded it when they did. Now they say, by and large, other countries are beginning to comply, as well. But we do not have any assurance that downer cattle are going to be prevented from entering our meat processing system even now. While we have the safest system in the world, we ought to be able to buy and eat and be confident about our beef products because we have such a safe system, wouldn't it be nice to know whether or not an imported product which potentially could be a product from a downer cow came from Canada or Mexico or some other country? Wouldn't it be nice to know we have that additional confidence that we are eating beef where downer cattle have been expressly prohibited?

That is what we are talking about, improving upon an already good meat safety system. That, too, is a good reason why country-of-origin labeling ought to be law today.

Mr. DORGAN. If the Senator would allow me to inquire further, the opposition to country-of-origin labeling, as the Senator indicated, comes from the big meat packing plants, the beef packing plants. Eighty percent of the beef packing is controlled by four companies. It is a case of big interests versus the rest.

The ranchers of South Dakota and North Dakota produce the best quality beef in the world. We know that. They know that. So the question is, why should the consumers not be able to have access to the information about where this beef comes from at the meat counter when they purchase the meat? Is it South Dakota beef, North Dakota beef, Guatemala beef, or Mexico beef?

I will read the specifics regarding the Mexican plant because it is important. I discussed this previously in the Senate. In 1999, in May, one inspector from this country paid a surprise visit to a meat packing plant in Mexico. He found "shanks and briskets contaminated with feces; disease condemned carcass was observed ready for boning and distribution into commerce." Then the Mexican officials took note, went to work to restore that plant's ability to sell meat in America. The Mexican plant regained the export license, it

switched owners, it switched its name, and it now sells meat in America.

The question is, in South Dakota, when you buy a beefsteak, is it coming from a ranch in South Dakota? The consumers ought to have a right to know and ranchers and farmers want them to have that right. This Congress and this President ought to stand up for the interests of people out there farming and ranching in this country who demand this country-of-origin labeling become law.

Senator DASCHLE has led the fight for some years. I appreciate the fact today you said you will not quit. We will get this done. And whether it is forcing them to see the light or feel the heat, one way or the other, this administration has to stand aside and get out of the way and let us get this done for the American consumer.

Mr. DASCHLE. Mr. President, I reiterate my thanks to the Senator from North Dakota because he has been right alongside those fighting from the very first. I remember during the debate on the farm bill he was in the room as we began writing country-of-origin labeling. He was extremely helpful in ensuring we did the right thing in terms of the way the legislation initially was drafted. His point is well taken.

Today, we see an unusual phenomenon. It is not often producers and consumers merge, coalesce, and form the coalition they have in support of public policy. But in this case, it is one of those occurrences. One hundred and sixty organizations, consumers, producers, virtually every good government organization that cares about nutritional issues and agricultural issues, food and production issues, have joined together to say the time has come for us to do this. We have to do it now in light of BSE, in particular. Let's get this job done.

The international experts convened. They, too, said there are a lot of questions out there. We need to make sure we get the right answers to those questions. I am simply saying, as a result of yet another report, we have one more reason why country-of-origin labeling should be law today.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

STATE OF INTELLIGENCE

Mr. DORGAN. Mr. President, George Tenet gave a speech today at Georgetown that was profoundly disturbing to me and I want to visit about it for a moment.

I am not on the Senate Intelligence Committee. I am not someone who claims to have substantial knowledge or detailed knowledge about all of these issues. I spend a great deal of time concerned about economic issues and think I know something about some of those, but I do not pretend to be an expert in foreign policy or intelligence issues.

I, as have all of my colleagues, have sat in rooms with a label called "top

secret" and listened to briefings, top-secret, classified briefings from Mr. Tenet, from the Vice President, from National Security Advisor Condoleezza Rice, from Secretary Powell, and others. I, like others, have watched what has happened in recent weeks with the testimony from David Kay in which he came to the Senate as a witness and said, look, we got it all wrong. We were all wrong about the intelligence with respect to Iraq.

I listened to David Kay describe his assessment of the intelligence system—again, this is the top weapons inspector, appointed by President Bush—and what he said was, this country got it all wrong. Its intelligence service got it all wrong. He said, they failed the President.

They did not just fail the President of the United States, if they failed. They failed the President and they failed those in Congress who they looked right in the eye as they gave top-secret briefings to us about their assessment of intelligence. They failed the American people, in my judgment. So this failure was much greater than just a failure to properly inform the President.

This country has an enormous stake in making sure we have an intelligence community that works, one we support, and one we are proud of. Why? Someplace this afternoon there are intelligence agents who are pouring over the thinnest of hints about what terrorists might be deciding to do to murder Americans, to attack an American city, to commit a terrorist act against our country, and we must rely on those intelligence agents and the intelligence community to understand it and to get it right, not to exaggerate it, not to misinterpret it, but to understand it and get it right. The safety and security of this country depends on it.

None of us wants the intelligence community to be held up in anything other than the highest esteem. I want to be able to say the intelligence community gets it and gets it right. But I cannot do that at the moment.

Something is wrong, and we must fix it. When the top weapons inspector comes to the Congress and says, look, the intelligence was all wrong, it failed the President, you don't need much more than that to understand somebody has to be accountable. We have to, posthaste, begin to fix that which failed us.

I have not heard of all of Mr. Tenet's presentation; I just heard the highlights a bit ago in which he was defending the CIA. But let me describe one of the reasons I found Mr. Tenet's remarks so distressing.

Last evening I happened to be watching something on "60 Minutes." They were interviewing a gentleman named Greg Thielmann. Mr. Thielmann had been in charge of analyzing Iraqi weapons threats for Secretary of State Colin Powell's Intelligence Bureau. He was the one who, after 25 years, became the Acting Director of the Office of

Strategic Proliferation and Military Affairs. He was responsible, before he retired, for analyzing the Iraqi weapons threat.

He and his staff had the highest security clearances. They saw virtually everything, whether it came in to the CIA or the Defense Department. He was, by all accounts, admired by everyone, and had a long and distinguished career.

During the "60 Minutes" interview, Mr. Thielmann describes watching the February 5, 2003, presentation Secretary Powell made to the United Nations. He says at the time Secretary Powell made that presentation he was nonplused by what Secretary Powell was saying. He says what Powell was saying about a range of things was not at all in concert with the intelligence the State Department had. About the charge that Iraq was importing aluminum tubes to use in a program to build nuclear weapons—he said:

This is one of the most disturbing parts of Secretary Powell's speech for us.

He is talking now of those who were part of the intelligence-gathering part of the State Department.

Intelligence agents intercepted the tubes in 2001, and the CIA said they were parts for a centrifuge to enrich uranium—fuel for an atom bomb. But they got information from the Oak Ridge National Laboratory—those are the scientists who enrich uranium for our bombs, our nuclear weapons—and the experts there advised that the tubes were all wrong for a bomb program and the aluminum, apparently, it turns out, after further inspection, was exactly what the Iraqis wanted for artillery.

So they sent the word up to Secretary Powell this is not about nuclear weapons, it is about artillery, and the fellow who is at the Oak Ridge Laboratory, Houston Wood, said:

I guess I was angry, that's the best way to describe my emotions. I was angry at that.

Mr. Thielmann was talking now about Secretary Powell's speech to the United Nations. He said he found that the tubes could not be what the CIA thought they were. They were too heavy, three times too thick, and certain to leak.

The transcript says:

"Wasn't going to work. They would have failed," says Wood. . . .

And they reached that conclusion in 2001.

They reported to Secretary Powell's office that they were confident the tubes were not for a nuclear program. And then nothing happened. About a year later, when the administration was building the case for the war, the tubes were resurrected on the front page of the New York Times. And Mr. Wood says:

I thought when I read that there must be some other tubes that people were talking about. I just was flabbergasted that people were still pushing that those might be centrifuges.

The New York Times reported that senior administration officials insisted

the tubes were for an atom bomb program.

Again, Mr. Wood, the expert from Oak Ridge Laboratories, says:

Science was not pushing this forward. Scientists had made their determination, their evaluation, and now we didn't know what was happening.

The scientists had already said this cannot be for the development of nuclear weapons.

So in his United Nations speech, Secretary Powell acknowledged there was a disagreement about the aluminum tubes, but he said most experts agreed with the nuclear theory. Mr. Powell said:

There is controversy about what these tubes are for. Most U.S. experts think they are intended to serve as rotors in centrifuges used to enrich uranium.

Most of the experts—nearly all of the experts—are at Oak Ridge. And Mr. Houston Wood, at Oak Ridge, claims he does not know anyone in academia or a foreign government who would disagree with his appraisal.

He said: I don't know a single person anywhere who believed that these aluminum tubes were for a nuclear program.

Now, I do not understand this. It appears to me that information was available that would have debunked several key portions. I have not talked about the alleged yellowcake purchase from Niger, which was in the President's State of the Union Address, which turned out to have been wrong, or the UAVs, the most sensitive of information, which turned out to be wrong.

Mr. Thielmann, who was, again, the top official at the State Department for the gathering of intelligence for presentation to Secretary Powell, talked about some of the slides Secretary Powell was using. He talked about the stockpile of between 100 and 500 tons of chemical weapons. He said part of the stockpile was clearly in these bunkers. He was showing slides:

The four that are in red squares represent active chemical munitions bunkers. How do I know that, how can I say that? Let me give you a closer look.

Up close, Powell said you could see a truck for cleaning up chemical spills. It is a signature for a chemical bunker.

Quote:

It's a decontamination vehicle in case something goes wrong.

But again, Mr. Thielmann, who is the top intelligence person who is providing information to Powell, said:

My understanding is that these particular vehicles were simply fire trucks. You cannot really describe [that] as being a unique signature.

In fact, it is interesting, when the weapons inspectors showed up over there, that is what they discovered, it was firetrucks. And in other circumstances, that which was part of the slides shown, they were trucks with cobwebs in them and had not been used for a long while. There was no evidence of weapons of mass destruction.

So this is a "60 Minutes" presentation from the last evening, in which a top intelligence person, with all the clearances, having seen all the intelligence, says Secretary Powell, and others, would have had the intelligence to deal with these questions easily.

This debate is not about pulling Saddam Hussein out of a rat hole. Saddam Hussein was more than a rat. Saddam Hussein was an evil man who killed thousands, perhaps hundreds of thousands. It is the case our country has opened mass graves the size of football fields, and those graves contain the skeletons of thousands and thousands and thousands of Iraqis. The world is much better off because Saddam Hussein has been apprehended and no longer runs the country of Iraq.

