

Squires said the drug companies won't be limited in how much profit they'll make from the new program.

I will not finish the article, and I am sorry to take the leader's time, but this is happening all over America. It is not just in Reno. The prescription drug benefit, no matter how it is painted with chocolate, is a program that is not good for the American people. The American people know this, as indicated by the group that met in Reno yesterday. This is a disaster waiting to happen.

Does the leader acknowledge the same thing is happening in South Dakota?

Mr. DASCHLE. Mr. President, I appreciate the most recent report from Nevada with regard to how his constituents are viewing this new Medicare Program. I must say it is perfectly in concert with the sentiments expressed in similar articles in South Dakota. During the last break, when I was home holding meetings regarding this program, we had standing room only crowds in every single meeting, and those crowds were almost universally angered, frustrated, and concerned about their circumstances as a result of this legislation passing.

Much of their anger, as the Senator noted in the article, is directed towards the organization AARP, for their failure to stand up for citizens, and I think that is understandable. Their frustration and their anxiety goes deeper than just an organization. They are concerned about their own livelihoods and what it may mean for them and how troubling it is to them that the Government is actually forbidden from negotiating lower drug prices, which is what the goal was in the first place.

So it is their inability to get lower drug prices, their concern about having to pay exorbitant premiums and fees for a limited benefit, their concern about being pushed into an HMO, their concern about whether they can access drugs from other countries like Canada where prices are cheaper: all of those and many more concerns were reflected in these discussions. It is again reflected in the article the Senator has just read into the record.

So I share his consternation and his resolve to address these issues. We have to find a way to fix it, and the senior citizens of this country are demanding we do it now.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. Under the previous order, 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 ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, I commend my friend, the junior Senator from Oklahoma, Mr. INHOFE, for his steadfastness in attempting to move this most important bill that the Chair just reported. He has worked hard on this for months. This week he has worked hard on it. This has not been an easy week. I said many times before, as I said earlier speaking with the Democratic leader this morning, there is no other legislation we will consider this Congress that will do more for the American worker or have so great an impact on every facet of American life than the bill which was just reported by the Chair, the highway bill.

Since coming to Congress, I have been so impressed with what infrastructure development does for the entire community. It provides jobs, but the social benefits are significant. For every \$1 billion invested in infrastructure, it has been established, and we heard it many times, we create more than 47,000 high-paying jobs, skilled jobs that generate more than \$6.2 billion of economic activity. Again, for every billion dollars spent on infrastructure development—for example, highway or transit—we create 47,000 jobs. But the spinoff for this \$1 billion is \$6.2 billion in economic activity. Even by conservative estimates, funding our Nation's infrastructure program at the \$311 billion Bond-Reid level will create hundreds of thousands, if not millions, of jobs.

I thank the two leaders again, Senators DASCHLE and FRIST, for their support and for their recognition of the importance of this measure. I wholeheartedly agree with the majority leader's statements earlier this week when he urged the Members of this body to focus their full attention on this legislation. I would say, however, that his focus should be on that side of the aisle. We, over here, are marching in lockstep toward completing this legislation. There has been a lot of stumbling taking place on the other side of the aisle. There has been roadblock after roadblock placed before this highway bill by the majority. The majority leader said:

We cannot ask our fellow citizens to join the great American workforce and then stand idly by while our roads decay and that commute to work stretches from minutes into hours. It is a job issue. . . . Our highways, our bridges, our roads, our ports, and our trains are in fact very much the physical expression of the very name we bear, uniting the States of America.

I agree with the majority leader, but we need help. This bill is being held up

by the majority. I don't know why, but some on the other side of the aisle have failed to recognize the wisdom of their leader, Senator FRIST. These Members continue to impede our progress on this. On the first thing we are doing this year in this session of the Legislature, there is a big roadblock, I repeat, on our highway bill. Progress is being impeded.

During last year's budget debate, 79 Senators—and there would have been more but we had some out running for President even then—79 Members of this body voted to support a \$311 billion piece of legislation for highways and transit. Under the leadership of Senator GRASSLEY and BAUCUS, we have a funding package that meets this goal, enjoys bipartisan support, and meets the President's funding criteria.

I am always amazed at this bipartisan stuff we talk about here. McCain-Feingold is said to be a bipartisan bill, the great legislation done to improve campaign financing. It was bipartisan. OK, we had MCCAIN and HAGEL—and there may be a few other Republicans, and I apologize to those; I am sure the Presiding Officer was one of them—who favored McCain-Feingold. Basically, the Democrats pushed campaign finance reform.

On the highway bill, unless something changes, I don't know where the bipartisanship is. We know BOND and INHOFE support this legislation. But let's have this a truly bipartisan piece of legislation and move forward as we did during the budget process; 79 Senators supported what we are supposed to be doing in this. With the finance package having been completed, every piece of the puzzle is in place.

I remember I was always very bad working jigsaw puzzles. My little brother, he was great, but I, in my little-boy head, was envious of my brother Larry. He could do these puzzles. So, what I would do, I would hide the last couple of pieces of the puzzle so that way he couldn't complete the puzzle. He would come to me for the missing pieces and I would say okay, but I would always get something; he would have to carry the wood or do something to get the last few pieces.

We have the pieces to this puzzle. None of them are hidden. This is an important, complicated piece of legislation. It has very difficult components—highways, rail, mass transit, and the tax portion. Everything is done and everything is paid for. There are no new taxes. With this last piece of the puzzle now in place, we are ready to move forward.

