

back and which ought to be provided without any offsets whatsoever. There are tax cuts of \$2 trillion over 10 years with no offsets. Iraq, as important as it is, a commitment to this country and to our efforts abroad, has no offsets. Highway construction, creating a million new jobs, has to be pared back. We are told all of the discretionary spending in this year's budget could be eliminated, every single dollar, with no money for education, health care, highways, or infrastructure of any kind, and we would still have a \$150 billion deficit in this year's budget.

As I look at the decisions and the choices made by this administration, there is a \$140 million loss in the funding for conservation efforts, which, in a State with fragile lands such as South Dakota, is a big deal. We lose thousands of acres every year to wind erosion. Conservation is vital, and to cut back \$140 million in 1 year alone means we are going to lose a lot more. This budget the President proposed a week ago represents a \$3.9 billion cut in aid to small towns and rural communities, \$3.9 billion in losses that would otherwise go to improving the economic circumstances of small town main street. That, too, in the interest of balancing a budget that is lopsidedly in favor of foreign policy, tax policy, and against the priorities of policies at home. Even the basic programs to provide water and sewer services have been cut in the President's budget.

About two hundred million dollars in grants, to small cities and towns, that provide water and sewer assistance were cut in this budget. So I simply say that the priorities represented by some during the debate on the highway bill, as well as the priorities reflected in this budget, are not the priorities I hear when I go home to South Dakota, not the priorities I hear when I talk to those who are concerned, as I am, about the implications of the extraordinary deficit created over the course of the last 3 years.

The debt, and the incredible debt service we are paying, will be something my children and grandchildren will pay. We had a projected surplus of over \$5.5 trillion 3 years ago. Now we have a projected debt of over \$3.9 trillion, a shift of about \$9 trillion in 3 years.

We are told that to pay it back requires \$3 for every \$1 we have borrowed. What is amazing is we have gone to the Social Security bank and we have taken all of that, we have gone to the Medicare bank and we have taken all of that, so now we are going to the banks of the Chinese and the Japanese and the Taiwanese and South Koreans and we are borrowing at rates unprecedented to make up for the debt that we are accruing at \$1 million a minute.

We ought to have a good debate about the budget. We ought to get this job done, this highway bill, so we can move on to other important matters. But I must say, I can't think of any-

thing more important than finishing this bill, than committing the resources to create those jobs, to deal with at least one of the deficits we have in this country, the infrastructure deficit. If we do that well, we can turn, hopefully in a bipartisan way, to address these other challenges before the end of this session.

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

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

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### 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 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 Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me thank all the Members who had their staff come down, and some Members came down over the weekend, brought their amendments, and met with my staff and met with Senator JEFFORDS' staff and I believe with Senator REID's staff. We got into a good discussion on the various amendments. We discussed with them our amendments. I am pleased with the response of those Members who understand how important it is to pass this legislation and have come to us in the week that this bill has been on the floor.

To date, I believe we have met with about 30 Member offices. We are all looking forward to working hard to accommodate the needs of these offices with as many amendments as possible. I encourage anyone out there who has amendments to bring them down, talk about them, and let's get some of this debate started.

The chairman, ranking member of the full committee of the Transporta-

tation Subcommittee—we are all ready to work with those Members.

I wish to take a moment to congratulate Senator GRASSLEY and Senator BAUCUS for their work on the finance portion of this legislation. They have done a tremendous job in meeting the financial needs of this bill without increasing taxes or deficit spending. They have also brought integrity back to the highway trust fund and to the commitment we made to the American people.

The trust fund is, in essence, a user-fee-based program. You pay a gas tax and that money is then used for transportation purposes. Unfortunately, the trust fund has been used for many years for other purposes, including shifting the burden of tax policies from the general revenue to the trust fund. These tax policy benefits have nothing to do with highway use and should not burden the trust fund.

I look at this, and I have said it many time before, as a moral issue. We tell people when they pay—and they don't mind paying new taxes, even higher taxes. They are willing to pay the taxes because they want to have better roads and they assume that money is going to go into building roads. But it is not. They have been raiding the highway trust fund now for as long as I can remember.

So the Finance Committee sought to fix this unfairness to the taxpayer and has come up with a proposal to right this wrong.

Included in these proposals is a repeal of the partial exemption for ethanol-blended fuels. The tax benefit for ethanol, like nearly all energy production incentives, is transferred to the general fund through a tax credit. The same effect is applied to refunds for special categories of users such as State and local governments. These are changes that never should have been necessary. We should no more raid the highway trust fund than we should raid the Social Security trust fund. These are commitments made to the American people.

However, by bringing integrity back to the trust fund, the general fund lost a source of revenue, albeit a source that never should have been used in the first place. So in order to avoid deficit spending, Chairman GRASSLEY closed a number of loopholes in the Tax Code and kept the general fund whole—in other words, no deficit spending.

There are those who have questioned the manner in which this was done, but I trust the chairman and the ranking member of the Finance Committee and take them at their word. They should be congratulated. I am here to thank both of them.

Because of the work of the Finance Committee, we have a bill before us that will provide over 2 million new jobs to repair our Nation's infrastructure and do so without deficit spending.

I think it is very important to keep talking about this. There is not a Member in here who cannot remember at

one time or another raiding the trust fund, to take some of this money to put it in toward reducing the deficit. That was done in the 1990s.

This is an opportunity we have, not just to pass a very aggressive highway bill and provide the jobs that go with that but also correct this wrong that has been out there for a long period of time.

Let me emphasize, we invite Members to come down and bring their amendments. While we cannot be introducing them and voting on them right now, we can still get a lot of the discussion out of the way. I think it is very important we do so, now.

Let me defend the formula. There have been a lot of people coming down and objecting to the way it was put together. I remind my colleagues what happened in TEA-21. I was here for TEA-21, here in the Senate, here in the committee working with my good friend, Senator JEFFORDS. We watched the way that formula worked.

In that, they had a minimum guarantee program. A minimum guarantee program is nothing but a chart; it is called section 1104. It took all the States and put a percentage down. As soon as they got 60 people happy, they figured: there is our 60 votes—and this is no way to do it.

Instead of that, we looked at donor status. We have several States such as my State of Oklahoma that have been in a donor status for many years. We looked at States that are fast growing States. We put a ceiling in there, so they could not get so much of the money there would not be anything remaining for other States. We have a floor in there. I think we have done something that is very good.

I guess you could say there are four goals that interest a lot of people, one being the donor States, those of us who have been donor States for so long we can remember when we were 70, 75 percent donors. ISTEA came along and brought the floor up to 80. Then TEA-21 brought it to 90.5. This is going to bring every State, all 50 States, at the end of this 6-year period, or by the end of that period, up to 95 percent. That is very reasonable. It is a very ambitious goal but one with which I think most of us, I am absolutely convinced, agree.

We have introduced streamlining measures in this bill that will allow us to use the dollars we have and use them to build more roads, to do more in a shorter period of time.

We are concentrating on safety. We have not concentrated on safety as much as we should have in the past. I know the senior Senator from Virginia is one who has been concerned about safety for a long period of time and is very pleased with a lot of the provisions that we have in this bill.

We haven't really focused on freight movement until this bill came along. So we are getting into all of these areas.

I just hope our colleagues understand that Senator JEFFORDS, Senator REID,

Senator BOND, and I have been working on this bill for over a year. That is a long time. Obviously, you will never have a formula that makes everybody happy but you can certainly have one that is fair. And we have achieved for the first time in the history of this process what I consider to be a very fair formula.

I would like to ask if Senator JEFFORDS has any comments he would like to make at this time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I do. Mr. President, S. 1072 will send billions of dollars to the States. It provides the resources to maintain the transportation infrastructure that we use and enjoy every day. Literally hundreds of thousands of jobs are at stake. It is imperative that we pass this bill this week.

Our staff has worked diligently for many months to prepare this comprehensive proposal. They have addressed concerns raised by various Members. It is time for us to complete this bill and send it to the House.

I would like to continue the discussion I began last week and speak for a few minutes about some of the key provisions of the transportation bill. As I have mentioned in earlier statements, our Environment and Public Works Committee conducted a very thorough hearing process as part of our preparations of S. 1072.

A consistent theme from those hearings was that the national transportation program has worked well over the last 12 years, following the principles set forth in ISTEA and enjoying the funding guarantees established in TEA-21.

We therefore sought to refine rather than revise the program. A key reflection of that decision is the pattern of resource allocation in the bill.

We grew each of the core programs—interstate maintenance, national highway system, bridge, surface transportation, and congestion mitigation and air quality improvement—in proportion to its funding in current law. We could have played politics with these funding allocations, but we chose to maintain the overall balance of the program.

Also based on consistent testimony from our many witnesses, we retained the flexibility that has become a hallmark of the surface transportation program.

Rather than make political adjustments in Washington to suit the needs of an individual State or region, we yield to State and local officials, working through an open planning process, to move funds among the core programs as best fits their unique and individual needs.

Further, under current law and reinforced in S. 1072, we permit money to be “flexed” among the various transport modes—highways, transit, bicycles, pedestrians, intermodal transfers, and rail.

By maintaining balance among the core programs along with flexibility on program and modal spending at the State and local level, we seek to foster a more balanced and “right fit” outcome on the ground.

The right combination of investments will vary from place to place. And a single solution—roads only or transit only—is likely to be a poor fit for a diverse and dynamic modern American community.

As I traveled our Nation over the past 2 years, I saw intermodalism on the rise. In place after place, the solution to traffic congestion and the solution to freight mobility combined road-way and rail investments with improved operations.

The balance and flexibility in S. 1072 will be essential to support these complex and ambitious solutions.

I yield the floor.

Mr. INHOFE. Mr. President, first let me thank the ranking member of the committee for all the hard work and effort he has been put into this bill.

I remind Members that we spent the weekend working on amendments. We actually had an office in the Hart Building that was open and staffed by both the majority and the minority. They waded through a lot of amendments.

To move this bill along, I again encourage Members to bring their amendments down. I will not mention the names of the Senators because it may not be appropriate. I encourage Members to come down to speak on the amendments which are going to require some discussion.