But the question for this country—and it is an important question—is, when the call is made the next time—perhaps an hour from now, perhaps a month from now—to have our intelligence community make an accurate assessment, will they make an assessment that is accurate? Will they fail us? Will they fail the President? Will they fail our country? This is a very significant issue.

Mr. Tenet's speech today was not only defensive, but Mr. Tenet's speech failed, in my judgment, to acknowledge what the country has widely acknowledged, starting with David Kay and others, that the intelligence failed us with respect to Iraq. And that bothers me a great deal.

Now, I know there will be people who come to the floor of the Senate, and they will say none of this really matters. Saddam Hussein was a bad guy. He was; no question about that. But if you say that good intelligence does not matter, then don't sleep very well tonight because terrorists want to commit terrorist acts in this country. Terrorists want to kill people in this country. The only way we are going to make certain we protect this country is through good, strong intelligence.

I worry a great deal about an intelligence community that does not seem to be accountable, does not get it right, and no one cares. The President ought to be furious about what is happening. The Congress ought to be apoplectic about what is happening. Both should demand on an urgent basis a complete, thorough review of what went wrong and how to fix it—not tomorrow, not yesterday, but right now. I don't see that urgency at all. What I see is the President finally getting pushed and nudged the last couple days, saying: I will put together an independent commission that can investigate intelligence, only under pressure.

Then we have people who come to the floor and say: There is no problem here. Saddam Hussein was a bad guy found in a rat hole. It is better that he is in jail.

Every single one of us—Republicans, Democrats, the White House, and the Congress, and especially the American people—must rely on a strong system

of intelligence that gets it right to protect this country's long-term security. To the extent that, as David Kay indicated, it failed and to the extent that, as so many others have testified, circumstance after circumstance that was alleged was not accurate, and to the extent now that Mr. Tenet continues today to seem to believe all was well and all those who are critical are somehow just plain wrong, America is weakened for that.

We will strengthen ourselves when we understand we must rely on good intelligence. And if we have not received good intelligence, we must fix that system now. It must be done posthaste. It must be job one. There is an urgency for us to take action now to make certain the next intelligence assessment, perhaps an hour from now, to try to protect this country will be an assessment that is accurate and one upon which we can rely.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to a few of the comments our colleague from North Dakota has just made. I begin with the proposition that it does help to have been on the Senate Intelligence Committee or to be a member of the committee today to conduct a more thoughtful, reasoned discussion of this debate than has generally been characterized by the media accounts.

People in the media tend to try to encapsulate everything in an attention-grabbing headline way when in fact intelligence is a very complex, difficult proposition that needs to be handled and approached in the most cautious and careful manner.

I think it is important for those people who have been on the committee or, as the Senator from Missouri sitting next to me noted, currently just received briefings as a member of the committee—it is important for them to be able to respond when comments have been made such as those just concluded.

David Kay did not say we got it all wrong. I invite anyone who would like to bring to this floor a quotation from David Kay that says "we got it all wrong" to do so. He did not say that. I know that is what opponents of the Bush administration wish he had said, but he didn't say that. Let me quote to you some of the things he did say.

He was asked a question by Senator McCain testifying before the House Armed Services Committee:

You agree with the fundamental principle here that what we did was justified and enhanced the security of the United States and the world by removing Saddam Hussein from power?

David Kay:

Absolutely.

But then Senator KENNEDY asked a question that kind of got to some of the points our colleague from North Dakota just made. He asked:

Many of us feel that the evidence so far leads only to one conclusion: that what has

happened was more than a failure of intelligence, it was the result of manipulation of the intelligence to justify a decision to go to war.

David Kay:

All I can say is if you read the total body of intelligence in the last 12 to 15 years that flowed on Iraq, I quite frankly think it would be hard to come to a conclusion other than Iraq was a gathering, serious threat to the world with regard to WMD.

That is exactly the conclusion that other Members of this body articulated. I won't quote names, but I remember several of my colleagues, including a Member on the other side of the aisle, saying pretty much the same thing.

President Clinton said almost exactly the same thing. In fact, in 1998, we overwhelmingly passed a resolution in this body authorizing President Clinton to take action to remove the Saddam Hussein regime in Iraq precisely because of this. The intelligence that existed then, that existed before then, and that existed before our most recent conflict with Iraq all verified what David Kay said was true.

So far from saying that we got it all wrong, David Kay is saying we were perfectly justified in taking the action we took. Part of getting it all wrong would have been the information that we had regarding the violations of the U.N. resolutions. What did David Kay think about that?

He said:

In my judgment, based on the work that has been done to this point of the Iraq Survey Group, and in fact, that I reported to you in October, Iraq was in clear violation of the terms of Resolution 1441. Resolution 1441 required that Iraq report all of its activities: one last chance to come clean about what it had. We have discovered hundreds of cases, based on both documents, physical evidence and the testimony of Iraqis, of activities that were prohibited under the initial U.N. Resolution 687 and that should have been reported under 1441, with Iraqi testimony that not only did they not tell the U.N. about this, they were instructed not to do it and they hid the material.

Iraq was in clear and material violation of 1441. They maintained programs and activities, and they certainly had the intentions at a point to resume their program. So there was a lot they wanted to hide because it showed what they were doing was illegal. I hope we find even more evidence of that.

This is what David Kay actually said. One of the arguments made was that, somehow or other, the CIA and our intelligence community were pressured by the Bush administration to somehow modify the intelligence to suit their nefarious purposes, the implication being that the administration wanted to go to war and needed to somehow manipulate the intelligence to reach that conclusion.

Here is what David Kay said about that:

And let me take one of the explanations most commonly given: Analysts were pressured to reach conclusions that would fit the political agenda of one or another administration. I deeply think that is a wrong explanation. And never—not in a single case—was the explanation, "I was pressured to do

this." The explanation was, very often, "The limited data we had led one to reasonably conclude this. I now see that there's another explanation for it." And each case was different, but the conversations were sufficiently in depth and our relationship was sufficiently frank that I'm convinced that, at least to the analysts I dealt with, I did not come across a single one that felt it had been, in the military term, "inappropriate command influence" that led them to take that position.

Some people in saying, well, maybe we didn't get it all wrong, but what was the real state of intelligence here and did it comport with what we thought we knew—I thought the colloquy between Senator McCain and David Kay at this hearing was most interesting.

Senator McCain:

Saddam Hussein developed and used weapons of mass destruction; true?

David Kay:

Absolutely.

Parenthetically, I would note, this is not an answer from a man who is saying we got it all wrong because, remember, the allegation had been that Saddam Hussein had developed and used weapons of mass destruction. So he didn't say: We got it all wrong. He said: Absolutely.

Senator McCain then:

He used them against the Iranians and the Kurds; just yes or no.

David Kay:

Oh, yes.

Senator McCain:

OK. And U.N. inspectors found enormous quantities of banned chemical and biological weapons in Iraq in the '90s?

David Kay:

Yes, sir.

Senator McCain:

We know that Saddam Hussein had once a very active nuclear program.

David Kay:

Yes.

Senator McCain:

And he realized and had ambitions to develop and use weapons of mass destruction.

David Kay:

Clearly.

Senator McCain:

So the point is, if he were in power today, there is no doubt that he would harbor ambitions for the development and use of weapons of mass destruction. Is there any doubt in your mind?

David Kay:

There's absolutely no doubt. And I think I've said that, Senator.

There is one final thing I would like to talk about that David Kay actually said. Senator Clinton asked him a question at that hearing as follows:

I think that rightly does raise questions that we should be examining about whether or not the U.N. inspection process pursuant to 1441 might not also have worked without the loss of life that we have confronted both among our own young men and women, as well as Iraqis.

David Kay:

Well, Senator Clinton, let me just add to that. We have had a number of Iraqis who

have come forward and said, "We did not tell the U.N. about what we were hiding, nor would we have told the U.N. because we would run the risk of our own"—I think we have learned things that no U.N. inspector would have ever learned given the terror regime of Saddam and the tremendous personal consequences that scientists had to run by speaking the truth. That's not to say, and it's not incompatible with the fact that inspections accomplish a great deal in holding a program down. And that's where the surprise is. In holding the program down, in keeping it from break out, I think the record is better than we would have anticipated. I don't think the record is necessarily better than we thought with regard to getting the final truth, because of the power of the terrorist state that Saddam Hussein had.

The bottom line is that David Kay recognizes that, while the U.N. inspectors found certain things, the inspections that he performed were even more helpful because of the pressure that the Iraqis had been under when Saddam Hussein was in power. But what David Kay said—if you read all of the rest of the testimony—was basically this: There are many things we found about Saddam Hussein's weapons program. We even found some weapons, and we talked to a lot of Iraqis who told us that he had every intention of reinitiating the programs once the sanctions were lifted. Everything was in place for him to do that.

The thing that puzzled David Kay is that we had not found the stocks of chemical weapons, primarily. We knew that he had artillery shells, some of which were filled with chemical agents, and others that could be filled with chemical agents, and that he had large stocks of those agents, as well as some biological agents.

How do we know that is true? Because the Iraqis admitted that and the U.N. inspectors confirmed it. He admitted it in 1998. He never explained what happened to those stocks thereafter.

Now, one would think that when he admits that he has the stuff—and we know that he used that same kind of weapon before—that if he doesn't prove to us that he got rid of it—in fact, he offers no explanation about where it is—you have to assume that he hasn't. It would be imprudent to assume otherwise.

So to suggest that David Kay came back and said, no, we got it all wrong, that is wrong. What he puzzles about was why we had not found this stock of artillery shells.

Before the military activity was taken, all of the Senators were invited every day at 9 o'clock to go to the secure area of the Capitol to visit with the general and CIA people who briefed us on the status of the war. Every morning, if colleagues will remember, one of the things they briefed us on was how close our troops were getting to the red line—that line around Baghdad—where we had information that artillery with chemical shells could be lobbed against our soldiers. We did everything we could to stop that. We bombed warehouses of artillery, and we were trying to take out the command

and control that would issue the orders. We dropped millions of leaflets on the military commanders of the Iraqis, saying they would be war criminals if they carried out orders to fire those artillery shells against our troops.

We were surprised when we took the Baghdad Airport and they had not fired the artillery shells. We thought they were going to use them. We went to a lot of trouble to take them out. Maybe we took them out. Maybe we ruined their plan with command and control. Maybe they had gotten rid of them by then. Maybe they buried them or sent them to Syria.