As my friend from Ohio, Senator VOINOVICH, so passionately communicated last night, now is the time to act. Why would Senator VOINOVICH know? What basis would this man have to talk about this highway bill? It could be that GEORGE VOINOVICH was mayor of one of the largest cities in America, the mayor of Cleveland, OH. It could be that he was Governor of one of the most populous States in America, Ohio. He knows, from being a

mayor and a Governor, how important this transportation bill is.

I think we should listen to GEORGE VOINOVICH, telling us, let's move on this legislation. It is important to Ohio. It is important to Nevada. It is important to Rhode Island. It is important to Texas. It is important to South Dakota. It is important to Tennessee. Every State in the Union benefits from this. But we have some people saying: Oh, we can't do this, it's pork.

What in the world is that supposed to mean? Most of the bill is paid for out of the highway trust fund. Pork? I don't understand that. Is reconstructing a damaged bridge pork? Thirty percent of the bridges in America are in a state of disrepair. As has already been established here on the Senate floor, there are bridges in America where a school bus comes to the bridge, stops, lets the kids out, drives the bus across empty, has the kids walk across the bridge and jump back in the bus, and take off. Why? Because the bridge is dangerous. They can't have a bus full of kids go on a bridge that may collapse at any time.

Is that pork? One-third—almost one-third of all the bridges in America need something done: either be replaced or repaired or renovated in some fashion. The busiest two-lane road in Nevada is from a place called Railroad Pass to Searchlight, my hometown. It is a deathtrap. We are fortunate that half of that—18 miles of the 36 miles—now is a four-lane road. We are in the process of making the rest four lanes.

Is that pork? A busy two-lane road in Nevada, and people are killed and injured on that road all the time. Is that pork? I don't understand what the word means. I don't think so. Try to tell that to the truck drivers who are tied up in traffic, not being able to move their loads across this country because of the traffic on the road from Railroad Pass to Search Light. There are examples all over America that are the same. Is that pork because you want to move people more quickly?

As the majority leader mentioned in his statement, people are stuck in traffic. What does that do? It pollutes the air. There is no worse pollution than a car idling. It prevents people from getting to work so they can be productive. If it is a truck or a bus, it holds up the ability of commerce to move on, costing all of us more money.

Those folks who are talking about this bill having too much money need to reassess what their priorities are for the country. I personally believe this bill doesn't have enough money. It certainly doesn't have too much. A longtime Member of the other body, the chairman of the Transportation and Infrastructure Committee, the only Congressman from Alaska, believes what we have done here in the Senate isn't enough. He is over there working with the Republican majority in the House trying to get more money. I applaud him for doing that. We need more money for highways and transit—not less. This is a 6-year bill. I support it.

If we can get it passed, I will be happy with it.

As Senator VOINOVICH said last night, we must seize this opportunity to act. I say it today. We must seize this opportunity to act.

According to a study by the American Association of State Highway and Transportation Officials, the current extension—and we should have done this bill last year—cost \$2.1 billion in project delays and caused the loss of almost 100,000 jobs. The extension has interrupted State transportation officials' ability to do long-term planning.

I hope we will not do another 1-year extension. If we do, it would make things even worse. These projects are difficult. You cannot complete a major highway project in a year. You can't do it. The highway projects are multiyear projects. It is the same with transit projects. If you don't have multiyear funding, you can't plan, and it winds up costing more money. A project that costs \$100 will wind up costing \$300. Multiply that by millions, and we understand.

We now are fast approaching the busiest contracting season in the year. Right now the weather is bad. Look at how things have slowed down outside this Capitol building. This isn't the time contractors' work is done. In the West, you can do it almost every place, but not here in the East, and not in the Midwest. It is too cold.

Much of the major highway construction and contracting is done in the months of March, April, and May. Without a long-term bill and the corresponding guaranteed revenue streams, many vital transportation projects will be put on hold and others delayed, wasting more money and costing thousands more jobs, at a time when millions of willing and able Americans are looking for work. How can we let this happen?

The Democratic leader talked about the fact we created a little over 100,000 jobs this past month. We should be happy about that. But it is really pathetic. It is pathetic. We haven't looked at what happened during the month of December when normally lots of new jobs come on board. People were expecting 175,000 new jobs. This is what we got—a little over 100,000. We will take it. But we will never make up for the loss of 3 million jobs that were lost in the last 3 years with 100,000 jobs a month. It won't work.

People down at 1600 Pennsylvania Avenue should be beating down the doors saying pass this bill. What are they doing? They are carping, saying maybe we ought to take another look at this. They are beating up on Chairman YOUNG on the House side, saying don't even think about more money for highways.

I hope we can continue working on this. We need to do this. When millions of Americans are willing and able to work, shouldn't we provide jobs for them?

We spend a lot of time talking about deficits. But one we don't focus on

nearly enough is the infrastructure deficit. Senator DASCHLE had his copy of the budget here. He talked about this swirling monetary debt we have, and the deficit we are going to have this year. But what we don't talk about very much is the deficit we have in the infrastructure.

When we were in charge of the Senate, I held a hearing and invited mayors from around the country to talk about the infrastructure deficit they have in their cities. I can remember Atlanta, GA. Their mayor said he was looking forward to getting out of office. He said, I am glad to be leaving because it is only a question of time before there will be a collapse of infrastructure such as water and sewer.