We have an amendment to clarify the travel reimbursement for troops retroactive to September 25. We have an amendment on seatbelts which imposes sanctions on States that don't have primary seatbelt laws. We have amendments such as one on sanctions relating to drunk drivers, an amendment on changes to the Indian roads program, an amendment to clarify the new highway safety core program dollars which can be used for additional lanes or two-lane roads, and one to grant exemptions for 90,000 pounds on Federal aid highways—to a higher level to allow for lumber trucks and garbage trucks going to landfills.

We have a lot of amendments. I think there are about 35 amendments because staff came down and worked over the weekend on those amendments. I think it would be appropriate for them to come down right now, and not to offer their amendment but to discuss their amendment.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. THOMAS. Mr. President, I will discuss a subject other than what is before the Senate, but before I do that I am pleased we are moving forward with the highway bill. I am on both committees, the Environment and Public Works Committee, as well as the Finance Committee, and we have spent a great deal of time on this. Taking care of our infrastructure and seeking to provide more jobs in a short period of time is one of the most important issues we have. I certainly hope we can move forward and do so quickly.

#### ENDANGERED SPECIES ACT

Today I will comment on an issue in which I have been very interested, and as a matter of fact, I have a bill pending regarding the Endangered Species Act. I suppose most everyone favors the idea of protecting endangered species. That is something we all like to do. However, it has been in place now for more than 20 years, and frankly it has a different impact in different parts of the country.

I come from a State where 50 percent of the State belongs to the Federal Government. We have a lot of conflicting issues, both with the Federal Government and with the State government. It becomes quite difficult from time to time. Like many programs that are in place, I wish, when we pass them, we would say it has to be reviewed again in another 8 or 9 years to see if it is working and make necessary changes. This program needs some changes. It has not worked the way we would like to have seen it work. We need to review programs after there has been time to try them out and see how they will work.

What has happened, to a large extent, the emphasis has been on listing, rather than the recovery aspect. As a matter of fact, we have listed nearly 1,500 various species, plant and animal. We have recovered about 12. So the idea and emphasis ought to be, it seems to me, on the recovery of these species and not simply on the listing of them and letting them go on forever being endangered and having to be managed in that way.

Part of the problem, of course, has been the idea that anytime somebody is making decisions or regulations with regard to natural resources—in this case, endangered species—they end up in court. Instead of doing it on the basis of science and what is the best decision to be made, we end up in court and then letting the court manage it. It becomes a very difficult situation.

I sympathize with those people who are involved in the management of these programs. In everything they do, they can think about what is good for the program—in this case, what is good for endangered species—but, wait a minute: We have to take a look over

here to see how we are going to get by the court.

I might add as an appendix, one of the difficulties in our case is, we are in the Tenth Circuit Court, and when things happen in Wyoming or Yellowstone Park, or wherever, then they go to court in Washington. There ought to be some sort of limitation to where the issue can go. If the issue occurs in a particular circuit, that is where the judge ought to be, that is where the court case ought to take place. At any rate, that, again, is one of the problems.

One of the other problems for States such as ours, where we have lots of public lands—and we have some unique problems that follow along the Rocky Mountain Ridge; and there are 10 or 12 States that have a lot of things in common. And I understand if you are on the east coast or even on the west coast, you don't have much interest in what is happening in our area, but our issues are sometimes unique, so there needs to be a good deal of local input into these kinds of issues to make them workable because there are different kinds of circumstances that appear.

One of the listings we had some experience with recently is the so-called jumping mouse in part of the southern part of our State and part of Colorado. It turns out, after about 5 years, that they really did not have the scientific basis for listing these critters at all, and they were not even in the same family of mice that they thought they were. Now we are in the process of going away from that whole thing after this whole problem of people having to manage their lands differently. So obviously there needs to be something done differently.

One of the issues we are dealing with at the moment is grizzly bears. What you generally do with an endangered species listing is you try to figure out how many there are, and then you put forward some goals as to how many you would like to achieve in the recovery. We have passed the recovery numbers for almost 10 years in Yellowstone Park—and, of course, the grizzly bears do not stay in Yellowstone Park—but still we have not gotten them delisted. It just seems as if it takes forever to do this.

Actually, however, the current species we are dealing with is the gray wolves. Wolves, of course, were there years ago; then they were not there for a while; and they came back in the 1990s. There was a reintroduction of wolves from Canada into Yellowstone Park. Again, nobody would have guessed they were going to stay in Yellowstone Park, and surely they did not.

So now we are in a circumstance where the wolves have moved into Idaho, Montana, and Wyoming, as well as the park, and there finally has come a time when they have exceeded the numbers substantially to where there is a plan in effect, and hopefully moving into effect, where the three States

would set up their own management plan, and then the wolves would be delisted and managed by the States, with certain agreements in there.

What we have now is Wyoming has put together a plan—as have Idaho and Montana—and they have been really very tough to deal with. I think last year we had 47 cattle that were proven to be killed by the wolves and at least that many that were suspected to have been killed by the wolves. But the Fish and Wildlife Service does not agree with the plan Wyoming has, so now we are waiting to see if we can get some agreement on that. As a matter of fact, part of the plan was passed by the Wyoming Legislature, but it does not seem to be acceptable. We have met with the Secretary and with the head of the Fish and Wildlife Service to see if we can find some flexibility there, and it is mostly over the semantics of what is in the plan. But the fact is, we do need to get them delisted so the State can have control over their management. That is really where we are.

I guess my point is, we have a program that all of us would like to maintain. We like the idea, but it is not working very well, and yet it seems to be very difficult to do anything about it. Sometimes it seems to me when we pass a bill, we ought to say it ends in 5 years and has to be renewed so that we can take another look at it at that time. First of all, times change; secondly, sometimes it is not managed properly and it could be changed. Anyway, we have not done that.

I have a bill introduced—introduced for several years, as a matter of fact which we have not been able to move. Oversimplified, it simply says when you list a critter or a species, you have to have scientific information. You have to have a real basis for doing it, and the people who list it have to provide some scientific data so that a jumping mouse is really a jumping mouse. And the second part is that at the time of listing, there also has to be a plan for recovery. That really has become the problem.

It is easy to list. People can send in recommendations for listing, and suddenly it happens, but there is no real plan as to how the recovery is going to take place, there is no area that it is designed to cover, and those kinds of things, and it becomes really very difficult to get this done.

I am going to push once again to get this done. Senator CRAIG and Senator HAGEL are cosponsors of the bill. We are going to try again to see if we can get this done. This is designed not to do away with the Endangered Species Act but indeed to strengthen the program so that it will work in more places than it does now. So that is an issue in which I am very much involved.

In closing, we have a lot to do this year. It seems a little frustrating sometimes that we have difficulty in moving forward. I wish we could really take a look at where we are, to try to

set some priorities as to the kinds of issues with which we want to move forward.

We end up with endless debate, which really keeps anything from happening. We end up with unrelated amendments being put on bills that keep us from moving forward. I think everyone here would say: Hey, our job is to accomplish some objectives. I understand there are different views, and that is why we vote. But the idea of just simply resisting moving forward, the idea of resisting going to conference, for example, certainly is not a good way to manage here in the Chamber.

Of course, politics in this place is not a brand new idea, but we have gotten so that everything we talk about is related to the 2004 Presidential election. Well, that is not really why we are here. We have different views. We ought to reconcile those views or at least decide what the majority seeks to do here and do that.

Also, I think most of us generally have the notion that we ought to try to make the Federal Government smaller rather than having it growing. Yet that does not seem to be what we do. We resist talking about competitive outsourcing, doing any of these kinds of things. We need to have some rules related to our spending so we are limited in what we do. We are facing a deficit now that none of us like. I think it is justifiable because of all the emergency things we have been in, but now is the time to do something about that.

We need to do something about adding issues to bills when they go to conference committee that have not been passed by either House. This is not the way things ought to be done.

So I hope—and I know our leadership is working on this—we can see if we can move forward some more on the priorities of things we ought to be doing and ought to have done. We are in the midst of one now that everyone agrees we need to do. We need to move forward and do the things that are before us that we all want to do, and that is to make this a stronger country, and not have an overbearing Federal Government but have an equal division of responsibility in determining what the role of the Federal Government is as opposed to local and State governments.

So, Mr. President, thank you very much for the opportunity to speak as in morning business.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, as Senator INHOFE has already stated, our staffs worked hard over the weekend on amendments people have to this most

important legislation. We have gone over many amendments, but have approved 34 amendments we would accept. These are good amendments. They have been reviewed closely by both the majority and minority. A lot of progress has been made. We hope people who have problems with the substance of this legislation, who want to offer amendments, will come and talk to us about it today. We are arriving at a point where there is not going to be a lot of time. Tomorrow we hope to be in a position to do the managers' package—the finance, transit, and EPW aspects of the legislation—and move forward, but we hope Senators who have concern about the legislation will come forward so we can move more quickly. We are running out of time on this very important legislation.

#### MEDICARE AND PRESCRIPTION DRUGS

Mr. REID. Mr. President, in 1965, when Congress created Medicare to provide health care security for our senior citizens, it took less than a year for that to be considered and then put into full operation; in fact, 11 months. That was back before we had computers. All we had then were slide rulers and some adding machines.

On the legislation with which we are dealing now, the new Medicare prescription drug benefit, the new Medicare revision, we have a different situation. We are told this legislation we passed—and that was signed by the President and deals with our senior citizens—is going to have to wait for more than 2 years before it can be implemented. Today our senior citizens need help with soaring drug prices. They deserve the security of knowing they will be able to buy the medicine that can keep them healthy and happy. The American people want to know that when their Government wants to get things done, it can act quickly.

This law is a bad deal for senior citizens. That is why the main provisions of this legislation won't take effect until after the election. That is wrong. I suppose the administration thought our senior citizens would be grateful a bill passed, no matter what was in it, and that they wouldn't bother to find out what was in it. But they did find out. They already know. The President has underestimated our seniors.

I have met with seniors throughout the State of Nevada, and they know what is in this law. They don't like it. I read on the floor last week a meeting that was held by people from the State of Nevada to describe what is in this bill.