Secretary Rumsfeld testified yesterday that there are about five different scenarios that could explain why we have not found the artillery shells so far. David Kay says he is not sure we will ever find them, or that they existed on the day we went to war against Iraq. Maybe they had been destroyed, although you would wonder why Saddam Hussein didn't tell anybody about it. Maybe they were sent to other countries or maybe they were given to terrorists. That would be a terrible thing, but we don't know.

Obviously, we had no evidence that they no longer existed. At one time, they existed. So it is far from David Kay saying we got it all wrong; he is saying that we got it all right, except—and I am paraphrasing here—for the fact that we cannot explain what happened to those weapons, and he wonders whether they existed when we went to war.

What does George Tenet have to say about it? Our colleague says that George Tenet's comments were defensive. Maybe they were a little defensive. If you have been the subject of attack for several weeks about how you got it all wrong, you would be defensive, too.

I found his speech today to be a very interesting presentation, a careful presentation about what, in fact, we knew, why we knew it, and why it would not have been prudent for us not to take action on it. I thought this to be particularly interesting.

One of the things that he said was:

To understand a difficult topic like Iraq takes patience and care. Unfortunately, you rarely hear a patient, careful, or thoughtful discussion of intelligence these days. But these times demand it because the alternative—politicized, haphazard evaluation, without the benefit of time and facts—may well result in an intelligence community that is damaged and a country that is more at risk.

I don't find that defensive. Rather, I find it an attempt to try to put this discussion into a thoughtful, careful way of analyzing where we were right and where we were wrong, and how to make sure we are as right as possible in the future. He went on to say:

By definition, intelligence deals with the unclear, the unknown, the deliberately hidden. What the enemies of the United States hope to deny, we work to reveal. The question being asked about Iraq in the starkest terms is, were we right or were we wrong? In

the intelligence business, you are almost never completely wrong or completely right.

He goes on to detail the information we had about the missile program of the Iraqis. I would like to say to colleagues, with respect to the missile program, it appears that we got it right. He talks about what we thought we knew, what he told the President we thought we knew, and what we believe is the case of our military actions. And with respect to their efforts to develop missiles that were in violation of U.N. resolutions, they appear to have gotten that pretty well right.

His conclusion on that was this, and I will quote it:

My provisional bottom line on the missiles: We were generally on target.

He says that because he urges us to consider the fact that there is still a great deal of information left to be discovered in Iraq. They are nowhere near complete in their effort to try to find what Saddam Hussein had and to analyze how dangerous it was.

With respect to that general proposition, I want to quote this:

And to come to conclusions before the war other than those we reached, we would have had to ignore all the intelligence gathered from multiple sources after 1998.

He detailed many here. He said:

My provisional bottom line on missiles: We were generally on target.

Regarding the unmanned aerial vehicles, he said:

My provisional bottom line today: We detected the development of prohibited and undeclared unmanned aerial vehicles. But the jury is still out on whether Iraq intended to use its newer, smaller, unmanned aerial vehicle to deliver biological weapons.

With regard to nuclear weapons, he said:

My provisional bottom line today: Saddam did not have a nuclear weapon, he still wanted one, and Iraq intended to reconstitute a nuclear program at some point. We have not yet found clear evidence that dual-use items Iraq sought were for nuclear reconstitution. We do not yet know if any reconstitution efforts had begun. But we may have overestimated the progress Saddam was making.

That is in contrast to what he said before the first gulf war when he noted that that colored the way they approached their analysis with respect to his nuclear program.

Then, with respect to a biological program, he said:

My provisional bottom line today: Iraq intended to develop biological weapons. Clearly, research and development work was underway that would have permitted a rapid shift to agent production if seed stocks were available. But we do not yet know if production took place. And just as clearly, we have not yet found biological weapons.

Finally, with regard to the chemical weapons, he said:

My provisional bottom line today: Saddam had the intent and capability to quickly convert civilian industry to chemical weapons production. However, we have not yet found the weapons we expected.

I will quote a little more on this point:

I have now given you my provisional bottom lines, but it is important to remember

that estimates are not written in a vacuum. Let me tell you some of what was going on in the fall of 2002.

He proceeds to detail several kinds of sources that came to the attention of the intelligence community, sources which provided information which no rational intelligence leader would have ignored: Saddam Hussein calling together his nuclear weapons committee—I am not going to go into all of this detail. He quotes, “A stream of reporting from a different sensitive source” that caused the intelligence community to advise the President, the Vice President, and others that they believed Saddam Hussein was actively trying to pursue these programs. He said:

So what do I think about all of this today? Based on an assessment of the data we collected over the past 10 years, it would have been difficult for analysts to come to any different conclusions than the ones we reached in October of 2002.

That is what George Tenet said. You can say he is being defensive. I say it is important for George Tenet to speak out and to explain to the American people how difficult it is to get intelligence, what we thought we knew at the time, what he advised our leaders of, what we think we know today.

He also noted the fact they have instituted efforts internally to try to discover why they didn't know things perhaps they should have known, how they can do it better in the future.

When you combine that with what David Kay said about the fact there was no evidence that our leadership in any way pressured our intelligence community to come to different conclusions, you have to stand up to the people who gathered this intelligence and presented it to the leaders. They maybe didn't get it all right, but they did their best. And with respect to our leadership, there is no reason to believe they didn't treat this information with the utmost of seriousness and honesty; that they presented it to the American people, exactly as George Tenet said today. They presented it in an honest way and that it would have been irresponsible of them to have acted any differently, to have presented it any differently given the information that had been presented to them.

I think that had the President, knowing what he now knows and all of this would eventually come out even though a lot of it is classified information, if the President had not taken action and, God forbid, something had happened, a lot of people on the Senate floor, in the Senate, around the country, and certainly pundits would be saying: Why did President Bush ignore these warnings? Why did he ignore what the intelligence community came up with?

There are some people who are saying that with respect to the attack of 9/11 when the President had virtually nothing, in fact, when we had obviously no reason to believe that on September 11 there would be an attack

from the airliners that would be used by the al-Qaida terrorists, and yet with virtually nothing to go on, people are saying the President should have known and done something about it.

With all of the evidence we had about Saddam Hussein and all of the evidence with regard to Iraq, to have ignored that would have been absolutely irresponsible. My colleagues who are criticizing him today for acting would then be criticizing him for not acting, I believe.

In a political season, you are darned if you do and darned if you don't. We understand that. But I think it is important, as George Tenet asked us to do, especially for those of us in the Senate, especially those of us who served on the Intelligence Committee, to urge people to approach this subject from a sober, careful, nonpoliticized point of view because lives are at stake.

We make decisions and the executive branch and military make decisions based upon our intelligence. We have to make sure that the way we restructure intelligence, the funding decisions that we make, and the other things we do are not based upon quick judgments, on political judgments certainly, but rather are based upon a calm analysis, a reflection based upon perspective and certainly an understanding of the difficulties that the intelligence community faces.

When you do all of that, I think you can come to no other conclusion than what David Kay came to, that George Tenet said, the President, the Vice President, Secretary Powell, before the United Nations, that there was a problem here that could not be ignored.

It would be absolutely wrong for anybody to suggest today that we got it all wrong and that for some reason that is President Bush's fault and certainly not for anyone to suggest that somehow or another our leadership misled the American people in order to go to war. That would be the absolute height of irresponsibility. No President, Republican or Democrat, I can think of would ever do such a thing.

I am disappointed that some—and I am not referring to anybody in this body at this point—that some people would actually suggest that would be the case. But when we talk about the intelligence the way it has been discussed here today, it leads to that kind of conclusion. I think that is unfortunate.

I urge all of my colleagues to try to discuss this in a relatively impassioned way, a carefully constructive way so working together we can craft the kind of policies that will provide for our security in the future, protection of the American people, and certainly the protection of the people we send into harm's way to protect us.

The PRESIDING OFFICER (Mr. SMITH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague's admonition in using care in

discussing this issue is admirable. Care is exactly what we ought to use when we evaluate what has happened and not happened.

My colleague, incidentally, has just made the point that there was intelligence that suggested that Iraq posed a threat. And that was exactly my point. That is exactly the intelligence that was represented to this body and to the House and to the American people. But it turns out the intelligence, the specific intelligence, that was presented was wrong.

My colleague also, at the start of his presentation, defied anyone to show him a quote from Mr. Kay that said he was wrong or we were wrong. I will do that. My colleague will likely want to then revise his remarks. My hope is he might do that.

Here is the front cover of *Newsweek* this week. Mr. David Kay—and this is in quotes—says:

We were all wrong.

I will go to the inside on page 27, again a direct quote of Mr. Kay:

It turns out we were all wrong probably in my judgment.

This is testimony before the Armed Services Committee. On a third point, in the fourth paragraph of his prepared testimony given before the Armed Services Committee, quoting David Kay:

Let me begin by saying we were almost all wrong.

My colleague challenged someone to come up with a quote. There are three of them, and my hope is the record might at least stand on direct quotes that are presented here before a committee of the Senate.

If one dare whisper these days—just whisper—about these issues, it is perceived as a frontal assault against the President of the United States. That is sheer, utter nonsense.

The question before this body and this country, in my judgment, is if the top weapons inspector appointed by this President goes to Iraq and comes back to us and says that body of intelligence that was given us, given our country, given our Congress before we went into Iraq was all wrong, we have an obligation to address that issue, not later, but now. We have an obligation not to try to protect someone in the administration or in Congress. We have an obligation to protect the American people not later, but now.

I am not on the Intelligence Committee. I have deep admiration for all who do serve, Republicans and Democrats. But I would hope, just as one Member of the Senate, that the most significant energy in this body to follow where this string leads and try to determine what is wrong, what happened, what persuades Mr. Kay to come and say, "It turns out we were all wrong," I would expect my colleagues on the Intelligence Committee, without respect of politics, just to follow that string to find out what on Earth happened and how do we fix it immediately.

To suggest that somehow that we ought not worry about this, that invading Iraq was fine because Saddam Hussein was an evil man, just changes the subject. Sure he was an evil man. We found him in a rathole. He was a rat in a rathole. He is a killer, a murderer. The world is better off because he doesn't lead Iraq. That is not the question.

The question is what trust, what confidence do we have in this country's system of intelligence today? Our intelligence system needs to pore over information about chatter, about satellite photos, about raw intelligence to determine who might be planning an attack tonight on an American city, who might be designing right now to kill Americans. I want that intelligence community to get it right. I want it to be the finest intelligence community in the world. I am sorry that I say Mr. Tenet is defensive. I am sorry to have to say that I think he got it wrong. But David Kay says it and others say it.