That is the way it is all over the country. This country is facing a growing infrastructure deficit. We are not keeping up with the infrastructure needs. That is an understatement. Congestion continues to get worse—forget about water and sewer. Americans will lose an estimated \$67 billion in lost time and productivity, and we will waste almost 5.7 billion gallons of gas waiting in traffic this year.

In addition to the personal tragedy associated with traffic accidents, accidents cost \$137 billion a year in property losses, losses in market productivity, and medical costs. How many of those accidents could be avoided by better traffic lights and better highways? We know we can do better.

While our transportation infrastructure has an estimated worth of \$1.7 billion, much of this system needs an extensive overhaul and a lot of maintenance. Over a quarter of the Nation's bridges, as I have already stated—in fact, it is 29 percent—are functionally deficient or obsolete. I have talked about that a lot. The Federal Highway Administration's 2002 Conditions and Performance Report estimates the Federal deficit in roads and bridges must be at least \$35 billion a year just to maintain the current level of system performance. I say that is not very good. New investments to improve system performance will cost a lot more. We have a duty to close this infrastructure deficit.

A well-maintained national surface transportation system is essential to the free flow of people and goods so vital to a healthy and robust economy. We have a duty to the Nation to act now.

Again, I thank Senators INHOFE, JEFFORDS, and BOND for their commitment to move this most important legislation.

I again want to thank Senators FRIST and DASCHLE for their continued commitment and support in our effort to move a fully funded 6-year reauthorization through the Senate before the current short-year extension expires at the end of February. We must act, and we must act quickly.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as if in

morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DECISION OF THE MASSACHUSETTS SUPREME COURT

Mr. CORNYN. Mr. President, 2 days ago, the Massachusetts Supreme Court sent shock waves across America when it held that traditional marriage—a marriage between a man and a woman—would be eliminated by judicial fiat. It is no secret the American people support traditional marriage. Yet some who would criticize that support for traditional marriage accuse those who support it of being intolerant.

What I would suggest to you is the only ones guilty of intolerance are those who support the kind of judicial activism we have seen demonstrated by the Massachusetts court most recently—one that is fundamentally disdainful of democracy itself under the rule of law.

Most Americans instinctively and laudably support two fundamental propositions. First, that every individual is worthy of respect, dignity; and second, that the traditional institution of marriage is worthy of protection.

Some opponents of traditional marriage laws, however, have accused those who disagree with them of intolerance, even though support for traditional marriage reflects traditional values shared by the overwhelming number of Americans. These deeply held values deserve more respect than that.

Throughout history, mankind itself, humankind itself, has recognized the fundamental importance of marriage and its traditional definition as the union of one man and one woman. That understanding is reflected in the laws, traditions, and customs of all 50 States. Now I should say, apparently, 49 States—unless the Massachusetts Legislature and the Massachusetts people are able to somehow overcome this edict by the Massachusetts Supreme Court in their attempt to alter this historic institution and fundamental building block of our society.

Common sense and social science alike teach us that, even as we respect family relationships of all kinds, we must recognize that children are best raised by intact traditional families.

Accordingly, in 1996, this body, the U.S. Congress, recognized that fact by passing a law called the Defense of Marriage Act, a law that was supported by overwhelming bipartisan majorities in both the Senate and in the House, and ultimately signed into law by President Clinton, a law that reaffirms that marriage is defined as the traditional union of a man and a woman. Indeed, three-fourths of the States have approved similar legislation. In light of this popular and well-grounded national consensus, charging supporters of traditional marriage with intolerance is simply outrageous.

I agree with the Senator from Massachusetts, Senator KENNEDY, who said in 1996 as part of the debate over the Defense of Marriage Act that “there are strongly held religious, ethical, moral beliefs that are different from mine with regard to the issue of same-sex marriage which I respect and which are no indications of intolerance.”

It was just last September that the Constitution Subcommittee of the Senate Judiciary Committee, which I chair, held a hearing to consider whether some recent U.S. Supreme Court decisions put the Defense of Marriage Act in jeopardy. To me it just made good sense that Congress itself, after having passed this law so overwhelmingly, would look to see whether judicial activism posed a threat to this democratic expression of the will of the American people through their duly elected representatives.

Indeed, there was some debate whether the Supreme Court decision in *Lawrence v. Texas*, which created not just an equal protection right but which created out of whole cloth this notion espoused by Justice Kennedy and a majority of the Court, to an individual right to autonomy in one's sexual relationships, such that government can never regulate or intrude.

Of course, they purported to put marriage, incest, pedophilia, and other things like that out of bounds or outside of their decision, but the fundamental basis for that decision, legal scholars at that time recognized, could easily be transferred to other cases where the very definition of marriage and family itself was at issue.

So it was with great concern that, just a short time after that September hearing, we saw the day when we would have to face this issue had come much faster than any of us could imagine. The Massachusetts Supreme Court, the first court in the Nation, held that—based on the very same rationale that the U.S. Supreme Court used in the case of *Lawrence v. Texas*—that Massachusetts could no longer limit marriage licenses to couples of the opposite sex.

In an apparent attempt to create a figleaf of an idea that democracy was still alive in Massachusetts and it would not forever be ruled by judicial edict, the Court granted the legislature 180 days to bring the laws of Massachusetts into line with this new found legal right to same-sex marriage. It was a newly discovered right, of course, being found primarily in the U.S. Supreme Court decisions of last summer.