More than a hundred people showed up and all hundred were there to complain about this legislation. They don't like the fact that this will make many of them pay more for their drugs than they already have to pay. They don't like the fact that many who have drug coverage under private plans could lose their benefits because of this legislation. They don't like the provision in the law that forbids Medicare from negotiating with drug companies to get

better prices. Insurance companies can do it and HMOs can do it. But Medicare—the largest health care delivery unit in the world—cannot negotiate with the drug companies to get lower prices.

Instead of working with Congress to address these and other concerns, the President has threatened to veto any change. Then he turned to his reelection campaign and asked them to help polish the image of this new Medicare law. So a company that is part of the President's reelection campaign is now doing the ads even with Medicare.

Fair enough, you might say. That is politics. Except the President is waging this ad campaign at taxpayers' expense. Simply, that is not fair. I am told he is planning to raise \$200 million for his campaign this year. But apparently that is not enough because the administration is spending as much as \$22 million of the taxpayers' money for this publicity campaign.

I have no doubt that senior citizens need information about this new Medicare law, and education and awareness about a new program is a legitimate use of taxpayer dollars; but these ads they are pushing are misleading. They don't tell seniors what they need to know about the bill. These ads don't shoot straight with the American people. They give our senior citizens false assurances, not facts.

For example, the ads reassure seniors that they can keep their Medicare coverage and the right to choose their own doctor. But the fact is many seniors, including many in Nevada, could be forced into demonstration programs that will make them pay higher premiums if they want to stay in traditional Medicare, and they will not be able to choose their own doctor.

In the same fashion, the ads don't mention that seniors will be prohibited from using their own money to purchase supplemental coverage to fill the gaps in the new law.

As part of this advertising campaign, the administration is also running print advertisements. I was surprised and perplexed when I saw an ad in the newspaper that runs on Capitol Hill, Roll Call. This newspaper is aimed at Senators, House Members, and Capitol Hill staff, and it is also aimed at lobbyists and so-called Washington insiders. If the President is trying to educate senior citizens about this new law, why would they place ads in Washington newspapers where less than 3 percent of the readership is over age 65? It is for obvious reasons.

The last straw was when I learned these ads are being produced by the same company that makes President Bush's campaign commercials. But that makes sense because they are simply campaign commercials—except his campaign isn't paying for them; you are, the American taxpayers.

These ads are political and that is clear. They are not intended to help seniors understand this complicated

Medicare law. They are intended to offset the negative public reaction to this bad law.

The President has every right to defend this law, which he urged Congress to pass, but he doesn't have the right to make the taxpayers pay for it.

Mr. President, again, I see my friend from North Dakota, who has an amendment, and he has been waiting to get a vote on it. I hope the Senator from North Dakota will get a vote on it soon.

I yield the floor and 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. DORGAN. 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. DORGAN. Mr. President, I have just talked to the managers of the bill. My understanding is there is nobody waiting to speak on the bill. As a result of that, I ask unanimous consent to speak as in morning business for 15 minutes, with the understanding that I will relinquish the floor if the managers have Senators who wish to offer an amendment to the bill. I don't want to delay the bill.

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

#### TRADE AGREEMENTS AND JOBS

Mr. DORGAN. Mr. President, I wanted to speak for a moment about the issue of jobs. There has been an especially vibrant debate recently about the number of jobs that are being created in this country and the number of jobs that are moving overseas from the U.S. to other countries. I wanted to talk about jobs specifically today because there was an announcement that the U.S. has finished a trade agreement with the country of Australia.

We have already had the completion of the Central American Free Trade Agreement, CAFTA; we have had NAFTA, the North American Free Trade Agreement with Canada and Mexico; we have had GATT, the General Agreement on Tariffs and Trade; and the WTO. We have all of these agreements and the fact is they are not working out well.

Despite that, instead of correcting the problems in previous trade agreements, our negotiators are continuing to move ahead to negotiate new trade agreements.

Let's consider NAFTA. NAFTA was negotiated with Mexico and Canada. Prior to NAFTA being negotiated, and then approved by the Congress, the United States had a very small trade surplus with Mexico, nearly a \$2 billion trade surplus with Mexico. Now, 10 years later, we have a \$40 billion deficit with Mexico. I will say that again. In 10 years, with the North American Free Trade Agreement, we took a small surplus with Mexico and turned it into a very large deficit.

Again, when we negotiated the trade agreement with Canada—it was with Canada and Mexico—we had a \$10 billion trade deficit with Canada, and that is now \$50 billion.

With Mexico, we took a small surplus and turned it into a big deficit. With Canada, we had a modest deficit and quintupled it, from \$10 billion to \$50 billion. We still have people walking around this town thumbing their suspenders, between puffs of their cigars, and saying this trade agreement was wonderful for our country, it has worked well.

I decided to check which companies certified to the Federal Government the movement of jobs, or the loss of jobs, as a result of NAFTA. I have just received the information from the Congressional Research Service. It is the first time anybody has catalogued this job loss, in this level of detail, as far as I know. But here is what you have.

Now, NAFTA allows for transitional trade adjustment assistance. That is a fancy way of saying, if you are going to lose your job because of this trade agreement, we will give you some supplemental income to help you over the tough spot. The anticipation was people would lose their jobs, and we would try to provide some help, transitional trade adjustment assistance.

In order to get transitional trade adjustment assistance, the employer has to certify that jobs are going to be lost in their company as a result of this trade agreement. That certification goes to the Department of Labor, which keeps track of those certifications.

Let me describe what we found with this Congressional Research Service study, based on Department of Labor data. This is the first time a study has been done in this level of detail.

It says the No. 1 company that certified jobs certified they had 16,095 jobs that they lost either because they moved the jobs to Mexico, in most cases, or because of additional imports from either Mexico or Canada that displaced their workers here.

No. 2, Levi Strauss: 15,676 jobs over this nearly 10-year period. Levi Strauss, now, that is everything that is American, right? Just go buy some Levis. Levis used to be made in the United States. Not anymore. Levis left, and the workers who used to make Levis in this country were able to get some transitional trade adjustment assistance. That is a fancy way of saying: By the way, we are going to sew those Levis in Mexico, and we will give you a few bucks as your job leaves and goes to Mexico. That is what it said to American workers.

There is a whole series of companies, as one might imagine. Fruit of the Loom is seventh on the list, 5,350 jobs. I remember when I saw the actual notice in the paper that Fruit of the Loom was shutting down its U.S. manufacturing plants. I spoke on the floor of the Senate. I said: It is one thing to lose your shirt, but Fruit of the Loom

is gone. They are making shirts and shorts and underwear in Mexico. I understand even now that labor costs are too high, and now it is moving to Asia, in some cases.

How about Fig Newton, Kraft Foods? Eat a Fig Newton and you think you are eating a Fig Newton cookie from the U.S. I am sorry, think again. It is Mexican food; Fig Newtons made in Mexico. It left this country, and the resulting layoffs of U.S. workers meant they received transitional trade adjustment assistance.

What does that mean? It means they got laid off. They made a good Fig Newton cookie, but they don't make it here anymore. American employees lost their jobs, and Fig Newtons are now made in Mexico.

This is a list of 100 companies from the Congressional Research Service. This list can be derived from Labor Department data because the companies had to certify job loss. This is slightly over 200,000 employees who lost their jobs. In fact, if you included in the list all who certified, it would be over 400,000 American workers who lost their jobs because of NAFTA, the free trade agreement with the United States, Canada, and Mexico.

Some say other jobs were created. Maybe so. Ask yourself this: If we took a small trade surplus with Mexico and turned it into a very large deficit, and a modest deficit with Canada and turned it into a very large deficit, isn't it inevitably the case that we will have lost a lot of jobs? The answer is clearly yes. It doesn't matter what all the other folks say. We have lost a lot of jobs, and all of these folks—these are just numbers on a chart, but of these 200,000 people, every one of them had to come home, perhaps some evening after work, and say to their spouse: Honey, I lost my job. I did good work. I had good evaluations all of my career with this company, but they have decided to shut the doors in this country and move to Mexico.

The reason I wanted to point this out is to say there is precious little attention paid these days to the question of what is happening with jobs being so-called "outsourced." I recently visited with a fellow who is founder and CEO of a very substantial company. He said to me: All of my competitors have now moved offshore. All of my competitors have moved offshore, and I have not. He said: I am not going to at this point, but I want you to know it puts me at a dramatic competitive disadvantage because I am paying American wages, and they are in India or Bangladesh or Sri Lanka or China, and they are paying pennies on the dollar for those wages and it makes them much more difficult to compete with.

I said: Good for you for keeping your jobs in this country.

He said: Yes, but somebody has to do something.

The question of this globalization is not just about whether we are globalizing, whether the economy is becoming increasingly global, because it

is. The question is, Are there rules attached to globalization? What will the rules be for globalization? Is it OK to move jobs to a country where you pay them 16 cents an hour and work them 16 hours a day and 7 days a week? Is that something we should aspire to have American workers and American companies compete with? Yet that is exactly the case today. The answer so far has been, yes, that is fair trade.

It is not fair trade where I come from. This economy will not be the economy that produces jobs and represents the economy of the world's biggest and most vibrant economic engine if it does not retain a strong manufacturing base. No country will remain the dominant economy in the world without a dominant and strong manufacturing base.

For 42 straight months, we have had reductions in the manufacturing job base. Why? Because of outsourcing; moving jobs overseas where you can hire people for pennies on the dollar.

Let me go through a couple of charts that show where we are with trade.

This chart shows trade with Mexico. We can see where we were just before our trade agreement. What has happened since that time? A flood of red ink every single year; more and more trade deficits with Mexico.

This chart shows our trade deficit with Canada. I mention both of these only because this is NAFTA, the North American Free Trade Agreement. There is a flood of red ink. We negotiated the trade agreement in 1993, and we can see what is happening. And we still have people saying this has been a great free trade agreement.

This chart shows our trade deficit, which is completely out of control. The President's budget last week asked the Congress to approve a budget that has a dramatic budget deficit. In it, he predicts in the fiscal year in which we now work, the budget deficit will be roughly \$530 billion, roughly \$530 billion. But in order to get to that, he had to take the Social Security trust funds for the year and use them as other revenues to make the deficit look lower than it really is.