All of us in this Chamber depend on our intelligence community. We spend a great deal of money on it. I want the finest we can possibly have protecting this country. If anyone believes our intelligence community got it all right, did just fine, then they ought to sleep like a baby—go to sleep early and sleep late and have a great night's sleep. But if they believe, as Mr. Kay does—and, yes, that is what he believes. I have quoted three different occasions where he said we got it wrong, and if someone believes, as many respected foreign policy thinkers and intelligence thinkers do believe, that there is something wrong, something significantly wrong that we need to address, then we ought to join together, Republicans and Democrats, and not worry about who might be criticized, just decide we are going to fix it. That is our job.

It is not our job to protect the Senate, to protect the President. It is our job to protect this country. I worry a great deal about what is going on. My colleague went far afield and made a defense of the Iraq resolution. Well, a good many of us in the Senate and in the Congress voted for that resolution. Now we discover Mr. Kay suggests the intelligence got it all wrong, the basis for that resolution got it all wrong.

Mr. KYL. Will my colleague yield for one moment on that?

Mr. DORGAN. I would be happy to yield.

Mr. KYL. I really do appreciate that. I think what the Senator referred to and what he read was that Mr. Kay said: We all got it wrong. But he did not say: We got it all wrong.

Mr. DORGAN. Reclaiming my time.

Mr. KYL. Go right ahead and read that again. That is the distinction I would make. We did get one thing wrong. We cannot find the weapons.

Mr. DORGAN. With due respect, and I have great affection for my colleague from Arizona, he has it wrong. Let me read from the fourth paragraph of Mr.

Kay's testimony given to the Senate Armed Services Committee: "Let me begin by saying we were almost all wrong."

Now, this is not about parsing words. It is Mr. Kay saying: Look, the intelligence was wrong.

I say to my colleague from Arizona, my point is not about the President, it is not about the Vice President, it is not about Condoleezza Rice or Secretary Powell or Mr. Tenet. It is about whether this country is well served by the current intelligence community. Do they have it right or not? If they got it wrong, as many suggest they have, and it is pretty hard to make the case they got it right, then what do we do about it?

Mr. BOND. Mr. President, will my colleague yield for two quick questions?

Mr. DORGAN. I would be happy to yield for one question and then another.

Mr. BOND. Well, the most important question and I know this is a very important debate—the Senator from Maine was hoping to speak on the bill and I wondered how much longer the Senator from North Dakota was going to speak.

Mr. DORGAN. Well, I do not have a gauge on the tank. In fact, I barely came to the Senate expecting to speak for 5 minutes and then the Senator from Arizona piqued my interest and I decided I had to go find some quotes and respond to his presentation. I know the Senator from Maine has been here awhile, and I will not be much longer.

Mr. BOND. If the Senator will yield for one additional question.

Mr. DORGAN. I would be happy to yield.

Mr. BOND. Does the Senator realize all the rest of the Intelligence Committee is in S-407 receiving a 300-page report compiled over 8 months by the entire staff of the Intelligence Committee, after over a couple of hundred interviews and reviewing tens of thousands of documents, which goes right to this question and which we in the committee will be working on and trying to present either in classified or we hope mostly unclassified material so we can carry on this debate? Is the Senator aware that the reason there are not members of the Intelligence Committee here is that they are getting that information right now? Is the Senator aware of that?

Mr. DORGAN. Mr. President, I am aware of that. I might say I have high hopes that that study, which has been underway for some long while, will be helpful to us. I must say also that there is a portion of the study that is a black hole. The study that is going on up there and will be released deals only with the gathering of intelligence, which I think shortchanges this Senate and the American people, because it does not deal with the use of that intelligence. But we can deal with the issue of the use of intelligence at another time. I wish it had been done in the same report.

Again, this issue of intelligence is critical to this country's protection and security interests. I believe that is something on which we would agree. We share that understanding, and my hope is that up in 407—the Senator from Missouri refers to a room in the Capitol Building that is a room where the Intelligence Committee meets. It is a room where top secret briefings are given. One of the things that persuaded me to come to the floor this afternoon is I have sat in that room. I have sat in that room with a neon sign that says “top secret” up on top flashing, and I have had the very people who developed this intelligence assessment look me in the eye and give me information that I now know to be wrong. That bothers me a lot.

I do not know how that happened. I do not know whether it was just bad collection of data, bad interpretation of data, or misuse of data. I do not have the foggiest idea, but I am saying this, that as one Senator I have been sitting in that room, I have asked direct questions, and I have had people look me in the eye and give me an answer that I now know to be wrong. I think most Senators who have had that experience are concerned about it.

I say to the Senator from Missouri, because I do not know whether he heard me say it, I have great admiration for those who serve on the Intelligence Committee. I do not serve there. I do not profess to be an expert in intelligence or foreign policy, but all of us have an obligation to be as informed as possible about all of these issues.

I expect the most aggressive Members of this Senate, following the trail of where this leads, to be those who serve on the Intelligence Committee. If Mr. Kay truly believes we got it all wrong, quote, unquote, then I would expect the Intelligence Committee to lead the way in finding out why that happened and how we get to a point where we never have that assessment again when it comes to this country's vital national interests.

Again, my colleague from Maine has been patient and I would not have spoken at this length except that I was intrigued and interested by my colleague from Arizona.

So I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I will take less than 1 minute, because I do not want to excite my friend any further, to say that all of us on the Intelligence Committee not only share the commitment to getting to the bottom of what went on, but we also know that David Kay said it was absolutely right and prudent to go into Iraq because it was more dangerous than we knew in certain areas. I hope the report we issue will answer questions that I and the other members of the Intelligence Committee have raised and that all Members of this body ought to be raising, and that we will provide some rec-

ommendations for curing the problems we find.

I hope now we can turn back to the SAFETEA bill, S. 1072, which is very important. I appreciate the patience of the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, as the Senate begins consideration of the transportation legislation, let me first commend the distinguished managers of this bill, Senator INHOFE, Senator BOND, Senator JEFFORDS, and Senator REID for their efforts to bring this vital 6-year reauthorization bill to the Senate floor. I particularly wish to recognize the efforts of Senator BOND. He has been a tireless champion of improving the transportation infrastructure in this country. He has worked night and day to craft a well-balanced bill. I hope we can move forward in considering this bill without undue delay.

This legislation would be very beneficial for the people of Maine and for our national economy. Nationwide, our transportation system is the lifeblood of economic development, the catalyst for the creation of thousands of jobs. Our transportation system affects our competitiveness, both within the United States and competing internationally.

For our economy to prosper, we need an integrated modern transportation system that realizes our goal of cost-effective and efficient modes of transportation while also recognizing the need for continued progress in improving the quality of our air. That is why I have not only supported funding for our highways and our bridges, but also I have advocated increased Federal funding for mass transit, for passenger rail initiatives, and alternative means of transportation as well.

In a large rural State such as Maine, an effective transportation network is absolutely essential. Maine has 1.3 million people spread out across roughly 34,000 square miles. Our State has by far the lowest population density in all of New England. Consequently, continuing to upgrade and improve our roads, highways, and bridges is essential to Maine's future prosperity. It is also a vital part of the economic strategies in our State that are aimed at increasing job opportunities for all of our citizens.

It is my hope that the Federal funding that is included in this legislation will support a strong partnership with the States that will allow us to build, repair, and maintain our surface transportation system into the 21st century.

The bill would also allow us to pursue some high priority transportation projects over the next 6 years. For example, as a native of Aroostook County in northern Maine, I understand how important it is to construct a north-south highway, a modern limited access highway through Aroostook County. This project has been in the works for more than 20 years. The interstate,

when it was first constructed, for some reason stopped at Houlton, ME, rather than going through Aroostook County to the Canadian border. For that reason there have been economic development projects underway for some time, calling on us to construct a north-south highway to the Canadian border.

This project has been funded through the preconstruction stages and is currently undergoing the necessary review to complete the required environmental impact statement.

Northern Maine desperately needs the transportation and safety improvements such a highway would bring. For this reason I have made it my top transportation priority since being elected to the Senate in 1996. I hope the higher funding levels authorized by this legislation will enable the State of Maine to continue moving this vitally important project forward to the construction phase.

Just as I believe that the Aroostook highway project is critical for the transportation system and the economy of northern Maine, I also believe that an east-west highway, potentially running from the maritime provinces in Canada through eastern, central, and western Maine, to Quebec and northern New York State would significantly boost economic growth, job creation, and development throughout the entire region. This is an important transportation project, not only for that region of Maine but also for our Canadian neighbors.

Maine, like many other States in the Northeast, is facing an aging transportation infrastructure. It requires maintenance, rehabilitation, and in some cases outright replacement. The most urgent example of this problem is the Waldo-Hancock Bridge, a major suspension bridge that carries U.S. Route 1 over the Penobscot River, south of Bangor, and acts as a gateway to downeast Maine, one of the State's most widely visited regions.

The nearest alternative for crossing the Penobscot River is some 20 miles away in Bangor, and any interruption in the service would thus require a detour of at least 40 miles.

Unfortunately, due to safety concerns, last summer the State Department of Transportation had to lower the weight limits for vehicles using this bridge. The condition of the bridge has been declining steadily for a number of years, and despite efforts by the State to rehabilitate the existing structure, it has now become evident that the bridge must be replaced as soon as possible.

While providing States with adequate funding to move forward with high priority projects such as the east-west highway, the Hancock-Waldo bridge, and the Aroostook highway, as well as the funding of other more routine highway and transit projects as a major focus of this legislation, I also see this bill as an opportunity to address some important transportation safety issues.

The most pressing transportation safety issue in my State has to do with Federal truck weight limits.

Under current law, trucks weighing as much as 100,000 pounds are allowed to travel on Interstate 95 from the border of Maine with New Hampshire, to Augusta, our capital city. At that point, right before Augusta, trucks weighing more than 80,000 pounds are forced off Interstate 95, which proceeds north to Houlton. Heavy trucks are forced onto smaller, secondary roads that pass through our cities, our towns, and our villages.

Augusta is an example of the problems this creates. When the trucks leave the interstate, they frequently travel down Western Avenue to encounter two heavily traveled traffic circles. These traffic circles have some of the highest accident rates in our State, and having these large, heavy trucks travel through the congestion of Western Avenue, around these two traffic circles and then continue on secondary roads poses a serious safety threat.