So in an effort to find some way out of this dilemma, the legislature asked the Massachusetts Supreme Court whether civil unions would be sufficient under the court's ruling to meet the requirement of equality of treatment. It was the day before yesterday when the court, astoundingly, said “No.”

The only thing that would satisfy the Court's decision, its edict, would be to give same-sex couples the same treat-

ment as we recognize for traditional marriage between a man and a woman. Thus the people of Massachusetts, their Governor, their legislature, are now scrambling to try to figure out what alternatives are available to them. They hope to avoid this runaway train careening down this track—the establishment, at least in Massachusetts, of a right to same-sex marriage.

The thing that was impressed upon me so much about the Massachusetts decision when reading it, besides the fundamental holding which sent shockwaves across America, was the sheer contempt that the court held for traditional marriage. Its intolerance for traditions we have recognized in this country, certainly since its founding, and in identifying this new right based on no particular or specific text but indeed made up out of whole cloth by the court relying on *Lawrence v. Texas*.

The Massachusetts court did not stop at this enormous step, but proceeded to condemn traditional marriage outright, and they did so in rather startling terms. After acknowledging, as Senator KENNEDY had back in 1996 when we were talking about the Defense of Marriage Act, that deep-seated religious, moral, and ethical convictions are motivating traditional marriage supporters, the Massachusetts court said that it still found “no rational reason” for laws limiting marriage to a man and a woman. And, in fact, it went even further. It concludes the traditional marriage is “rooted in persistent prejudices.”

I know that Members of this body and our colleagues across the Capitol, really no one in America, wants to engage in this debate. It is understandable. No one, frankly, wants to be painted with a brush of intolerance of somehow treating people badly. But as I said, this is not about treating others badly, failing to give them respect as individuals. This is about the intolerance marshaled by judicial activists on the Massachusetts Supreme Court and on benches around the country, the massive intolerance they have for fundamental democratic values. These are the values that say we, the people, are the judges of our own destiny, and no law will be made unless it is founded on the fundamental consent of the people, not on casual judicial edict.

The American people are left in shock when, occasionally, courts come out with rulings that defy all logic and all common sense—rulings that dramatically conflict with our traditions and our fundamental values. These are cases not only like the Massachusetts case, but like the case decided by the Ninth Circuit not too many months ago where, for the first time in American history, a court has held that to allow schoolchildren to say the Pledge of Allegiance and recite “one nation under God” violated the Constitution. Again, another decision totally at odds with common sense, totally at odds with our values and traditions, and one

that certainly the American people would not support. Instead, a handful of judges who appear to consider themselves smarter, wiser than the common man, are telling the American people what they think is good for them.

After all appeals are exhausted, if in fact the American people are left with a decision like this Massachusetts decision, make no doubt about it, if it stands, it will then be used in a variety of different ways.

Lawsuits will proliferate all across the country, citing the Massachusetts decision, based on this U.S. Supreme Court decision *Lawrence v. Texas* last summer as a basis to recognize same-sex marriages in other States. Because they will be challenging on a constitutional basis, State statutes will then be scrutinized to see if they pass muster under this new-found constitutional right made up by the Massachusetts court. They will be argued as a basis upon which to overturn traditional marriage laws in other States as well. And that will happen in State and Federal courts, all across the country.

The second thing that will happen is that same-sex couples who receive marriage licenses in Massachusetts will begin to move to other States, and they will file lawsuits in those States and say: Under the full faith and credit clause of the U.S. Constitution, I have a right, under the U.S. Constitution, to have my marriage, which is valid in Massachusetts, recognized in Texas or Kansas or Maine or California, Oklahoma, Florida—you name it.

We will begin to see these sorts of lawsuits and claims proliferate around the country. And that causes me a great deal of concern when a court of law, supposedly—but really a court that is acting more like a superlegislature, a legislature wearing black robes, ruling by edict and the gavel—makes statements such as this, such as the court in Massachusetts did when it called traditional marriage a “stain,” a “stain” on our laws that must be “eradicate[d].”

I am just baffled at how people, who put their hands on the Bible and pledge to uphold the laws and the Constitution of their State and of the United States, can find a right that no one else has found to exist in the Constitution. I am baffled that they are so openly contemptuous of American values and American families and our traditions that they would call traditional marriage a “stain” that must be “eradicate[d]” from our laws.

The choice is up to us, whether to live with the dictates or the edicts of judges. Judges in other States cannot be held directly accountable to us, because we cannot vote on them, we cannot seek any sort of redress against those decisions. Yet we have to live with this sort of judicial adventurism and judicial activism that challenges the basic precepts upon which our society is based.

The choice we are left with is to decide whether a Federal marriage

amendment to the U.S. Constitution is the appropriate response.

As I said just a few moments ago, last September I held a hearing in the Constitution Subcommittee of the Judiciary Committee, asking the question: Is the Defense of Marriage Act in jeopardy? As I said, we had a debate. Some said, well, yes, they thought courts had all the tools they needed in order to hold that act unconstitutional, and it was just a matter of time before they did that. And there were others who candidly said: No, there is no way, no how, that it was never going to happen.

Well, we have learned something since that September hearing. Not only has a court shown its willingness to attack the fundamental institution of traditional marriage in such a contemptuous, anti-democratic way, but the day on which other courts are more likely to do the same has become incredibly accelerated.