The budget deficit this year is going to be about \$660 billion. That is the budget deficit. Add to that a nearly \$500 billion trade deficit, and we can see where this is going—higher, higher, and higher. We have a Government with a combined budget deficit and trade deficit that is over \$1 trillion, and people walk around as if nothing is going on. This is serious for this country. This is a burden that must be repaid.

Let me talk for a moment about a couple of specific trade issues to show the absurdity of what is happening. This chart shows cars to Korea. Korea sent to the United States 620,000 cars to sell in our marketplace, and we sold to Korea 2,800.

Let me say that again. Mr. President, 620,000 Korean cars came to the U.S. We were able to sell 2,800 in Korea.

Why? Because the Korean government doesn't want U.S. cars sold in Korea.

Beef? We can't sell beef in Europe. Why? Because \$100 million of beef is banned from the EU each year due to bogus reasons, and we have a very large trade deficit with the EU. Here is the way they characterize U.S. beef: A cow with two heads because of growth hormones.

Guess what. We said to Europe: If you are going to take that action against us, we are going to take action against you. And in the first small semblance of direct action on trade, the U.S. Government decided to take action against Europe.

What did we do? We are going to slap Europe around. We decided to slap Europe around by imposing duties on Roquefort cheese, goose liver, and truffles.

That will strike fear into our trade adversaries, and I say adversaries because when they take unfair action against us, we have a right to take action against them. What do we do? We slap import duties on truffles and goose liver. I am sorry, that does not seem to me to be the kind of action that is very effective against trade partners that are engaged in unfair trade.

I could go on at great length about the issue. The issue, to me, comes down to the subject of jobs. This is a BusinessWeek article of February 3, last year. It talked about U.S. jobs moving offshore. They talked about the official estimate of 3.3 million white-collar jobs moving offshore in the near future. They are talking about in the coming 10 to 12 years an additional 3.3 million jobs. These are not factory jobs, manufacturing jobs. These are white-collar jobs that will be moving offshore.

On the cover of BusinessWeek Magazine recently, it states: "Is Your Job Next?" A new round of globalization is sending upscale jobs offshore. They include chip design, engineering, basic research.

Recently, in the last couple of weeks, a Wall Street Journal article talking about documents from the IBM Corporation gives a rare look, they say, at "sensitive plans for offshoring."

They got ahold of IBM documents that show the company is acutely aware of the sensitivities involved when they ship jobs overseas. These are white-collar jobs. They say:

Do not be transparent regarding the purpose/intent, and cautions that the terms "onshore" and "offshore" should never be used. The memo—

Which talks about moving jobs offshore—

suggests that anything written to employees should first be "sanitized" by human-resources and communications staffers.

In the draft prepared for managers at IBM they suggest workers be told:

This action is a statement about the rate and pace of change in this demanding industry. . . . It is in no way a comment on the excellent work you have done over the years. . . . For the people whose jobs are affected

by this consolidation, I understand this is difficult news.

It is a rare look at companies that are now moving high-skilled, high-wage, white-collar jobs overseas.

We have some serious problems to deal with. This issue of the movement of American jobs overseas is a very serious issue. We can talk about the issue of globalization, and I am somebody who believes this is an increasing economy—I understand that—but I also believe there needs to be standards: What is the admission price to the marketplace of a developed country, a country that fought, for example, for the right of workers to organize, a safe workplace, the ability to prohibit the dumping into streams and waters and the air, poisons and effluents?

We fought for years about those things: Child labor laws, fair labor standards, minimum wages. Now, with just an airplane ride and a decision memo by a company which said we will just pole vault over all of that, we do not have to worry about that, they move our jobs to Bangladesh or Sri Lanka, or to a place where they can hire 12-year-olds, pay them 12 cents an hour, and work them 12 hours a day, 7 days a week. And they do. Then they will ship the product back to Toledo, Pittsburgh, Los Angeles, and Fargo. They say that consumers will be advantaged by that because they will get lower priced commodities.

I conclude by telling one story that I have told previously. It is about Huffy bicycles. Most people are familiar with Huffy bicycles, 20 percent of the American marketplace sold at Wal-Mart, Sears, Kmart. They used to have an American flag as a decal between the handle bar and the front fender. That was when they were made by workers in Ohio who made \$11 an hour producing a Huffy bicycle.

I do not know any of those workers, but I am sure they were proud because they had good jobs and produced a good bicycle. They were all fired. Huffy bicycles are now made in China. The workers in Ohio were making \$11 an hour. That was too much, according to the company. So Huffy bicycles are made in China for 33 cents an hour by people who work 12 to 14 hours a day for 7 days a week.

No, there is not a flag anymore. That little tin decal between the fender and the handle bar is not an American flag. It is now a picture of the globe.

The question for this country is: Are we going to have any manufacturing jobs left? Is it fair competition to ask an American worker to compete against 33-cent-an-hour labor? We have to answer these questions.

I am not suggesting it is not an increasingly global world, but we need rules for globalization. What is fair competition for the American worker and for American businesses? That is something the Congress has been unwilling to deal with and recent trade agreements have ignored. In fact, the



trade agreements have been fundamentally incompetent, the ones with China, NAFTA, and others.

I have spoken about those agreements at great length previously. Today, what I wanted to do was simply show the chart that shows the 100 companies that have exported jobs, and they have certified that the export of these jobs came about as a result of our trade agreement. This certification is not some speculation on my part. This is certification by each of these companies about the number of jobs that no longer exist in this country because they either moved to Mexico or they displaced imports coming into this country.

This certification that has been made and the CRS has compiled for me is on my Web site, [Dorgan.Senate.gov](http://Dorgan.Senate.gov), if someone wants to see the list of companies. I think it is important for people to understand this is what is happening. The question is: Does it matter? For me, it does.

If we are going to have a strong manufacturing base, we have to worry about this. No country will remain a dominant economic power without a strong manufacturing base, in my judgment.

I have more to say about trade. I will do it at a more appropriate time. I understand my colleague wishes to speak on the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, I thank the Senator from North Dakota for yielding. He will have ample time to come back and do that. I appreciate him allowing us to get back to the bill.

The Senator from Ohio has an amendment to talk about, but I encourage all Members to come down to the floor. We have time now. Later on, time is going to become very precious. As I said last Friday, come to the floor. We stayed open all weekend to work with Members on their amendments. We are doing that as we speak. We would encourage Members to come down and talk about their amendments—now that we have worked out amendments—so when the appropriate time comes, if they wish to file those amendments and to debate them and get votes on them, they will be light-years ahead if they come down now.

I want to issue that as a very strong suggestion to those members who have amendments. I thank some 30 Members who brought their amendments down over Saturday. A lot of those have been accepted in the managers' amendment.

Mr. JEFFORDS. Will the Senator yield?

Mr. INHOFE. I will be glad to yield.

Mr. JEFFORDS. I have been here a long time, as the Senator from Oklahoma has. Have we had anybody come down?

Mr. INHOFE. Senator DEWINE is waiting to speak now on his amendment, although I think the Senator is making a very good point. We have been talking about this since Friday, and we encourage people to come down.

Mr. JEFFORDS. Well, I hope the Senator from Ohio will get such enthusiasm created with his speech that we can spend the rest of the time making some progress.

Mr. INHOFE. I can assure the Senator he always does.

Mr. JEFFORDS. Yes.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I come to the floor today to thank the leaders of the Environment and Public Works Committee, Chairman INHOFE, Ranking Member JEFFORDS, as well as Senators BOND and REID, for all the hard work they put in to produce this transportation bill. This is really a transportation bill that does a number of different things, but one thing it does do is stress the importance of safety programs.

The bill before us today is a revolutionary bill. It is known as SAFETEA. That is what we are calling it. In many respects it certainly deserves this title. I salute my two colleagues, whom I see on the floor, and thank them for their fine work in this area.

A strong emphasis on safety programs is vital because in the year 2002, the last year for which we have complete records, over 42,000 of our fellow citizens—in fact, the exact number is 42,815—were lost in this country. That is how many fellow citizens were killed in auto fatalities.

The No. 1 killer of Americans between the ages of 4 and 34 in this country is auto fatalities. That is an amazing thing when you think about it. Think about all the other diseases and problems there are in this country, whether it be cancer, all the other things someone could die from, but the No. 1 killer of our young people today is auto fatalities.

If you look at the age group of 16, 17, 18, 19, the figures go off the charts for that age group. That is what is killing our young people today—automobiles.

In the next 12 minutes, to be precise, at least 1 person will be killed in an automobile accident in this country, while nearly 6 people will be injured in just the next 60 seconds. Tragically, within the last 2 weeks, in my home State of Ohio, two of our soldiers were killed in automobile accidents, one of whom was just back from Iraq on a 2-week pass.

Sadly, though, it seems these deaths are something we as a society take for granted. We tolerate it. We put up with it. Frankly, we don't pay much attention to it. How many times every night when we turn on the news do we hear about someone being killed? Unless they are from our local community, unless we know them, we don't think a thing about it. We tolerate it.

If a foreign enemy were doing this to us, we would not tolerate it. We would be up in arms. Someone has said these automobile deaths are the equivalent of a 747 going down every 2 days in this country. If that were happening, it

would, of course, be on CNN. It would be breaking news. We would be literally up in arms. We would be demanding the President of the United States and this Congress do something about it. Yet these auto fatalities that occur hour by hour, day by day, minute by minute, go on and on and for some reason we have become immune to it, hardened to it, really. Tragically these deaths just continue.

That is why I am so pleased the bill before us does go a long way to help to address several safety concerns that can make a difference and can save lives on our roads. The EPW Committee leaders deserve praise for elevating safety programs to core status among highway programs. In the past, safety programs were of a derivative nature, drawing their funding as a percentage of one of the core programs. This framework enabled some States to overlook safety and focus funding and efforts on other areas. With the new core designation, safety will take its proper place at center stage. The EPW Committee leadership deserves praise for taking this quantum leap forward.