A uniform truck weight of 100,000 pounds on all of Interstate 95 in Maine would reduce highway miles and travel times necessary to economically and efficiently transport freight throughout Maine that would result in both economic and environmental benefits.

Moreover, Maine's extensive network of State and local roads would be better preserved without the wear and tear of heavy truck traffic. But most importantly, as I indicated with my example of the traffic circles in Augusta, ME, a uniform truck weight limit on the interstate would keep trucks on the interstate, which is designed to handle heavy trucks. That is where they belong rather than on the roads and highways that pass through Maine's cities, towns, and neighborhoods.

Maine's citizens and motorists are needlessly at risk because too many heavy trucks are diverted from the interstate and onto local roads.

Senator SNOWE and I have an initiative to deal with this issue. We hope to work closely with the managers of the bill to address this very important traffic safety issue.

With 3,400 miles of coastline and 14 inhabited islands, there is another very important feature of transportation that affects my constituents. The Federal Highway Administration's Ferry Boat Discretionary Program is vitally important to the Maine State Ferry Service and the Casco Bay Island's Transit District, which provide critical transportation services to Maine's island communities. I have joined with my colleague, Senator MURRAY, and a bipartisan group of Senators in sponsoring the Ferry Transportation Enhancement Act, which would significantly increase funding that is available for ferry projects. We hope to pursue this proposal as the debate on this important legislation continues.

While this highway reauthorization legislation includes funding for tradi-

tional transportation programs, I am also pleased that it includes increased funding for both transportation enhancements and the Recreational Trails Program. Both have allowed States to greatly expand their bicycle path systems.

In Maine, for example, 94 bicycle paths and pedestrian walkways have been built with funding from these special programs.

I also believe that it is in our national interest to pursue and strengthen passenger rail services in the United States and to help maintain the solvency of Amtrak, even as we put reforms in place. Currently, there is no long-term stable funding source for passenger rail in the United States. Since 1971, when Amtrak was created, \$25 billion has been spent on passenger rail. This contrasts sharply with the \$750 billion that has been invested in our highways and aviation.

As the Senate moves forward in considering a wide range of transportation issues and funding questions in this vital bill, I look forward to working with all of my colleagues to make sure we pursue the goal of ensuring that our roads, our highways, and bridges are able to meet the needs of our citizens and commerce as we move forward in the 21st century.

Thank you, Mr. President. I yield the floor.

Mr. DODD. Mr. President. I rise in support of the transit amendment to the highway funding bill.

As a member of the Banking Committee, I commend Chairman SHELBY, Senator SARBANES, and their staffs for their hard work and their willingness to reach consensus on this important measure.

I also commend members of the Finance Committee for also discharging their duty to fully finance the transit spending authorized in the budget. Our Democratic leader, who also sits as a member of that committee, was particularly helpful in that regard.

The legislation passed yesterday by the Banking Committee was no easy achievement. The members of the Banking Committee have different transit needs for their States. There are some Senators on the Banking Committee from mostly rural States, others from States with largely urban centers, and others whose States have a combination of both.

The transit title, which was unanimously approved yesterday in the Banking Committee, goes a long way toward balancing these needs. Although this legislation is not perfect, it does come close to achieving a national transit policy, which is a goal I believe was not achieved in the highway funding portion of the bill.

The transit bill has a number of important provisions:

It provides \$56.5 billion for mass transit over the next six years. This amount is a significant investment for the future. I am hopeful that more progress can be made to increase as-

sistance for those regions that rely heavily on mass transit but whose aging infrastructure needs repair and modernization.

If anybody were to deny that a problem exists in this regard, I would urge them to read an article which appeared in yesterday's Stamford Advocate entitled "Metro-North Struggles To Keep Cars in Service." It describes how a combination of cold weather and aging railcars has knocked one-third of the aging New Haven Line out of service for several weeks.

In fact, about 37 percent of the New Haven Line is out of service for maintenance. The Metro-North Line has lost 230 out of its 800-car fleet for repairs. Thousands of commuters in Connecticut rely on this service to get to and from work, travel to and from school, and to see their families.

The legislation devotes significant resources to the Job Access as well as the Elderly and Disabled transit programs, which have been successful in providing transportation services to many of the most vulnerable members of society. Such transportation services enable low-income individuals, as well as senior citizens and the disabled, to have access to jobs, education, and training, which ultimately fosters self-sufficiency and improves their quality of life.

The transit title also includes funds to small communities with significant transit infrastructure that currently do not qualify under existing formula programs. Many cities in Connecticut and throughout the region could benefit from this program.

Finally, I am pleased that the transit amendment includes language I authorized to promote the establishment of medical access programs. Many Americans lack transportation services to take them to the hospital to see a doctor, get medication, or undergo dialysis.

Often their only choice is to call an ambulance, even if it is not truly a medical emergency, because such services are reimbursed under Medicare. By encouraging community transit systems to establish medical access programs, we can reduce costs to Medicare while serving as a lifeline to those Americans in need of health care.

I am hopeful that more progress can be made to increase our investments in mass transit. I am grateful to Chairman SHELBY and Senator SARBANES for listening to other Senator's concerns throughout this process, and I look forward to working with them as this legislation moves forward.

I as unanimous consent to print the article to which I referred in the RECORD.

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

[From the Stamford Advocate, Feb. 4, 2004.]

METRO-NORTH STRUGGLES TO KEEP CARS IN SERVICE

(By Katherine Didriksen)

Metro-North Railroad is bracing for another bout of wintry weather today while it

struggles to fix widespread equipment problems caused by recent bitter cold and drifting snow.

The railroad has been unable to run a regular schedule during peak morning and evening hours for several weeks as more than one-third of its aging New Haven Line fleet has been knocked out of service.

"(The railcars) are just dying faster than we can fix them," Metro-North spokeswoman Marjorie Anders said. "It's cumulative."

Heavy electrical components, including traction motors and motor alternators, are particularly hard-hit by extreme cold and dusty snow, she said.

Trains have had decent on-time performance despite the car shortages, but customers will face standing-room-only conditions all week, Anders said.

Metro-North has lost 230 railcars out of its 800-car fleet to repairs. The railroad reached a high of 217 disabled railcars on Jan. 21. On the New Haven Line, 126 of 342 railcars, or about 37 percent, are out of service for maintenance.

On an average day, 50 to 60 cars are out of service for maintenance, Federal Railroad Administration-mandated inspections or major repairs, said Harry Harris, chief of the Connecticut Department of Transportation's bureau of public transportation.

"You never run 100 percent of your fleet. You can expect to have about 18 percent out for one reason or another," he said. "When you start reaching 80, 90, 100 cars, you are cutting in substantially to the fleet."

Today's forecasted wintry mix offers the railroad little time for repairs and presents other challenges. Cold and freezing rain causes problems with equipment on the ground, including track switches, Anders said.

Trains on the New Haven Line will continue to run under a speed restriction overnight to reduce stress on the overhead catenary wires that become brittle and taut in the cold, she said.

"It's getting pretty bleak," said Jim Cameron, vice chairman of the Metro-North-Shoreline East Rail Commuter Council. "They absolutely are desperate for capacity now."

Commuters are getting increasingly angry and upset, he said.

"My frustration is that they still don't understand the enormity of the situation or who's at fault," Cameron said. "Commuters don't like being kept in the dark, and they don't like being lied to."

The lack of communication lies on Hartford's shoulders, rather than on the railroad or the state DOT, he said.

Extreme weather is exacerbated by the state's aging equipment. The bulk of the New Haven Line fleet was commissioned in 1973—an average train lifespan is about 20 years—and the catenary wire system was built in the early 1900s.

"It's a real challenge to keep all this equipment going," Harris said. Repairs are complicated by a lack of maintenance space and replacement parts, he said.

Connecticut also hosts the only commuter railroad service that runs a dual-powered system of third-rail and overhead catenary wires, Harris said. A new car that fits the dual-powered system has a price tag of \$4.5 million, he said.

"There is no quick solution, barring some kind of an economic miracle," Harris said. Commuters are not likely to see funds for new railcars until 2006, he said.

In the meantime, Metro-North and the state DOT are merely looking to survive the winter.

"The worst-case scenario is no service," Anders said. "We're not even close to that."

The railroad alerted passengers to the following timetable alterations through Mon-

day: In the morning rush hour, the 6:42 a.m. train from New Haven, due in Stamford at 7:30 a.m. and arriving at Grand Central at 8:18 a.m.; and the 7:37 a.m. train out of Port Chester, N.Y., due in Grand Central at 8:20 a.m., are canceled.

During the evening rush hour, many trains departing Grand Central will be combined or canceled:

The 4:11 p.m. train from Grand Central to South Norwalk and the 4:16 p.m. train to New Haven are combined, departing at 4:16 p.m.

The 4:49 p.m. train from Grand Central to New Haven will terminate at Stamford. Customers for stations east of Stamford must take the 5:01 p.m. train. Darien passengers must take the 5:04 p.m. train to Danbury.

The 5:09 p.m. train from Stamford to New Canaan and the 5:26 p.m. train to New Canaan are combined, departing at 5:26 p.m.

The 5:23 p.m. train from Grand Central to Bridgeport and the 5:28 p.m. train to South Norwalk are combined, departing at 5:28 p.m.

The 5:44 p.m. train from Grand Central to Bridgeport and the 5:49 p.m. train to South Norwalk are combined, departing at 5:49 p.m.

The 6:37 p.m. train from Grand Central to Harrison, N.Y., and the 6:40 p.m. train to Stamford are combined, departing at 6:40 p.m.

The 7:07 p.m. train from Grand Central to Harrison and the 7:10 p.m. train to Stamford are combined, departing at 7:10 p.m.

For additional information, customers can consult www.mta.info.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to say a few words about the highway bill. This legislation is of immense importance not only to my State of Alaska, but to the Nation as a whole. It is unlikely that this Congress will do anything of greater importance for our economy.

We all know that if our economy is our strength, transportation is our circulatory system. Without it, we cannot function. And make no mistake, we are not keeping up with the task.

Thirty-two percent of our major roads are in poor condition. Twenty-nine percent of our bridges need replacement or repair. Urban rail and bus systems are in equally poor shape.

According to the Department of Transportation, we should be spending over \$100 billion per year on highways and over \$20 billion per year on transit. But we cannot do that. We are constrained by reality. The components of the Senate bill will approximate only half that amount.

That is deeply disappointing to the Nation's 12,500 road construction contractors, and it is deeply disappointing to all our States and to their municipal governments, and to all our constituents.