I believe we are now engaged in a battle over whether this land, when it comes to traditional marriage, will be ruled by the whim of judges or whether we, the people, will determine our fate and our values and the outcome of this very important controversy.

I believe we stand by and do nothing at our own peril. Because if we do nothing, this decision will redefine and trivialize the institution of marriage. If you can take the label of “marriage” and apply it not just to the traditional relationship between a man and a woman—one that has been found over countless years to benefit children, to provide a stable emotional and economic foundation for children so they can then prosper and become responsible, productive adults—if we allow a court, making it up as they go along from the sweet mysteries of life, to attack an institution as fundamental as marriage—and our response is to do nothing about it, then shame on us—shame on us.

I never imagined in a million years when I ran for this body, the United States Senate, in 2002, that I would be coming to the Senate floor and defending traditional marriage. And I bet my colleagues here, on both sides of the aisle, in both Chambers, are scratching their heads and wondering: What has the world become? Has the world gone crazy? What happened to our understanding of what American values are, and our tradition, and our respect for democracy, and our respect for the different branches of Government that perform different functions, with the Legislature passing laws, the courts interpreting the laws, and the President, the executive branch, executing those laws?

We stand by and do nothing at our own peril. So I believe the time has come for the appropriate committees in this body, as well as in the House of Representatives across the Rotunda, to convene hearings to determine how best we can respond to this startling display of judicial activism that so

threatens our fundamental institutions and our values. As the chairman of the Constitution Subcommittee of the Judiciary Committee, I intend to work with Chairman HATCH to do just that.

The day that some speculated would come has now come upon us so much more quickly than any of us ever dreamed—the day has come, I believe, to confront this challenge to democracy and to the rule of law itself face to face.

We must not flinch. We must not back down. We must not allow people to paint our motivations as hateful or hurtful because, indeed, they are not.

No, what we are about is preserving our law, preserving the separation of powers where the legislature makes the law and the judiciary interprets the law. We are about preserving the fundamental building block of our society and the well-being of families and the welfare of children. That is what we are for. That is what this debate will be focused on.

I believe the institution of marriage deserves better than it has received at the hands of the Massachusetts Supreme Court. Our institutions of democracy deserve better. The American people deserve better. They deserve respect. Our Constitution deserves respect.

Traditional marriage laws have served as the underpinning of civilized society for countless generations. Opponents of traditional marriage should demonstrate greater tolerance and respect toward others by respecting democracy and the will of the people, and ceasing their judicial war against marriage.

I suggest the absence of a quorum.

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

The assistant 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, it has been our intention to get as many of the obstacles out of the way and as many amendments here as possible relating to the highway bill. The leader told us he wants to have the highway bill completed by late next week. I think we can do that. If Members have amendments they would like to have considered by the managers, our staff will be available this afternoon and Saturday afternoon from noon until 5 p.m. in Hart-415.

If you have any amendments you would like to work out, I strongly advise you to bring them down today or tomorrow instead of waiting until next week. Again, that will be in Hart, room 415, and anytime today or tomorrow, Saturday, between noon and 5 p.m.

I also note we have been inviting people to come and speak on the bill. No one has come down yet. It is now 11:15. In the event that no one wants to speak on the bill by noon, we will probably shut down.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, it feels as if we have been away a long time. This was an unpleasant respite and it goes to the issue of how safe our country can be. This, the people's property, is not exempt from terror or the threat of terror. It does not matter whether we define terrorists as someone coming from Afghanistan or the Middle East or some faraway place. Terrorism is not different if it comes from an individual or a dissatisfied or disgruntled American. We have to fight against it with everything in our means. Unfortunately, we see the result of this fight within our society, within the Capitol. It is not the glorious place it used to be from the outside. We still have the responsibility, for the glory of our country, to carry on from the inside.

To our majority leader, we extend our feelings that it could not have been an uglier manifestation of differences. He is someone who we all know has had experiences. I am sure he finds challenges on his trips to Africa and doing the work he has done in flying a single-engine plane to go places to perform services for those less fortunate.

I thank the majority leader for bringing up this bill. I know there have been concerns or maybe even disputes from other parts of Government not to move ahead with this, to try and reduce it to less worthiness. While I have the floor and there is apparently no rush for others to follow, I want to say that for my staff, from the Lautenberg office, and I think it is probably fair to say those on the staff of the entire Capitol who perform as they always do under pressure, they manage to get their work done. They are willing to be inconvenienced. They are willing to do whatever they have to do to perform their tasks, and we greatly respect it.

That is why I get upset when I hear talk about reducing Government until it withers on the vine when we have people here who work so hard and diligently to keep things going on behalf of our society and across this country.

I am pleased we are finally taking up S. 1072, the bill that reauthorizes our Nation's Federal Surface Transportation Program. I do not think there is any other bill we are going to pass this year that is as important or more important, let's say, than the highway bill. We have to be able to move people and goods efficiently, economically, and safely. Otherwise, our economy would choke.

It is a peculiar anomaly that even as things have slowed down in this period of recession, I did not see any less traf-

fic on our roads, or any less pollution coming from congestion. So it is important we get on with this, and I hope we are not going to get any resistance to what appears to be a bill that takes care of needs across this country.