Let me again thank Senators INHOFE, JEFFORDS, BOND, and REID for making their staffs available this weekend for work on my amendments. I am pleased with the progress that has been made so far, trying to work on these amendments. One of my amendments has already been accepted. I thank them for that. That amendment has been integrated into the proposed managers' package.

I have another amendment relating to traffic signals that I believe we will have cleared in the near future.

I wish this afternoon to take a few minutes to share with the Members of the Senate what these amendments will do, because I believe they will help put us even further down the field in terms of saving lives and promoting greater emphasis on safety.

I have further additional safety-related amendments I will be offering to the Commerce Committee portion of the highway bill, and I will be offering those in a future speech when we get to that section of the bill, we hope later in the week. I thank Senator MCCAIN for his leadership. I look forward to working with him and the Commerce Committee on that section of the bill.

The first amendment the EPW Committee has accepted contains two parts. First, it would require the States to identify and rank and disclose their most dangerous intersections. That might not sound like a revolutionary thing to do, but not every State is doing that now. It is the right thing to do: to rank them, to identify them, and then to make that information public so the consumers, the citizens will know what that information is and will then be able to act upon it.

A second part of our amendment we are still negotiating with the leadership would increase the timely and efficient expenditure of Federal safety dollars by the States.

Let me first talk about the dangerous roads and intersections amendment. The Environment and Public Works Committee bill focuses some resources on these problem areas and this amendment builds on the committee's fine efforts. Most States, fortunately, do take steps to identify and track the dangerous roads and intersections. They keep a list of the bad ones, the ones with high fatalities and high accident rates. But, amazingly, there are many States that keep this information secret and do not tell the public or, in some cases, do not even keep this information at all.

My amendment is very simple. It requires States to systematically rank and disclose their most dangerous roads and intersections. It requires them to do so in terms of dangers to human beings, in other words, in terms of the number of deaths and the number of injuries that occur on these specific roads.

Further, my language asks the States to disclose at least the top 5 percent of the most dangerous roads and intersections in their States, and that they identify to the Secretary of Transportation this information and therefore ultimately to the driving public.

We need to get information on dangerous roads and intersections out to the public and to the people we are charged to protect. My amendment would help assure that this in fact happens.

Consumers have a right to know this information. As a parent, I might tell my 16-year-old or 17-year-old not to go a certain way to a movie. Don't go on that dangerous intersection. Don't go by that dangerous curve. At least, if I had that information, I could make an intelligent decision about it. It is wrong for a State department of transportation to have that information and to deny me, as a citizen of that State, that same information. I should be able to tell my child, "Don't go that way. It may take another 10 or 15 minutes, but go a different way—be safe."

I would like to briefly tell my colleagues about a woman by the name of Sandy Johnson and her mother Jacqueline. On October 5, 2002, Sandy and Jacqueline were killed. They were killed in a car crash at a dangerous intersection near Columbus, OH.

What they did not know as they drove into that intersection—and what countless other area residents who used the roads that cross through it did not know at the time—was this particular intersection was known at that time by the State department of transportation to be a very dangerous area. In fact, the State department of transportation had indeed known that information for quite some time. Perhaps if Sandy Johnson had known that she would have taken a different route that day. We will never know. Perhaps she might have slowed down to see traffic coming from the other direction. Tragically, we simply will never know.

This particular intersection was dangerous because of the close proximity of a house to the intersection, making it difficult for drivers coming from each direction to see those approaching from the other way. The fix to this problem, the installation of four-way stop signs and ultimately removal of a house to improve sight lines, took quite some time to be implemented. But eventually, these steps were in fact taken.

Following the tragic death of his wife and his mother-in-law, Dean Johnson initiated a campaign to tackle the issue of dangerous roads and dangerous intersections, not just in Ohio but across the country. He has tried with varying results from State to State to get information on dangerous roads and intersection locations out to the public so tragedies like the one involving his wife could be prevented.

Today on the Senate floor, I thank Dean Johnson for his dedication to this very important public safety issue and for the progress he has made in my home State of Ohio and elsewhere in terms of getting critical lifesaving information out to citizens through the Sandy Johnson Foundation. I must say to him that his work is a real tribute to his love for his wife and for her memory.

Clearly, tragedies like the one involving Sandy Johnson can be prevented in many cases through means as simple and as inexpensive as disclosure to the public of what State departments of transportation already know—the disclosure of where the dangerous roads and intersections are located. The States should provide this information. They already know it. They simply should provide it.

The second part of our amendment focuses on how States spend their safety money. In this respect, my staff is working with the committee to develop additional mechanisms for the timely and efficient expenditure of Federal safety dollars. In the past, there have been problems with getting States to spend their safety money on safety. The EPW Committee bill goes a long way towards helping ensure those safety dollars do in fact get spent on safety. My efforts in this area are aimed at further strengthening this portion of the bill. It is simply so very important that these dollars be spent on safety—to straighten the road that is killing people or to change a dangerous intersection. This money can be very well spent and should be spent on things that will save lives. It is very cost effective.

Let me talk about another amendment. My staff and I are continuing to work with the managers and their staff on accepting the second amendment that has to do with keeping our intersections safe with regard to the safety of first responders as they engage in their daily work. This amendment is derived from legislation I introduced last year called the Safe Intersections Act of 2003, S. 1825.

This amendment would prohibit the unauthorized sale or possession of traffic signal preempting devices, commonly known as MIRTs. This type of device is a remote control for changing traffic signals. Members of the Senate may have read about these. They have been used for years by ambulances, police cars, and firetrucks, allowing them to reach emergencies faster. As an ambulance approaches the intersection where the light is red, the driver engages a transmitter. That transmitter then sends a signal to a receiver on the traffic light which changes the light from red to green within a few seconds. It is a very useful tool when properly used in emergency situations by someone in an emergency vehicle.

In a 2002 survey, the U.S. Department of Transportation found that in the top 78 metropolitan areas, there are 24,683 traffic lights equipped with these sensors—in other words, equipped with sensors that can be triggered by emergency vehicles.

In my own home State of Ohio, there is a joint pilot project underway by the Washington Township Fire Department and the Dublin Police Department to install these devices. Other areas in Ohio where they are in use include Mentor, Twinsburg, Willoughby, and Westerville. In Ohio and across the country, law enforcement offices, fire departments, and paramedics are investing in this technology to make their communities safer.

So what is the problem? Recently, it has come to light that this technology is being sold to unauthorized individuals—who use this technology in their own private cars and private vehicles to bypass red lights during their commute to and from work or just in their everyday driving. Clearly, preemptive devices were never intended for this type of use. This technology in the hands of unauthorized users could result in traffic problems such as gridlock or, much worse, accidents in which people are injured or killed. We know of at least one incident in Modesto, CA, where paramedics on an emergency run used a preemptive device to clear the way through a busy intersection only to see the light change back to red in their direction due to use of a MIRT by a nearby driver.

My amendment is simple. It would restrict the sale of preemptive devices to government-authorized users such as ambulance drivers, firetruck drivers, and police. Clearly, these devices should not be available to casual drivers wishing to make a total end run on civil order by changing traffic signals to make their commute a little bit shorter. It is a very simple amendment.

The two amendments I am offering will go a long way towards improving transportation safety. They are commonsense, they are practical, and they will in fact make a difference.

These efforts are a continuation of my work in this area—something I have been interested in for many years,



going back to a time in the early 1980s when I was in the Ohio State Senate. A little boy named Justin—I think Justin was 7—was killed right outside his school in my home county of Greene County. We decided at that time that Justin had been killed by a driver who had been drinking, a driver who had a very bad previous record of drinking and driving. We decided, frankly, we had had enough of this and we had to do something about it. I introduced a very tough drunk driving billing in Ohio. I researched the law and saw what other States and foreign countries had been doing. Ultimately, the bill became Ohio's tough drunk-driving law. I have been interested in highway safety issues ever since. I have worked in the Congress with many of my colleagues. I have worked in the State Senate. I saw this firsthand when I was county prosecutor. I used to go into county courts and prosecute drunk drivers. I saw the carnage and horrible tragedy drunk drivers cause. I have been interested in highway safety issues for many years. I know many of my colleagues are as well.

I again thank Senator INHOFE for his great work in this area to make this a very strong highway safety bill. It has some very strong highway safety components.

I think the amendments I have talked about today will go a long way to help make this an even better bill in regard to highway safety. I will be back on the floor later this week as the bill continues to progress with some additional amendments in regard to highway safety. I will be talking more about them.

I thank my colleague for his great work on this bill, and Senator JEFFORDS, as well, for his great work.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Mississippi.

Mr. LOTT. Madam President, I appreciate the comments of the Senator from Ohio and his interest in safety issues. I share his concerns. When you have lost a loved one in an automobile accident—in the case of my father, because of a narrow, two-lane road—and you know that such a tragic accident could have been avoided and lives saved through things such as safety striping, laws, or additional safety devices at railroad crossings, you can fully appreciate the need for the attention the Senator has given to this important issue.

I also thank Senator INHOFE from Oklahoma, chairman of the Environment and Public Works Committee, for his leadership. Producing a highway bill is not an easy process. I have dealt with transportation issues closely as a Member of the Senate for several years now. I can remember when TEA-21 was on the floor how difficult it was to pull together the bill with the divergent committees—the Finance Committee, the Appropriations Committee, the Budget Committee, and the Banking Committee all had a say in the out-

come of the bill. All the Members of the Senate had their oars in the water and we had to have bipartisan meetings in the various committees to produce a bill that could get through the process and be signed into law.

It is not easy to get the reauthorization bill to this point. I commend Senator INHOFE for the work he has already done on SAFETEA, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003. Coming up with that good title alone deserves commendation.

I also thank the Senator from Vermont for his efforts. As a member of the Finance Committee, as well as the Environment and Public Works Committee, he has worked with Senator INHOFE to try to get this bill done. He has made it a point in the Finance Committee that we need to complete action on this legislation because it is important for our country.