We do not live in a perfect world. And given that reality, our job is to pass the best bill we can possibly pass.

It was no easy task to develop the bill before us today. We owe a tremendous debt of gratitude to the leaders of the Environment and Public Works Committee for their efforts, and to the leaders of the other committees necessary to make this bill a reality. No one could have worked harder and longer than Senator INHOFE, Senator JEFFORDS, Senator BOND and Senator REID.

Is this a perfect bill? No, indeed. There are many things I would like to see changed. For example, I strongly agree with the comments made by Senator VOINOVICH about the need for additional streamlining so that projects can get off the ground faster.

For my own State, I would like to see greater flexibility in a number of areas. I would also like to see greater recognition given to the fact that my State is far behind all the others in road miles, and that lack is holding back not only our economy but limiting our ability to contribute to the Nation as a whole. This bill does not address that fact to satisfaction.

By the same token, I understand that many of the donor States want to see more of their highway fuel tax dollars returned to them, and returned faster. I cannot blame them. At the same time, I want to remind my colleagues of this very important fact: This bill is not about my roads or your roads. This bill is about our roads.

We are all in this together. Let's not forget that fact.

The bill before us will increase every State's minimum guarantee to the 95 percent level they have long sought. And it will ensure that every State will see a significant increase in real dollars, an average increase of over 35 percent.

We cannot afford not to move forward.

In the last decade, travel on the Nation's highways increased almost 30 percent. By 2020, projections indicate travel will increase by another 50 percent. Those number don't just indicate a need; they demand a response. They demand that we move forward on this bill.

I yield the floor.

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

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1072 is the pending business.

AMENDMENT NO. 2269 WITHDRAWN

Mr. SHELBY. Mr. President, I think I have an amendment pending.

The PRESIDING OFFICER. Amendment No. 2269 is pending.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to withdraw the amendment.

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

Mr. SHELBY. Thank you.

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. VOINOVICH. 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. VOINOVICH. Mr. President, I understand that if I ask that the amendments be set aside so I can send an amendment to the desk and ask for its immediate consideration, there is an objection to that; is that correct?

The PRESIDING OFFICER. There has not yet been an objection.

Mr. VOINOVICH. I did not hear the Chair.

The PRESIDING OFFICER. There is not yet an objection.

Mr. INHOFE. If the Senator will yield, it is my understanding that there will be an objection.

Mr. VOINOVICH. Mr. President, it is unfortunate that we have an objection to further amendments so that we can't set aside some of those that have been here and we are not making the kind of progress I think we should be making on this bill and that some in this body will not allow us to make progress and consider a germane amendment that has broad support. What I am going to do is file the amendment and hopefully get to it in due course.

Two days ago, I came to the floor to express my support for this bill. I praised the managers for their work in putting this compromise together. I said that the bipartisan spirit of this bill led me to believe we could actually get something accomplished, which is contrary to the predictions of many people for this session of Congress. I even borrowed from one of my models when I was Governor: Together we can do it. And together we can. We can get this bill passed if we have enough folks who are willing to compromise and understand there is an enormous need to deal with the infrastructure problems and challenges of our country and also understand the need for the jobs this bill will create in our respective States.

Today and yesterday we have seen, however, that some do not want to work in a bipartisan manner and pass this bill which will put hard-working Americans back to work and jumpstart our sluggish economy, particularly in States such as Ohio. This is the case even though 75 Members voted to invoke cloture and proceed to the bill. Sadly, until this logjam is broken, we can't even make progress on issues of broad agreement.

Regardless of these difficulties, I am pleased to announce that this amendment represents an agreement reached by the transportation community and the historic preservation community. I greatly appreciate the work of the many groups that worked on this amendment, including the National Trust for Historic Preservation, Preservation Action, the American Association of State Highway and Transportation Officials. I commend the Ohio Department of Transportation, espe-

cially Gordon Proctor, Tim Hill, and Michelle Holdgreve, for their tireless effort. They have worked very hard with us on this amendment. The hard work by all these interested groups have led to this carefully crafted compromise amendment that I believe will go a long way in expediting the time and decreasing the cost of transportation construction projects.

This amendment addresses section 4(f). Section 4(f) of the Department of Transportation Act of 1966 prohibits the Department of Transportation from approving any highway project that uses publicly owned land or a historic site of national, State, or local significance, unless, one, there is no prudent and feasible alternative that avoids such resources or causes less harm to them, and, two, the project includes all possible planning to minimize harm to those resources.

If publicly owned land or a historic site is chosen for use in the project, an evaluation must demonstrate that the use of other alternatives would have resulted in unique problems. "Unique problems" are present when there are truly unusual factors, or when the costs to the community's disruption reach "extraordinary magnitude." This test was introduced in *Citizens to Preserve Overton Park v. Volpe*, referred to as the "Overton Park criteria."

Section 4(f) was developed in the late 1960s to address a real problem. Construction of the Interstate Highway System was at its peak, and these projects took the path of least resistance, which, in many cases, was parkland because it was easy to acquire and cheap to build through.

The passage of section 4(f) was intended to protect parks and historic sites that could be adversely impacted by construction of the Interstate System. We all understand that. That makes sense.

Today, however, highway projects are more likely to involve maintenance and modernization of the current system. The problem is that section 4(f), which basically prohibits all use of protected resources, is difficult to apply to projects that would have some, but not significant, impact on a protected resource. Yet this law has never been amended since its creation almost 40 years ago. We need to address our attention to that.

When highway projects have resulted in litigation, section 4(f) has been a frequent cause. Moreover, inconsistent interpretation of the Overton criteria has been identified as one need for changes in section 4(f) to allow for a more balanced interpretation of its requirements. One of the reasons for this litigation is the subjective terms used in the law: "prudent and feasible," "all possible planning to minimize harm," "unique problems," and "extraordinary magnitude."

I will tell you, these provisions are a lawyer's dream and a nightmare for the courts that have to interpret it and the States and U.S. Department of Trans-

portation, which has to enforce the law. The result has been needless confusion, significant delays, and high cost for issues that defy common sense. What we are talking about here is common sense.

In my State of Ohio, for example, a privately owned barn was considered eligible for the National Register of Historic Places. It was in the path of a needed road improvement. Let me clarify that the barn was eligible because it was more than 50 years old. Soon, we won't be able to do any improvements because sidewalks will be 50 years old in this country. After considerable delay, needless studies, and significantly increased costs, a decision was made to avoid the barn. The road improvement was rerouted and the barn protected. This is the barn in this photo that we were protecting because it was over 50 years old. Look at that.

The cost to reroute this was \$100,000 and 4 months of delay. Anybody who knows about highway projects knows that for every day of delay, it costs money. Time is money. However, the barn fell down due to owner neglect a few years later.

The point is that, while transportation planners have to do all they can to protect something that is "eligible" for the register, the private owner of the place, or even another Federal agency, can destroy it without sanction. That just doesn't make any sense.

Section 4(f) was enacted in 1966, 37 years ago. It only applies to the U.S. Department of Transportation, not any other Federal agencies. It is an extremely stringent law that has been interpreted by the courts, as they say, in vastly different ways.

While it was created with good intentions and at a time when the law was arguably needed, U.S. DOT and State departments of transportation have become good stewards of the environment.

One of the things that happens in Washington is we give no credit at all to State organizations or local organizations, in terms of their concern about the environment. So often, we think we are the only ones who really care about the environment.

Section 4(f) requirements have been identified by State departments of transportation as a significant deterrent to timely environmental reviews of transportation projects. The requirements to avoid section 4(f) resources applies in all cases, even when the impact is minor, resulting in situations in which a minor historic property is protected at the expense of other more sensitive environmental resources or communities.

In April of 2003, the General Accounting Office reported the transportation stakeholders consider section 4(f) reviews as burdensome and inflexible and that alternative approaches could protect historic properties and take less time to reach resolution.

In that report, a large majority of the stakeholders indicated that historic property protections under section 106 of the National Historic Preservation Act of 1966 offered a more flexible mediation process. This law requires that Federal agencies consider the effect of properties either in or eligible to be in the National Register of Historic Places. It brings all parties into the discussion and allows for better outcomes that preserve the goals of the transportation project, while protecting historic properties. This concept is included in this compromise amendment.

We are using something with which people are familiar. It worked in other places and it can work in terms of highway construction.

Currently, section 4(f) does not provide exceptions for impacts with no adverse affect or even a beneficial effect. For example, in Ohio, a new highway project adjacent to a publicly owned golf course was being constructed, and the golf course asked if work could be performed to alleviate persistent flooding. However, the work would have required a section 4(f) study. As a result, the work wasn't performed and the golf course still floods to this day just because of this 4(f).

In more extreme cases, projects with very minor impacts on protected sites have had to be realigned at high social, environmental, and economic costs. The peculiarities of the law led to well-documented, unintended consequences.

The confusion over existing law and problems with delays has led to several attempts at remedies. AASHTO, the organization that represents all 50 State transportation departments, voted unanimously to reform section 4(f).

Section 4(f) is also one of the highest priorities of our own U.S. Department of Transportation, which proposed changes to section 4(f) in its surface transportation reauthorization proposal, SAFETEA, which is what we worked off when this bill was being put together.

This amendment remedies many of the problems with section 4(f). While many groups would have preferred greater reform, the final text is a compromise that satisfies major stakeholders in this debate. Again, this was a compromise between a lot of groups, including transportation, environmental, and historic preservation groups.

Specifically, the amendment states that section 4(f) requirements are satisfied if the Secretary makes a finding of de minimis impact to a protected site. For historic sites, such a finding occurs if the project has no adverse effect on a historic site and there is written concurrence from the State or tribal historic preservation officer.

So we go through this process, and it is looked at as de minimis and has to be signed off by the people who care.

For parks, recreation areas, and wildlife and waterfowl refuges, such a finding only occurs if the project will not

adversely affect the activities, features, or attributes of the resource, and there is written concurrence from the officials with jurisdiction over the resource. The amendment also requires public notice—the public knows all about this; there is nothing under the table—and public comment on the process. So we vet this decision so everybody knows what is going on.

What is good about this amendment is it allows for better community outcomes. This amendment would require the Secretary, when making a finding of de minimis impact, to consider all "avoidance, minimization, mitigation, and enhancement measures" that have been incorporated into the project. The language serves an important function: It builds in an incentive for projects' sponsors to incorporate environmentally protective measures into a project from the beginning, in order to support a finding of de minimis impact. Otherwise, the resource would be avoided and the project would move forward without providing any of the associated benefits to the community.