I hope the President is not approaching this with an objection in mind. Whether that objection extends as far as a veto or not, we do not know, but I hope he will see this is an essential part of our functioning as a society and encourages us to make these investments which are talked about so glibly. As the saying goes, when it comes to where the rubber meets the road, we do not see it happening. We hope it is going to happen now, and the bill will pass—and I think it is inevitable we will pass this bill—that it moves along at least at a pace that it leaves us with the amounts of funding we are looking at.

S. 1072 is a complex bill. The major titles come from four different authorizing committees. There are lots of Members who deserve credit for bringing it to the floor. I think of Senator INHOFE and Senator JEFFORDS and Senator BOND and Senator HARRY REID who had the primary responsibility for this measure in the Environment and Public Works Committee. Also, Senator SHELBY and Senator SARBANES worked so hard to craft a transit title which falls under the jurisdiction of the Banking Committee. This title is particularly important to the residents of my home State, New Jersey, over 11 percent of whom rely on public transportation to get to and from work.

Senator GRASSLEY and Senator BAUCUS and the rest of the Finance Committee had to figure out how to pay for the bill.

Last but not least, the committee on which I serve, the Commerce Committee, reported out its title, which deals with many important safety programs, under the able leadership of Senator MCCAIN and Senator HOLLINGS.

This past Monday, the groundhog, Punxsutawney Phil, saw his shadow. It suggests we face 6 more weeks of winter weather, the kind of dreary weather we have grown accustomed to—the kind that we have seen in these last several weeks and we did not like any of it. We did not like it when it was raining and we did not like it when it was snowing. We like to see some rain to make sure we have enough water, but the accompanying misery was not pleasant at all. I know I speak for everybody when I say that.

There was another shadow, however, we saw on Monday last, the shadow cast by record-breaking deficits in the President's budget request for fiscal year 2005. Because of these budget deficits, the President is requesting, sadly, inadequate funding for our highways, mass transit, intercity and freight rail transportation, safety programs and environmental protection. When it comes to the future of our surface transportation system, the President, with his proposal, is forecasting 6 more

years of traffic congestion, air pollution, wasted fuel, unnecessary fatalities, and a stagnant economy.

The Department of Transportation expects freight traffic to double in this country over the next 2 decades. Meanwhile, more and more Americans will need to use our roads, rails, and runways to travel to their jobs, to school, to medical appointments, to worship, to vacation. We are already straining capacity as we follow those pursuits.

The needs of our transportation system are well documented and I am disappointed President Bush has declined to acknowledge these needs in his vision of America's future. S. 1072 would authorize a program that is 25 percent bigger than the Bush administration's current proposal. The House of Representatives may consider one that is even 50 percent bigger than the Bush administration's proposal. We are on the right track, and the President is on the wrong track. I am hopeful we can all agree on a final proposal which truly addresses the needs of our national transportation system this is something the American people deserve.

A bigger, better highway bill is not just about reducing traffic congestion and repairing bridges, as important as those things are. The Secretary of Transportation, Norman Mineta, has stated that \$1 billion invested in transportation infrastructure supports 47,000 good-paying jobs, jobs which are located in America. When it comes to trade, we do not need to export any more jobs. We have to curb that, and we can do it by investing in transportation. One billion dollars invested equals 47,000 good-paying jobs. We ought to look at it from that aspect very seriously.

Transportation needs vary across the country. I can assure you, when it comes to need, my State, New Jersey, is near the top of the list. New Jersey is home to some of the oldest transportation routes in the country. Roads, bridges, rail tracks, and airports built decades ago are in need of repair or replacement. Our portion of the national transportation system includes 420 miles of interstate highway and 6,300 bridges, 1,580 miles of class 1 railroad tracks. There are 49 public use airports and the largest seaport on the east coast.

I point this out just to indicate the needs of one State, and I know the needs of other States are also acute. This infrastructure makes a significant contribution to our national economy. Over 375 million tons of general cargo move through the State, mostly on trucks and railcars, to and from the Port of New York and New Jersey.

Newark Liberty International Airport is the eighth largest cargo airport in the country. And, mind you, we are only a very small State, about 47th in size, and we have the eighth largest cargo airport in the country, the 20th biggest in the world, handling over 78,000 tons of cargo annually.

New Jersey lies along the busiest travel routes for freight and passenger travel in the country: The New Jersey Turnpike, the Northeast corridor, the Port of New York and New Jersey, Newark Liberty International Airport, and Interstate 95. There is a very good chance that the goods you use have traveled along these routes, or you yourself have traveled along these corridors in the last few years.

While supporting the commercial movement of these goods and passengers in the support of our Nation's economy, New Jersey's transportation infrastructure must also support over 4 million automobiles registered in the State, almost 2 million light-duty trucks and sport utility vehicles, lots of buses, and over 100,000 motorcycles. These vehicles owned by New Jersey residents must share the road with all the freight traffic moving through our State, and we must do it in a safe, environmentally-conscious, and efficient manner.

The same goes for rail travel along the Northeast corridor, which extends from Boston to Washington, DC. New Jersey commuter trains must share the rails at the biggest chokepoint on the entire coast, the tunnels under the Hudson River. Right now, during peak travel periods, New Jersey commuter trains run every 3 minutes and pretty soon at the rate they are expanding it will be every 2 minutes. It is hard to believe. This sounds like a subway train, but I am talking about commuter trains, each of which carries some 1,200 passengers.