We do need to come up with an acceptable financing plan for the costs of this bill. It will take cooperation and teamwork to get it done. I know Members of the Democratic leadership support this legislation and I believe we are getting off on the right foot. But we spent a week positioning and making speeches. I hope now the Senate will begin to have some votes and conclude action on the bill as soon as possible so that we are not faced with another extension. We need to move this legislation through the Senate, show leadership, and be prepared to go to conference with the House of Representatives.

In my opinion, there may not be a more important bill we can pass this year. This is not going to be a prolific year in terms of monumental legislation. Frankly, that is not all bad. Some of what we passed last year we should have left unpassed. Sometimes we should get credit for what we do not do. But this bill is one we need to complete this year for a variety of reasons.

First of all, SAFETEA is about jobs. Very few bills we pass in the Senate actually produce something. This is a bill that is actually going to produce jobs, not just next year but year after year. There are projects in North Carolina, Oklahoma, Vermont, Mississippi, and all over this Nation, ready to go right now. We need to get this legislation passed as soon as possible so that the funding it provides can be fully utilized during the construction season. If we wait too long and let this drag out, if we get stuck in the Senate or get stuck in conference, we will lose another construction season.

This bill will create jobs. Not all of the jobs will be high-paying, but they will be jobs just the same. There are very few Federal programs that create more jobs, from engineers down to the guy shoveling the gravel or moving around the dirt, all of which are very important.

We need to pass this legislation for its job creation impetus. We talk about how we need more jobs in this recovery; this is one way to get them.

SAFETEA is also about infrastructure. When you get through, you have something you can see—an interstate highway, a bridge, a safety device. Maybe even mass transit facilities in some of the larger cities. But we have a product we can look at.

I found out through my 31 years in Congress, there are few things we do for our constituents that are more important than highways and infrastructure. If you do not have roads, if people cannot get there, they will not come. That is a brilliant statement when you think about it, but if companies do not have access to good roads and bridges, railroads, airports, ports and harbors, they will not locate a plant and create jobs anywhere in this country. When you are dealing with a major international corporation, they want to know: Are we going to be on an interstate highway? Are we going to be close to an international airport? Do you have good schools? It starts there. Then you work from there to questions such as: Is the geology good? Will we have water and sewer systems? Do we have access roads or existing buildings?

My poor State of Mississippi has been making some progress. Why is that? Because we finally figured out that we were trying to fix everything and we were actually fixing nothing. We were shooting shotgun blasts and trying to do good things up and down the economic spectrum to help our State. It was not working because the money was disappearing. People were not getting better off. So we decided to focus. And we focused on education, particularly higher education and community colleges, to create workforce training programs for local communities. And we worked to improve our elementary and secondary education systems, as well.

Second was highways. Highways is a code word for infrastructure. It is the whole package: The industrial site, water, sewer, railroad spur. If a community does not have good highways, economic development will not happen. We have a major industry right now in my State, Viking Range Corporation, that makes the best ranges and some of the best kitchen equipment in the world. But to get to their manufacturing plant, visitors actually have to travel on a dirt road. This is severely hampering the company's growth.

The third thing we focused on in my State is economic development. We decided to aggressively go out and pursue jobs. This bill is an important component of that effort. SAFETEA is about jobs, it is about infrastructure, it is about quality of life, and it is about safety.

I don't want to demean this title. We talk about safety on the highways, safety on the roads, safety on our bridges. We have bridges all over America crumbling and being shut down. I admit, some of them are local or county bridges, which, in an ideal world, should be maintained by the counties. But at a minimum, shouldn't we continue the policies that started way

back in the 1950s—actually back in the 1800s, with Henry Clay, to develop and federally maintain an Interstate Highway System.

I urge my colleagues to support this legislation and to give the leaders of this committee the support to which they are entitled. Someone asked last week: We have all these problems, what do we do? I said, support the chairman and ranking member. They have a tough job, an important job. We should help and support them and try to shape the legislation with them, not just because we want projects in our State. Yes, we all do. But if we did not get one earmarked project in our States, we ought to support this legislation because of what it means for our country.

Now, there is a lot of pontification developing, as often happens with the highway bill, but even more so this time. People are showing up, all of a sudden, worried about the costs of this bill. Lots of people are saying: Wait a minute, this may add to the deficit. Where have they been over the last 2 or 3 years? Where were they on the prescription drug bill when we were developing a bill that would cost \$600 billion or \$800 billion or who knows how many billions of dollars? They were not worried about the deficit until the highway bill came up. And they said, wait a minute, the highway bill may cost too much.

The Finance Committee has struggled with how to pay for this bill. Is it perfect? No. But it was a major effort and we are within a close enough range where we can continue to make some adjustments as we go through the legislative process. Some people say: Once it goes through the process, we may have to vote. That is exactly right. And we will have to look at the final product. Is it something the Republicans, Democrats, Senate, House, labor unions, the White House can live with? We will never know until we move forward on it.

So we have people now saying that after ignoring the amount of spending last year—in bill after bill after bill—we are going to plant our flag on this hill, and we are going to fight excessive spending on the highway bill. They picked the wrong bill. This is a positive bill, and we will make it work as the process goes forward.

People will say: Well, wait a minute. There may be some earmarking in some of these bills before it is over. Yes, there may be. Fine. And I am going to fight for my own State to get its share because I do not necessarily believe that all wisdom reposes in the Department of Transportation in Washington, DC. I happen to know a little bit about some of the real crises, projects, and problems in my own State, and I trust Senators—men and women—from their own States to identify some of the needs that must be addressed in their home states.

Then there will be those who will say: This bill doesn't put enough funding into mass transportation or it

doesn't put enough funding into one project or another. Let me point out a couple of things we are dealing with.

Our Interstate Highway System is nearly 50 years old. Thirty-two percent of our major roads are in poor or mediocre condition. Twenty-nine percent of our Nation's bridges are structurally deficient or functionally obsolete. If we do not complete action on this legislation, we will wind up with a 1-year extension and we will be back next year. Some people would say, maybe we could do a better job in a nonelection year.

But I believe we need a carefully thought out, multiyear, multifaceted federal highway and transportation program, and we need it now. We are having difficulty on other bills, such as the energy bill. We are trying to decide, what bills can we get done this year? Well, there is one thing we should not leave undone this year, and it is this highway bill.

I urge my colleagues to work together to try to come to a conclusion this week. If we have to have a cloture motion filed in order to make progress, let's do that. I believe it will pass with a bipartisan vote. It should. And then we can make progress on this bill and be ready to go to conference with the House of Representatives where we can get the job done.

I know we are going to be getting calls with suggestions of delays. Some people do not like the formula. It is tough to come up with a formula that is fair to everybody, especially if you have been a big donee State. If you are a small State or a big State that has been getting back \$1.21 for every \$1 you pay into the highway trust fund, you don't want to lose any funding. But if you are from a poor State that has been getting only 50 or 75 cents on the dollar that your constituents pay into the Highway Trust Fund, you want a fairer deal. But it is not easy to try to come up with a formula that is fair to Texas and New York and Rhode Island and Oklahoma all at the same time. It is really a balancing act.

I looked at the formula. I don't think the formula is as good as it ought to be for Mississippi. We are just kind of in the middle. And when your state has been neglected for 138 years it needs to do a little better than being in the middle. But I prefer the progress we make on this bill, to nothing. It is progress. So I do not think I have any more room to complain than anybody else.

But, again, we have some people who do not want to move toward a fairer formula for everyone. They do not want to give up anything they have. But I think the formula Chairman INHOFE and Senator JEFFORDS have come up with is good enough. Can they still tweak it a little bit as the bill moves forward through the process? Yes, they can; and I am sure they will.

So I hope my colleagues will not start blocking this bill with procedural motions because they do not like the formula. I hope they will keep working

with the chairman and ranking member, as I will. I am going to curry favor with the chairman of the committee until the last dog dies to try to complete action on this bill in a way that will be fair to my constituents and good for the country. But I hope my colleagues will not use the formula as an excuse to block the bill. I hope they will not use this newfound fiscal responsibility to hammer out the worst possible bill. If we will proceed together, working with the chairman and ranking member, we will complete action on this bill, and it will be one of the best things we can do this year.

I thank the Senate for the opportunity to comment on this bill. I thank the leadership for what they are doing. I was growing concerned that too many people were possibly trying to conjure up some way to block this legislation.

So let's keep the process moving. It is not just for the sake of the process, no. It is for better and safer infrastructure in this country. It is for jobs. I wish the leadership of the committee the best, and I am going to be here trying to help them every step of the way.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, that was a great statement by the Senator from Mississippi. I appreciate it very much. It is a recognition that a lot of people will think all of a sudden we came up, last week, with a bill and a formula. They don't realize we have spent a year—a year of our lives—working on a formula, looking into the same things the Senator is talking about.

I am from a donor State. We have been a donor State as long as I have been up here. The Senator talked about working on TEA-21. You also worked on ISTEA in the beginning because I was there with you. Those formulas were not as good because they were based on minimum guarantees. A minimum guarantee is you figure, how do I get 60 votes, and then we don't care what happens to the rest of you. We did not do that.

We considered the donee States, donor States, the fast-growing States, because there is a ceiling in there for them, and then there is a floor for some of the States that have either a low population or are low-yield States. All these things were taken into consideration.

So anything that is as complicated and long as this is, you can pick it apart. But I can tell you right now, we spent a lot of time on it. There are people who are interested in the transit part of it. There are some, such as the Senator from Ohio, who have been very much concerned about and made great contributions to safety. Some of them are concerned about freight and the obstacles that are out there. But we have it all in this one.

I feel good about this bill. It has taken a year to get where we are today. Frankly, you just cannot start

readjusting a formula of which you took every consideration in putting together. You have something that is fair. You cannot then start readjusting it. If you change one State, it changes all the other States, and then you have to go back and start all over.

I think there are those who would prefer we would have to do that because they don't want to have a bill. But we are not going to operate on extensions, and I have every expectation we will get a bill this week.

People say: What about the House? They are going to want an extension. They are not where we are. Well, you are not going to get them to do anything until we do something, in my opinion.

I appreciate very much the Senator from Mississippi making his comments about this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I also add to the accolades to my good friend from Mississippi for putting in perspective where we are and what we must do to make this a reality. This Nation cannot wait much longer to have the funds that will be available under this bill in order to enhance the employment growth as well as the needs of this Nation to be more efficient and effective in all categories of life. We must work together. We must work quickly. And we should start today.