In addition, the amendment requires the Secretary to promulgate new regulations to determine standards to define whether avoiding a protected resource is prudent and feasible.

The purpose of this amendment is to achieve greater clarity and consistency with regard to the application of the Overton Park standard in a variety of circumstances. Let me provide some examples of problems with the section 4(f). I have already done one. Let's look at others.

In Pennsylvania, the State department of transportation had to make a highway improvement. This project required that one of two farms near each other be sacrificed. One of them was an inactive farm eligible for the registry that was barely maintained and its owner lived out of State. The second was a working farm owned by a man and his two sons who were actively working the land.

The owner of the second farm intended to pass the land down to the family to continue the farming operation. Section 4(f) forced the State department of transportation to demolish the nonhistoric farm, even though it was actively being farmed and planned to be part of the family's livelihood for years to come. In the end, the historic farm was bought and developed.

This is ridiculous. Section 4(f) led to the destruction of both farms. It forced the officials to go against a hard-working family for a rundown farm that happened to be 50 years old. And then this law couldn't even protect it from being developed.

This amendment would at least have allowed the State preservation officer to make a balanced decision considering all of the information and alternatives.

Another good example comes from our neighboring State of Kentucky. A farmhouse and a farm was deemed historic. As a result of the project devel-

opment process, the best alignment for a four-lane highway was found to be through the property and would separate the historic house from the rest of the farmstead. However, through coordination with historic preservation groups, the highway was realigned so that it would cross in front of the house, impacting only a small strip of land at the front edge of the property.

Everyone involved thought it was great. Then came section 4(f). Section 4(f) required total avoidance of this historic farmhouse. The result was less desirable, more costly, and required the acquisition and removal of a home that was not historic.

In the end, the family whose home was to be relocated bought the historic house from the contractor, tore down the old house, and relocated their modern house where the historic house had stood.

Let's think about this. This is a picture of the historic house. What happened was, they wanted to take a little piece of this property, but oh, no, under section 4(f), you can't do that. Oh, no. So they went across the street to a house more modern and said: We are going to take your property. These people had to relocate their house. They relocated their house. Do you know where they relocated it? They tore the old house down and relocated the modern house to where the old house was located.

That is the kind of result we get from section 4(f). It is understandable that this needs to be changed.

This is a compromise amendment that has broad support and will correct a problem that has plagued State and local officials for nearly 40 years. It is time for this inflexible and outdated law to be fixed.

I congratulate all involved on this work. Again, historic preservation groups came together and said: This is crazy; let's see if we can work something out. And they did it.

I think it is unfortunate this amendment will not be considered today. As I said, it has broad support.

I wish to say one other thing about the highway bill. There is no question that there is an overwhelming need for this legislation. In fact, if you look at the needs that have been projected by the Department of Transportation, the amount of money we are spending doesn't meet the need, but it is a reasonable compromise to start to address forthrightly some of the problems I have in Ohio, you may have in Texas, Mr. President, or the chief sponsor may have in Oklahoma, and around this country.

It also provides needed jobs for people in our respective States. To my knowledge, this is going to be the only jobs bill to come out of this Congress at this time. Those jobs are needed.

I was talking with some of my colleagues the other day and they said: It is not needed and there are no projects out there ready to go. I would like to say that in my State we have \$164 million of work that, if the money were

there, could start tomorrow. It could start tomorrow.

The economy in my State is not doing too well. We are getting killed because of manufacturing. We need this bill. There was a great conservative President of the United States named Ronald Reagan. He is on the altar and worshipped by conservatives all across America. He was a real conservative, a real fiscal conservative. In 1983, unemployment was up. I remember because I was mayor of the city of Cleveland. People needed work. Ronald Reagan, in his wisdom, saw a need out in the country. He went to Congress and asked for the emergency jobs bill. That bill extended unemployment benefits. That bill provided moneys to cities and counties.

When I was mayor, we were really hurting. It provided us \$12 million for public works so I could put people to work. It provided \$6 million to Cuyahoga County. That was Ronald Reagan, a fiscal conservative, a man of compassion. He reached out, saw these people on the unemployment line, saw that jobs were needed. He also understood that we had some real infrastructure needs in this country, and on April 1 of 1983, Ronald Reagan said: I don't want to borrow the money; I don't want to borrow the money to provide more money for highways, and suggested and got the Congress to agree to increase the gas tax by 5 cents.

It seems to me that some of my colleagues—and I consider myself a conservative—ought to look at the reality of all of this. I suggest to our administration, our President, who is compassionate, and his advisers, that they ought to also look at the needs we have.

I went along with a grant to Iraq because I wanted to rebuild their infrastructure, and we are borrowing that money. We are borrowing a lot of money for a lot of purposes. I think Senator GRASSLEY and the Finance Committee have tried to come up with some reasonable ways of paying for this bill and some offsets. Some people may nitpick it, but the fact is, they did genuinely try to do something about it.

Everyone who is concerned about it ought to look at this realistically. This is a very modest, responsible proposal that deals with great infrastructure needs in this country.

I come from a just-in-time State, and our roads and bridges are in bad shape. I come from a State where we have thousands of people who lose their lives because our roads are not what we want them to be—route 24, particularly. So we have these needs. This is not porkbarrel. We have real needs.

On top of that, the frosting on the cake is we need the jobs. I am hoping that the Holy Spirit will enlighten our President and his advisers and Members on my side of the aisle and on the other side of the aisle to do something good for America and get on with this bill, get it passed, and get the money on the street so we can put some people

to work and get on with our infrastructure needs.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have some remarks in conjunction with the statement of Senator VOINOVICH. I will yield to the Senator from Florida as soon as I make a couple of comments.

Mr. President, I rise to speak in favor of the amendment offered by my colleague from Ohio, Senator VOINOVICH. First, I thank him for working so hard on this very important issue. I know this issue has been controversial, and I appreciate his dedication to working out a compromise. Senate VOINOVICH's amendment adds much-needed reforms to a provision in current law commonly referred to as section 4(f) review.

Section 4(f) was approved by Congress as part of the Department of Transportation Act of 1966 to protect public parks, recreation areas, wildlife and waterfowl refuges, and public and private historic sites.

It is important to protect our historic treasures and environmental and recreational resources. Our Government has invested money in establishing and maintaining these resources for the public's use. We should not allow another department to turn around and diminish those investments without good reason.

Unfortunately, court decisions have led to an interpretation of "avoid at all costs." In addition to adding significant time delays caused by extensive study of alternatives, this interpretation has led to some really bad public policy decisions—decisions that defy common sense.

For instance, does it make sense to spend a hundred thousand dollars to shift an alignment in order to avoid an old, abandoned, dilapidated barn? I don't think so, but it has happened. Should private citizens lose parts of their front yards to road expansion so that we can save the supposed parkland between the current road and the ditch that runs alongside it? I don't think so, but it has happened.

Those are just a couple of examples of where section 4(f) is obviously broken and desperately needs to be fixed. I am pleased that Senator VOINOVICH has brought us such a fix.

The State of Oklahoma DOT is pleased with this language. Our folks who actually deal with this issue on a regular basis believe this will help them make better decisions with less delay.

I think this amendment represents good policy all the way around—transportation officials will be able to make commonsense decisions, particularly when it comes to projects that will have minimal impacts, and we can all be assured that these important environmental and cultural resources are protected.

It is my understanding that this language was developed by a wide range of

stakeholders, including Ohio DOT, AASHTO, the National Trust for Historic Preservation, Defenders of Wildlife, Environmental Defense and the Natural Resources Defense Council. I commend Senator VOINOVICH for bringing forward this section 4(f) amendment, and I am happy to add my support to it. I regret that we cannot consider his amendment today, but I assure the Senator that I will work to have his amendment adopted.

Mr. President, what my friend from Ohio is saying is what we have been saying since Monday morning.

The Senator is exactly right. I do not know how many times I have stood on this floor and said those of us who are conservatives historically have to stop and look at what is Government here for. Conservatives are generally big spenders when it comes to defense, when it comes to infrastructure. We need to defend America and we need infrastructure. Right now, I am sure there are some States that are not as sensitive as the Senator from Ohio and I are because they do not have the problems, but when we look at what this bill is doing to try to correct the problem of, just as an example, our deteriorating bridges, my State of Oklahoma ranks dead first in terms of the deteriorated condition of bridges, and I chair the committee.

We are going to have to get a bill through. There has been some recent suggestion that it be pared down a little bit. I can assure my colleagues the figure we are talking about right now is a figure that is not acceptable to those on the other side of the Capitol, and this is the only way we can get one.

I thought we were making some headway. We have all of these little procedural hurdles. We are not able to send the amendment of the Senator to the desk, but I will tell the Senator right now I am going to do what I can about it.

First, I do agree with the Senator's amendment and I know how hard he has been working on it. A lot of people do not realize this section was approved by the Congress as part of the Department of Transportation Act of 1966. It is obvious it is not working now and we need to do something about it. Certainly the Senator is as enthusiastic about protecting any of our historical sites as we are, but we need to have something that is workable.

I know there is someone else who wants to speak, but let me give the Senator my assurance, as chairman of the committee, I will do everything I can to make sure he gets his amendment in, which I support. More important than his amendment, we want to get this bill passed so we can get America back to work again.

Remember, not long ago one of the publications in the Capitol had a "men working" sign on it, and they put a "not" right in the middle: Men not working. That is exactly what is happening right now. If we play around

with the reductions, with the temporary extensions and all of that, we are not going to be able to get people back to work.

We have the infrastructure needs. We have the needs for jobs, and I will be there beside the Senator from Ohio doing what I can to make that a reality.

Before I yield the floor, let me ask my good friend with whom I was privileged to share this morning's chairmanship at the National Prayer Breakfast—one of the truly great moments of my life with my good friend. We are trying to stay on the highway bill. We have others who are going to be coming down. Could I inquire as to how much time the Senator from Florida would like to have?

Mr. NELSON of Florida. Probably no more than 8 or 10 minutes.

Mr. INHOFE. I ask unanimous consent that he be given 15 minutes and then after I be recognized as having the floor.

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

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I commend the Senator from Oklahoma. It has been a pleasure working with him as the cochairman of our Senate prayer breakfast, and now having the opportunity this morning with 4,000 people assembled at the Washington Hilton to cochair the National Prayer Breakfast with him—which really is a misnomer because it is an international prayer breakfast. We had people from 150 nations. We had five heads of state there. Of course, we had dual speakers this morning in the persons of former Congressman J.C. Watts and Congressman JOHN LEWIS. They were both riveting. I appreciate his collegiality and considerable cooperation as we entered into this delightful once-a-year event that occurs in Washington.