Because New Jersey's transportation infrastructure is used so heavily, both in interstate commerce and by our resident commuters, it is important that it remains in a condition sufficient to support all this traffic.

Unfortunately, much of it isn't. I can't overstate this.

The current condition of our transportation infrastructure is terrible. Thirty-nine percent of urban interstate roads in New Jersey are reported as being in "mediocre" or "poor" condition, according to the Federal Highway Administration; 24 percent of our rural interstate roads are in "mediocre" or "poor" condition; 37 percent of New Jersey's 6,000 bridges are considered to be "structurally deficient" or "functionally obsolete."

On top of all that, there is at least a \$4 billion backlog of rail maintenance on the Northeast Corridor. We desperately need to repair existing infrastructure and add capacity. The average commuting time for New Jersey residents is over 30 minutes, and it is the third longest average commute in the country. So New Jersey desperately needs a new highway bill and I am pleased the bill the Committee on Environment and Public Works has reported authorizes funding levels for the core highway and transit programs that are higher than the funding levels contained in the legislation that it is replacing, TEA 21, and far more than what the President has proposed.

Under the Committee's proposal, New Jersey is a donor State. That means that motorists in New Jersey pay more in gasoline taxes than the State receives from the Federal Highway Trust Fund under the allocation formulas. New Jersey is not alone in that category. Texas, Florida, Wisconsin, California, and many other States are currently contributing tens or hundreds of millions of dollars to our Nation's transportation system while other States get a windfall—in some instances many times over the amount of their contribution.

Formula fights are unpleasant and difficult to resolve—those fights to discuss who gets what under a given formula. Senators who represent States that reap more from the Highway Trust Fund than their citizens pay in gasoline taxes are understandably reluctant to lose ground, especially when their departments of transportation plan the financing for large, long-term projects. I think the allocations in this bill are a good start but still could use some tweaking. New Jersey, as I said, is a donor State and under the Committee's proposal the State will do better than it has under TEA-21.

I look forward to the day when we get 100 cents back on the dollar and stop this raid on what I see as New Jersey's contribution to places that really don't have the nexus to us that is needed to get to our system. I say that, not out of anger and malice, but I am so tired of hearing about contributions to Washington, how hard we have to fight to get our contributions honored and respected. We don't have a large military installation. That is not our choice; that is the way the defense establishment was created. But we are 50th in receipt of Federal funds compared to what we send out.

That is not a very welcome fact, I can tell you, in my State or with those of us who represent the State of New Jersey.

New Jersey's motorists will continue to donate tens of millions of dollars more than the State receives over the life of the bill. So while there is some improvement over the status quo, our State needs to do better, and we will continue that fight, given our transportation needs.

I make one final point and that concerns the addition of an intercity rail title to this bill. I think it is not only appropriate to have such a title in this bill, it is imperative. Intercity rail service is an essential part of our national transportation network. That is one of the lessons we learned on 9/11, that fatal day, that fateful day in American history, when our aviation system was crippled and some 5,000 airplanes had to be grounded.

That is one of the reasons I fight so hard to protect FAA in its present format as part of the Government, just like we have our military units as part of the Government. I think of the FAA as the fifth branch of our defense. Those airplanes had to be grounded on

9/11. The controllers in the towers and centers, the people who control the flight service stations—they did this with the skill of a physician doing brain surgery. Everything was precise. These airplanes, filled with thousands of people—hundreds of thousands of people—were in the air, and they were sent to destinations they didn't plan to be. Yet they could rely on the FAA to bring them all home safely. I make that point as an aside.

The fact is, the aviation system was turned off and we had to rely on other means of transportation. Highways were jammed with cars and trucks that couldn't move. Many Americans found another way to get to their destinations, and that was passenger rail service.

There was a group from Washington, legislators, who came up there very soon after 9/11 to see what had happened and to see if we could do things that would prevent it from ever happening again. They had to come up by Amtrak. That was the only possible way they could reach their destination—they couldn't fly.

For this country to have a decent passenger rail service we need to make the same commitment to rail infrastructure, the same kind of commitment that we have to building highways and runways. It is essential. It is not just essential for New Jersey and New York and that region or the Northeast corridor, it is essential across the country.

I am not necessarily just talking about long-distance rail. I am also talking about those centers and cities where there are numerous connections—200-, 300-, or 400-mile-long corridors—that could be so well served by more efficient high-speed rail.

One need only look at what happens in Europe. If you want to go from Brussels, Belgium, to Paris, France, you take a train that runs about 1 hour 20 minutes to cover 200 miles. Imagine if we could go from Washington to New York City or vice versa in 1 and a half hours, let us say, or 1 hour 40 minutes. It would make life considerably easier than now with the crowding we have at the airports and on our highways.

This is a good bill for the most part. I think it can be improved, and I intend to offer some amendments to do just that. I will discuss them at the appropriate time.

I congratulate the managers of this bill for bringing it to the floor, Senator INHOFE and our good friend from Vermont, Senator JEFFORDS. I look forward to working with them and the rest of the Senate to make a good bill even better and get it to President Bush. I am pleading with him now as much as we can in front of the American people to say, Mr. President, we have to take care of our infrastructure. Everybody knows that. We can define those needs perhaps a little bit differently, but we can't deny that that is

the major responsibility at the moment. But we don't make things happen here domestically without investing what we have to. Making things better here at home with our infrastructure is a perfect example of that. I plead with the President openly: Mr. President, please sign this bill when it comes to you.