I thank the Chair.

Mr. INHOFE. 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. MCCAIN. 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. MCCAIN. Madam President, while the Senate began debating S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, known as SAFETEA, nearly 1 week ago, I am not sure some of my colleagues have been informed about how this bill would impact their State's highway funding. While perhaps we have all taken a look at the tables distributed by the committee of jurisdiction a few weeks ago, these tables omit some very important facts, including the fact that the number of donor States would actually increase under the pending legislation compared to the last reauthorization bill, TEA-21.

Instead of giving greater parity, it appears to be going in the opposite direction, as I will explain in a few minutes. Before I go too much further, I understand that after my colleague from Arizona was on the floor last week in opposition to this legislation, the Senator from Oklahoma went through some routine about how Ari-

zona would do well under this legislation. Rather than subject my colleague from Oklahoma to that again, I would suggest we swap formulas between Oklahoma and Arizona. If the Senator from Oklahoma is not willing to do that, then please don't waste my time and his in trying to convince me this is a good deal for the State of Arizona.

First, I think it might help to put the bill in context by quickly reviewing the history of the Federal highway program, which I briefly mentioned on the floor last Monday evening. Nearly 50 years ago, the Federal Aid Highway Act of 1956 was enacted. As you can see, it was a deceptively inconspicuous-looking piece of legislation. It was 29 pages, but what it accomplished truly changed this country. The 1956 act created programs that constructed the interstate highway system, the largest civil works project ever undertaken by the United States. The act established the highway trust fund, financed by taxes paid by motorists—financed by taxpayers, not by general revenue—which is an important aspect to look at as we consider this legislation. It required that the interstate be built using a uniform design that would be safe within most U.S. highways in existence at that time.

The program to construct the interstate was first proposed by President Eisenhower in 1954 and signed into law in 1956. Today we are all the beneficiaries of the foresight of President Eisenhower and a Congress that helped to shepherd this bill through to enactment. The interstate system is 47,000 miles long, comprised of 62 super-highways crisscrossing the Nation in a grid. Twenty-four percent of all travel occurs on the interstate, and it has obtained a record being twice as safe as other highways.

Unfortunately, when people look back 50 years from now at the highway legislation currently before the Senate, I don't think history will be as kind. We reauthorize the multiyear highway transit safety programs about every 6 years. We last reauthorized these programs in 1998 with enactment of TEA-21, the Transportation Equity Act for the 21st Century, following extensive debate in the Senate. The highway program reauthorization measure is a bill second to none in terms of attracting Members' interests. We all want to know how much our States will receive in highway funding under the byzantine formula distribution being proposed during each authorization debate. Therefore, because of its significance, it is important that each and every Member have an opportunity to know what the bill would do and how it would do it.

At this point, what exactly do my colleagues know about the real impact this bill would have on their States? I recognize the difficulties this reauthorization poses for the bill managers. I would prefer to be in a position to support their legislation. But in its current form, I cannot.

The bill would increase highway funding by over \$60 billion over the TEA-21 enacted level, again, over \$60 billion, for a total of \$255 billion. At the same time, the bill not only perpetuates the donor/donee discrepancy that we donor State representatives have battled during every highway bill reauthorization, but it actually expands it. The 28 donor States under TEA-21 will have the company of another three States—New Hampshire, Oregon, and Wisconsin—if this proposal is approved.

I guess I could say something about misery loving company, but I don't want more States to be shortchanged. Instead, I want all States to be treated more fairly. It amazes me that an additional \$60 billion still can't enable the authorizing committee to develop a fairer formula but, as demonstrated by EPW's funding tables, they cannot or perhaps simply will not. Where will this extra \$60 billion go?

While the EPW Committee argues its bill would get every State to a 95-percent rate of return by 2009, the sixth year of the authorization, I remind my colleagues that under TEA-21, the formula increased the minimum rate of return from 85 percent to 90.5 percent in the first year, and it continued throughout the authorization period. Yet, again, the EPW bill we are considering doesn't raise the floor to 95 percent until the sixth year. So, again, where exactly will this \$60 billion go?

The committee proposes a new so-called formula. I say that because it is not actually a formula but instead is a series of five calculations consisting of funding caps and floors. This Rube-Goldberg-like funding contraption is grossly unfair and would result in 31 States getting back significantly less funding than they contribute to the highway trust fund. Further, while a number of the current bottom-of-the-barrel donor States would receive an immediate step up from the smallest of 90.5 percent rate of return, including a number of donor States with members on the committee, six States would receive almost no percentage increase until the last year of the authorization in 2009.

Under this formula, Arizona, California, Colorado, Florida, Maryland, and Texas would be held at the very bottom, while many other States also would continue to get shortchanged.

This is not the right approach. It is unfair. We should do everything we can to try to ensure that any bill voted on is more equitable for all States. Again, it isn't just these six States that I mentioned that are being asked to contribute more to the highway trust fund than they will get back. I asked the Department of Transportation to provide an analysis of the formula. I thought it would be revealing to first learn how much each State would receive if the formula funds in the EPW bill were distributed proportionately back to each State based on their contributions to the highway fund.

According to the Department of Transportation, 31 States are donor

States under this formula, while 19 get back more than they pay in, according to this chart.

Let me give some examples. The people of California are being asked to send almost \$2 billion to Washington, DC, so that it can be redistributed through some arcane funding scheme to the lucky 19 States that would get back more than they put in.

For Arizona, \$364 million of its contributions would be sent away to the 19 States. You know, it is interesting, Arizona and California, neighboring States, have something in common that, frankly, neither Vermont nor Oklahoma have, which is high growth. Obviously, it puts on greater pressure when you have a high-growth population, which actually argues for increased funding. Instead, we are being shorted.

But here are other examples of funding. Florida, another high-growth State, would send away a billion dollars; Georgia would send away \$643 million; Illinois would send away \$403 million; Kentucky would send away \$304 million; Michigan would send away \$383 million; Missouri would send away \$286 million; New Jersey would send away \$547 million; Ohio would send away \$517 million; and Texas would send away \$1.7 billion.

The list goes on and on. It is remarkable.

I fully realize that during the era when the Federal Government was building the Interstate System, a redistribution of funding between the States may have made sense. Clearly, it would have been difficult for Montana, for example, with fewer than a million people, to fully pay for building its share of the Interstate System. But that era is over.

Congress declared the construction of the interstate complete in 1991. Yet here we are, 13 years later, and donor States are still being expected to agree to the redistribution of hundreds of millions, if not billions, of dollars to other States, regardless of the already enormous transportation needs in donor States. Why?

I am sure we will hear about the great transportation needs of the States that receive more than they contribute. I have no doubt that those States do in fact have such needs. But how is it determined that California should have nearly \$2 billion of its funding redistributed? Why aren't California's transportation needs as worthy of receiving the same percentage of Federal funds as provided to meet the transportation needs of New York, for example, which will receive \$989 million more than it contributes over 6 years? Where is the logic? I am afraid there is none.

Let's consider New Hampshire and Vermont. These are two very similar sized neighboring States. Both have about the same total road and street mileage—around 15,000 miles. But under this EPW formula, New Hampshire is a donor and Vermont is a

donee, getting a windfall of almost \$500 million, or almost 190 percent of what it contributes. In fact, Vermont would even receive more in total dollars than New Hampshire. There can be no policy rationale for that—none.

I will admit that I have a certain affection for the State of New Hampshire—a great deal of affection for the State of New Hampshire. But to have this kind of disparity between two States is rather remarkable.

Madam President, this bill is suspect. In fact, the tables that have been circulated by the EPW Committee actually raise more questions than they answer. For example, what affect will new air quality standards have on State allocations? The new formula included in the EPW bill for the congestion management and air quality improvement program, a program totaling \$13 billion, is not reflected in the tables.

What happens to State allocations if the bill is not fully funded? The promise that your State, if you are a donor, will finally achieve a 95-percent return by 2009 may be empty. In order to achieve a 95-percent rate of return for all States in 2009, it would require a 1-year increase of \$5.5 billion in 2009. How likely is that to occur, taking into consideration the projected fiscal year 2005 budget deficit of  $\frac{1}{2}$  trillion continued budget deficit projections well beyond 2009?

Here is a fundamental question, one I think the President is seriously considering: Are we really paying for this bill? The Finance Committee has proposed what many of us consider to be accounting gimmicks to make the highway bill appear to be fully paid for. But appearances are often deceptive, as several colleagues have already discussed on the floor. How will the Finance Committee's proposed accounting changes for gasohol taxation impact your State's share? I am told it will be dramatic for some States. Should the EPW Committee's funding tables not be updated to reflect any and all changes so that we all know the real impact of what we are being asked to vote on?

What affect will provisions in a potential managers' amendment have on your State's funding? Last Friday, on this floor, the chairman of the committee announced that Members' staff should bring all of their amendments to the committee staff on Saturday to determine if they will be incorporated into the managers' amendment. Today, it was announced that the EPW Committee staff met with 10 Members' offices over the weekend. The Democratic bill manager announced this afternoon that 34 amendments have been accepted by the managers. What amendments are being accepted? I am sure we will know when we read the CONGRESSIONAL RECORD. Should we not all be informed? Clearly, the managers' amendment needs to be made available for review prior to us being asked to vote on it. And will the EPW Com-

mittee distribute tables showing the impact of any funding changes that will occur under the managers' amendment? Again, we should all want to know exactly what is being proposed and how it will impact our State's funding.

I strongly support a long-term reauthorization of the Nation's surface transportation programs and understand the vital nature of this funding to our States. This legislation only comes before the Senate every 6 years. I urge my colleagues to start asking some questions and ensure that they fully understand how the safety legislation would impact their State before it is allowed to pass the Senate.

We also have been told that at some point in the next few days, before we vote cloture on this bill, we will add a "slimmed down" energy bill to the highway bill. Now, I will freely admit—in fact, I will testify to the fact—that many times in our Nation's Capital we either are immune to, or insensitive to, the concerns of the American people. Here we are looking at massive deficits, massive overspending, massive growth of Government, unseen in the history of this country, and what are we going to do? We are going to add a "slimmed down" energy bill.