I say to the Senator from Ohio, though, before he walks out the door, that as he was talking about the transportation bill providing jobs, we have a saying in the south: "Amen, brother." We need the jobs in Florida, too. Indeed, they are needed all over the country and that is why I will support this bill, and that is why I did.

I congratulate the chairman and the ranking member of the committee in how they have fashioned this bill. There are parts of this bill I would like to see improved. For years, my State of Florida has given a dollar in in tax and only gotten back about 80 cents. Over the years, my senior colleague, Senator GRAHAM of Florida, has been working on that. Since I have been in the Senate the last 4 years, I have been working with him to improve that. We have got that ratio up to 90.5 percent that we get back for every dollar we send.

In the bill the chairman and the ranking member have crafted, over the 6-year period that will rise to 95 percent. Floridians will be very grateful for that. I wish it could rise 1 percent

a year over those 6 years instead of the way it is crafted, which is that it stays at a 90.5 percent return on Florida's tax dollar and then it jumps in the sixth year to 95 percent return on the dollar, but that was part of the give and take.

I would certainly like to improve it, but I am grateful for it, because finally this battle Florida has had for ages in getting a return on its tax dollar, particularly a gas tax dollar it sends to the Federal Government, is going to get some equalization, particularly with other States that have in the past gotten in excess of a dollar's worth when they send in a dollar to the Federal gas tax trust fund. I have lots of good things to say about it, but, oh, does it make it tough in this environment in which we are, a highly charged partisan environment in an election year in which the deficit that was just announced 3 days ago is over a half a trillion dollars.

Now, deficit is a fancy word, but let me say to my colleagues simply what I think it means. It means if we are spending this much in this coming fiscal year, but we only have this much coming in in tax revenues, the difference, since we are spending more than we have coming in in revenue, is the deficit. That has been estimated, in the President's budget, at \$525 billion. That is over a half trillion dollars.

Well, what does one do? Where does it come from? If spending is going to be here, but the tax revenues are only here in a given year, what is to be done? The difference is borrowed, and that difference then, when borrowed, is added to the national debt.

We can see if we are borrowing to the extent of over half a trillion dollars a year, it does not take too long to see the national debt just continue to go out of sight, and then on that debt we have to pay interest. When the interest rates go up after this year, then that is another big slug out of the Federal budget we will have to pay, interest on the national debt.

Goodness gracious. And think what we could be doing with money: \$200 billion a year in interest. Think what that would buy in the programs that are being cut under this President's budget. These are programs such as law enforcement assistance from the Federal Government such as the COPS program, putting police on the beat, on the street. That is being cut. Education expenditures are being cut. Children's health programs are being cut. Environmental programs are being cut. I could go on.

Yet that creates the environment, the fiscal reality, that in times of huge budget deficits, if you are going to get that figure from here to match your revenues, you either have to cut spending or raise taxes or, in the alternative, stop tax cuts that are projected to go into effect in the future and don't let them go into effect, or both, in order to get your Federal budget into balance.

We had a chance 3 years ago. We were in a surplus situation with so much

surplus projected over 10 years. We could have paid off the national debt if we had been wise and conservative in our approach. But we didn't. We went and blew it. We were like drunken sailors, spending and enacting tax cuts that were targeted to the more well off among us. The result is what the President's budget just said. In the budget that was just released, the deficit spending this next fiscal year is going to be over half a trillion dollars.

This is not conservative fiscal policy. This is wild and reckless policy. When you give a continued tax cut to the rich to be financed by out and out borrowing, that is not conservative fiscal policy. That is out of control fiscal policy.

By the way, guess where we borrow that money. We borrow it from Social Security recipients, because we are taking it out of the Social Security trust fund. Guess where else we borrow it. We borrow it from other countries and their companies and their investors. You think it is just you and I who buy U.S. Treasury bills? Some of us do. And we borrow it from us. But you would be shocked to know how much of the Nation's debt and the new borrowing that will occur is being bought up by corporations and governments in China and Japan. If they end up having a good bit of our debt that is owed to them, what does that do toward putting us in a vulnerable position in the future with regard to our foreign policy with those countries, China and Japan? If they own a lot of our debt or, put another way, if we owe them a lot of money, that is not a position in which I think America ought to be.

There are some clever little tricks in this budget, too. They are very technical. For example, one provision is that people are encouraged, if the President's proposal is enacted, to take money out of their individual retirement accounts, IRAs, or their 401(k) plans and put them over into basically a privatizing of Social Security accounts. But the little fiscal sleight of hand is that when you take it out of an IRA, you are going to have to pay taxes on it. Lo and behold, that gins up an additional \$15 billion over this 5-year projection in the budget of new tax revenue, to make it appear as if there is going to be more revenue coming in than there is.

This is really not an economic document. It is a political document. Unfortunately, it is a political document that is not a conservative political document. So I am looking forward to us getting our fingers into this budget and beginning to pick it apart. But what it does when you have a budget this much out of control is it makes it so much more difficult for very important programs such as this transportation bill that will provide so many jobs, that will cause dollars to be spent and circulated and restore the economy—it causes it to be a very difficult time in which to enact this kind of legislation, particularly at the level that some of us would like.

Mr. President, I wanted to share my thoughts on this subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the statement of my friend from Florida.

I would say, in terms of who the villain is in the deficit we are facing right now, there are two big villains. One is the war, and then the economy. As we started losing economic ground, a downturn back in March of 2000, people didn't realize for every 1 percent change in economic activity it translated into \$45 billion in revenue. In other words, as the economy is rebounding now, the revenue is coming back up. Even continuing in the effort, the war effort—which I am afraid is going to last for quite a while—we are going to be facing end strength problems and that will have to go on.

I believe the best thing we can do is do it through the economy. At the same time there are certain things that have to happen in America. We have to do something about roads in America. I probably have as many townhall meetings as anyone. I suggest the Senator from Florida does, too. I can't remember one I have had where they haven't said something about roads.

In Oklahoma what they say is, we can always tell when we are around Thanksgiving time, when we have family coming in, we have friends coming in, we can always know when we get to Oklahoma because of the roads. I add to the Presiding Officer, when they come from Texas they make that comment about Oklahoma roads. So we do have a very serious problem. It seems to be more serious in my State.

Part of that is due to the donor status we have had for quite some time. Of course, we have not had the money with which to do it. I feel an obligation, and believe it is very appropriate for conservatives, to get out and vote in favor of this type of an infrastructure program. This translates directly into jobs, translates directly into the economy, translates directly into increasing economic activity and additional revenue that will come into Government.

With that, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred in Greenwich Village, NY. There, a 36-year-old man was assaulted by a group of 15 men on his way to a gay bar. Another man on the street yelled an anti-gay slur, and when the victim turned to see who had yelled at him, he was punched in the back of the head.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TAIWAN'S PEACE REFERENDUM

Mr. ALLEN. Mr. President, for the past 54 years, Taiwan and the United States have been allies in the international arena, democratic partners and friends. In times of need and turmoil, both countries have always come to each other's aid. In the aftermath of the September 11 terrorist attacks, Taiwan immediately offered help to Americans through the U.S. Government. In recent months, Taiwan has offered humanitarian aid to post-war Iraq.

Today Taiwan is being threatened. Taiwan's planned referendum on March 20, 2004 has been called a move toward Taiwan independence. Some say it will push Taiwan to the "abyss of war." Such rhetoric is a distortion of Taiwan's true intentions. In the face of an overwhelming military threat against Taiwan, Taiwan President Chen Shui-bian's peace referendum asks Taiwan voters whether they should buy more anti-missile weapons if the People's Republic of China refuses to withdraw its 496 missiles targeted at Taiwan and whether Taiwan should open up talks with the People's Republic of China about issues of peace.

Taiwan's democratically elected president, President Chen, has made it clear that he continues to hold to the "five no's" of his inauguration speech, including the promise not to hold a plebiscite on the issue of Taiwanese independence. The referendum merely aims to avoid war, free its people from fear and maintain the status quo.

Taiwan, our ally and friend, is a democracy. Its people have every right to hold their referendum this March 20. Taiwan's referendum law is a basic

democratic right that the United States should support rather than denigrate. The future of Taiwan must be determined peacefully, with the express consent of the people of Taiwan. Since its establishment, the United States has been the foremost champion of liberty and democracy in the world. We can, therefore, not afford to tell the people of Taiwan not to hold a referendum. There can be no double standard when it comes to exercising democracy.

ADDITIONAL STATEMENTS

TRIBUTE TO RONALD C. FOSTER

• Mr. CHAMBLISS. Mr. President, I pay tribute to Ronald C. Foster who will soon be retiring after an illustrious 33-year career with one of America's leading companies, the Atlanta-based United Parcel Service, UPS. First hired in October of 1966, Ron's 33-year corporate career led him from Kentucky to Colorado, Illinois, Indiana, New York, Pennsylvania, and ultimately to Washington, DC.

Ron started his career as a non-management hourly employee unloading UPS tractor-trailers in Lexington, KY. Promoted to the ranks of management 2 years later, Ron worked in UPS operations while attending the University of Kentucky, where he earned a Bachelor's Degree in Economics in 1972.

Ron held a series of managerial positions of increasing responsibility within the UPS Human Resources department which led him to become one of the company's senior Human Resources officials. In 1996, Ron Foster transferred to UPS' Washington, DC, Public Affairs office, where he represented the company on Capitol Hill and focused on labor relations, safety and human resources related public policy issues. At the time of his retirement Ron served as one of the company's most senior Public Affairs executives, as he coordinated the legislative and political activities of UPS Public Affairs managers both in Washington and in select state capitals.

Ron Foster's accomplished business career has been most noted for his unwavering loyalty to UPS and to his uncompromised dedication to integrity regarding business ethics and values. Ron will be remembered for the respectful and professional manner in which he treated all UPS colleagues. Ron's ability to deal fairly and equitably with people from all walks of life, a trait that is all too uncommon in today's society, was legendary among the UPS family.

Ron has been a very good friend to this Senator and I am happy that he will be spending his retirement years at Reynolds Plantation in Greensboro, GA. I congratulate Ron for a lengthy and highly successful business career, and more importantly, to wish Ron and Jo Foster a healthy and happy retirement. •