I am hopeful that we will work out something with the House that is not dissimilar to what we have here in the Senate bill. If it is better, we will take that. But we want to be at least as good as the Senate bill. We hope there is not going to be a campaign that puts this highway and interstate funding on a back burner.

I hope the President will have the wisdom to sign it, notwithstanding the fact that we will likely authorize more spending for high-speed transit and intercity rail than he wants.

As I said at the beginning of my remarks, the country desperately needs increased spending on our surface transportation infrastructure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, let me begin by expressing my appreciation for the Senate leaders for their strong support in reauthorizing the Nation's transportation program, and also my good friend from New Jersey who lends his participation and expertise in coming up with a good bill. He has worked very hard. I deeply appreciate what he has done. Senators FRIST and DASCHLE have spoken forcefully to the vital nature of S. 1072, its potential to create jobs and spur the economy.

The American people are counting on us to advance this important legislation. With the stellar bipartisanship of leaders Senators FRIST and DASCHLE, I am confident we will succeed. Having worked now for many months with my good friend from Oklahoma, I know we will succeed.

As we consider this massive surface transportation bill, there is a tendency to focus on the State-by-State funding matter, overlooking the important policy initiatives and broad implications that attend to the investment of hundreds of billions of dollars.

I do not question the importance of the funding formulas. We spent countless hours examining options and developing an approach that benefits all States and balances competing interests.

But today, and through the course of our debate on S. 1072, I want to discuss the many forward-looking refinements that my colleagues and I have put forward for consideration.

Transportation investment is a means to an end. Our Nation has grown and prospered through strategic development of ports, trails, roads, rails, airports, highways, subways, and byways. In almost every case, our great cities can trace their origins—their very existence—to the logistics of transportation as one of the many eras of our Nation's expansion.

The form and expanse of our cities and towns are an outgrowth of surface transportation technology and investment. In my State of Vermont, even today, the distance between village centers reflects historic travel times by horse and wagon.

Older suburbs in the eastern and midwestern United States are located along early twentieth century trolley lines—lines later abandoned and now being renewed.

Our great sprawling sunbelt and western cities are a product of many key technologies, not the least of which is the modern highway. And it is the greatest highway network in the world—the Eisenhower Interstate Defense Highway System—that has tied our Nation and its many regions so closely together as we move into the twenty-first century.

Transportation investment truly forms our Nation and its communities. That is why our decisions on transportation policy and program structure—both in Congress and at home in our States and communities—must be balanced, well-informed, and forward-looking. I am proud that S. 1072 reflects this understanding.

We are probably coming to a conclusion for the week. I thank all of those who have succeeded in making sure this bill is proceeding properly, especially my good friend from Oklahoma, with whom I have worked. I know he will assist us in making sure this bill becomes a reality in the not-too-distant future.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. We will be shutting down here shortly, so I will repeat the announcement I made earlier. We are going to try to have this highway bill completed by the end of the week. To do that, there are several things that need to happen. One is that we get these amendments in. We have announced before, and we want to make sure the offices know, if Members have amendments they would like to have considered by the managers, our staff will be available this afternoon and Saturday—this afternoon, all afternoon and Saturday from noon to 5 o'clock—in Hart room 415. We would like to have amendments looked at. I strongly urge you to come down. We are going to stay on our timetable to try to have this completed.

I appreciate the comments by the Senator from Vermont and the Senator from New Jersey. It is very important we get this done.

We are beyond the point of turning back and changing things. We have

spent a year working out all the elements—the environmental portion of the bill, the safety portion of the bill, the formula portion—and we have probably the best bill we have had during my time, and I go back to ISTEA when I was in the other body and TEA-21 here.

We have considered more than the other formulas and we have now abandoned the idea of percentages that will get 60 votes and then walking. That is not the way we should be doing it. I think we are doing it a lot better.

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. 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.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to 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.

Mrs. DOLE. Mr. President, I rise to salute a woman who has just completed a stellar tour serving our Nation as Ambassador to the Republic of Finland, Bonnie McElveen-Hutner. I am proud to call Bonnie, and her husband, Bynum, my friends. Today, the President of Finland, Tarja Halonen, will award Bonnie the Commander Grand Cross of the Order of the Lion, an honor recognizing her exceptional and outstanding services. Bonnie McElveen-Hunter is truly worthy of this distinction.

I first met Bonnie in 1999, and was immediately impressed with her intelligence, her drive, her confidence, her spirit, and without a doubt, her Southern charm. She is the eldest of three children born to John T. McElveen, a former Air Force U2 pilot and Madeline, a school teacher. In fact, even to this day, though retired, Madeline is the ever present teacher and is known to impart her "pearls of wisdom" upon her daughter.

Bonnie's credentials are impeccable. She is a serious, successful CEO who serves as head of Pace Communications in Greensboro, NC, one of the top women-owned businesses in the country. The company's impressive client list has included United Airlines, Delta Air Lines, Holiday Inn, Radisson Hotels, and Toyota. Under Bonnie's leadership, the company became the largest custom publishing company in America, based on revenue. Bonnie's successes led President Bush to call her a "trailblazer among female entrepreneurs." How true indeed.

Bonnie's service as ambassador has been as successful as her endeavors in the private sector. Following the terrorist attacks of 9/11, she forged close