I understand that it has gone from \$31 billion to \$18 billion or \$13 billion—you know, only in the teens of billions of dollars. This is a remarkable exercise. Adding an energy bill that was basically rejected—thank God—by this Senate, because of its hooters, looters, and polluters provisions, and now we are going to stick it on to the highway bill.

What does the energy bill have to do with the highway bill? Nothing. Do we have no shame? Is there no embarrassment whatsoever about the way we are doing business around here?

Madam President, I will continue to struggle and fight to see that for these 19 States, the percentage of what they are getting, as opposed to what they donate, is also important, as opposed to the 31 States which will be donating, and that we try to correct this inequity. Really what we should do is have a 1-year extension of the existing legislation and go back at this again next year. I think that would probably be of benefit to the taxpayers of America, who are deeply concerned about our overspending.

I also point out that I think the attention of the President of the United States is on this issue. I have heard—not directly but indirectly—that he would contemplate a veto of this legislation. I can think of no single act that might be more important or popular with the American people than for him to veto this bill, because at least the funding should come out of users fees, which was the fundamental principle behind the original highway bill.

If this Congress, in its wisdom, because we need more money for highways, thinks we need to increase the gas tax, I think that is a subject for

discussion and debate. The American people are getting a little weary of this smoke and mirrors of passing a \$400 billion Medicare prescription drug bill and finding out within weeks that it is \$130 billion more expensive, to see our deficit skyrocket from surpluses of several trillion dollars and deficits of several trillion dollars. And no one—no one—no economist believes we are going to have the deficit within the next several years because, guess what, Madam President. We are going to be coming back—among other overspending, including this one—we are going to be coming back next year for another emergency supplemental for our operations in Iraq which will probably be in the range, at minimum, of about \$50 billion.

I am hopeful that the American people will call a halt to this overspending. I am hopeful that the American people, particularly in these 31 States, will recognize that for every dollar in taxes they are paying when they go to the fuel pump, they are getting less than that back because it is being funneled through Washington, DC, to the benefit of States for which no rational argument can be made that it would be more beneficial to them than other States, including those that are experiencing very rapid growth.

I will continue, as some of my colleagues will, as long as we can to prevent the passage of this legislation. It is not only our obligation to our individual States that are not getting their money back for the funds they send, but also to all the taxpayers of America who are being victimized by this back-room, porkbarrel spending process which is really remarkable.

Again I want to show my colleagues, in 1956, this was the highway bill, and now we all know what rests on our desks.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, I was in this Chamber just a few days ago singing the laurels of my friend from Arizona and saying what a fine man I thought he was, what great work he did on campaign finance reform. I was basically talking about my deep respect and admiration for the senior Senator from Arizona.

Having said that, it does not mean I have to agree with everything he says. I have to say, with the deepest respect, that on this issue he is simply wrong.

There are certain things we have to do in this country that are logical and, over the long term, make a great deal of sense. We have a national highway transportation system started by President Dwight D. Eisenhower. The simple fact that the interstate system has been completed, meaning all of the interstate system is finished, all the connecting points have been made in this great puzzle, does not mean we have obligations that cease with highways in this country.

We not only have a national highway transportation system, we also have a

national security system. The State of Nevada contributes greatly to the security of this country. We have Nellis Air Force Base, which is the largest and most important fighter training center in the world for our Air Force. We have in the northern part of the State the Fallon Naval Air Training Center, which is the most important part of the fighter training facility for our U.S. Navy. It is so important. People in that desert learn to fly landing on carriers.

We started in Nevada the great work that has been done on unmanned vehicles, military vehicles, the drones, at Indian Springs. We store thousands of tons of ammunition at Hawthorne Ammunition Depot. People from all over the country—the State of North Carolina, the State of Arizona, the State of Vermont, the State of Oklahoma, all over the country—contribute to taking care of those military facilities. The State of Nevada cannot afford to do it all. The taxpayers in Nevada do not pay for those bases even though there is a cyclical spinoff that is important to the State of Nevada. The State of Nevada depends on the American taxpayers to make sure those civilian and military employees at those most important bases are taken care of.

I am the only Member who is in the Chamber who is on the Appropriations Committee. When we work for military construction projects at Nellis Air Force Base, Fallon, and other bases I mentioned, those construction projects are paid for by American taxpayers. People from all over the country make their tax payments. It comes to this Congress, and it is decided that Nellis Air Force Base needs new hangars or needs to buy some new land so that the people around the base are not bothered. That is all paid for by American taxpayers. It doesn't come equally from Nevada. The Congress does not say: As soon as you get enough money in taxes to come from the State of Nevada, we will build that new hangar for the F-20s. That isn't how it works. The same applies to our National Highway System.

I am disappointed that the staff of the good Senator from Arizona did not at least listen to what I said, Senator INHOFE said, Senator JEFFORDS, and Senator BOND said last Monday. I talked at that time about how this bill is so much more fair than bills in years past.

Just a few years ago, there were some States that were only able to keep 75 cents out of every dollar they contributed into the highway trust fund for their own States. The rest of it went to other places. But a decision was made, and it was not an easy decision—the Senator from Arizona knows around here you count votes, and when you have enough votes to get something passed, you pass it. In years past, people counted votes around here. When they found they could get to 60 votes, sometimes 51, the legislation was jammed through this body. That is

why some States wound up not getting very much on the money they paid into the highway trust fund.

When the Senator from Arizona talks about this being pork—and we have talked about that here quite a bit—this bill is basically paid for by the highway trust fund. It is paid for by the fact of when people go to buy a gallon of gasoline, they put money into a trust fund, and we are using those moneys now to distribute among the States. We were a little bit short to cover everything that needed to be done in this bill, so in conjunction with the majority and the minority and members of this administration, we said, we are not going to raise any taxes but we are going to readjust some of the taxes that are already in existence, and we did that to make up a small part of our highway bill.

To talk about pork and people are sick of money being spent—I didn't vote for the Medicare bill. I agree with him, that was a bad deal. You cannot come out here with one big paintbrush and paint everything the same. Why is this country in such deep trouble with deficit? It has very little to do with domestic discretionary spending. We could today eliminate the FBI, close all the prisons in the country, close the Department of Agriculture, Environmental Protection Agency, close the Congress, close the Supreme Court, close the Executive Office of the President, and we would still be in deficit. We simply do not have enough money coming into the Government to cover the expenses. Domestic discretionary spending—you can eliminate it all, and we still could not balance the budget.

The fact is, because of the tax cuts that have taken place over the years, we don't have enough money coming in to cover this. That is why last year we had a budget deficit in excess of \$500 billion. This next year will be higher than that. It is not domestic discretionary spending. Especially don't pick on the highway trust fund, don't pick on the highway bill.

From everything I have understood, all of the President's statements about not liking the highway bill have nothing to do with the Senate version of the bill. It is what they are talking about doing in the House. They want to spend more money than what we are spending. The President has not directed any of his comments to the Senate version of the bill, as far as I know, and I think I pretty much know.

I know the good Senator from Oklahoma was on Fox News today explaining that point.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I will yield for a question.

Mr. MCCAIN. I think it is well known that the President sent over three criteria, one of which was funding has to come strictly from the trust fund and not from general revenues. It is well known. It is published everywhere. I am sorry the Senator from Nevada missed it.

Mr. REID. Was that a question?

Mr. MCCAIN. Yes.

Mr. REID. I am sorry. I missed the question.

Mr. MCCAIN. Does the Senator know that the President sent over very explicit principles concerning the bill?

Mr. REID. Absolutely. I would respond to my friend, yes. I have been in on the negotiations, yes. This is not something that has taken place over the last 2 weeks. This committee—Senator INHOFE, Senator JEFFORDS, Senator BOND, and Senator REID has spent months working on this bill. Of course, the administration was in on every one—not every one of them but a lot of those conversations. Yes, we originally wanted a bill much bigger than this one, but because of the pressure we got from the White House and other places we have the bill now the number that it is.

So I absolutely have followed this very closely. This bill is extremely important. This is the fourth or fifth highway bill I have worked on.

Before I was interrupted, I was talking about how much better this bill is than the bills in the past when States gave away 25 percent of the money that came into their States. It was determined, when the so-called four managers started this, what we would like to do with legislation. What we wanted to do was to try to work it out so that every State of the 50 States would get 95 cents out of every dollar they put into the trust fund.

Keep in mind this was a big leap forward because some States were getting less than that. Let me just briefly go over, so that people who are watching this—staffs, Senators—understand how difficult this bill has been. Let's go back to the bill of 1982 called the Surface Transportation Assistance Act. This bill established the mass transit account of the highway trust fund. What this is all about is a determination was made to do everything we could do to keep people off of our highways, which saves the highway trust fund money. Therefore, we would work to help with mass transit because if we had good bus service, if we had monorail like we have in Las Vegas, if we have subways like we have in various places, including Washington, DC, it keeps people off the streets and saves us money out of the highway trust fund. So that was the first time we established that. That was in 1982, the first year the Senator from Arizona and I came to Congress.

It contained an 85-cent minimum return provision, meaning that all of those States were getting in the seventies before they would get a minimum of 85 cents for every dollar they put into the trust fund. The Federal gas tax was increased from 4 cents to 9 cents back in 1982. So that took care of that bill.

In 1987, this was a difficult year. That year President Reagan vetoed our bill. We had to override the President's veto. We did that. We did it by one vote in the Senate and they overrode it by a

significant number in the House. It was a good bill. It was a bill that changed the speed limit above 55 miles per hour. It included a provision requiring States to be more concerned about the environment as they were doing the road work.

Then 1991 was the first so-called ISTEA bill, Intermodal Surface Transportation Efficiency Act. Earlier, all of us talked about the importance of Senator Moynihan and Senator CHAFEE and having a highway program in this country that was reflective of the changes to the Interstate Highway System that had been constructed. What we did in the 1991 act was create the CMAQ; that is the Congestion Mitigation Air Quality Program. This was extremely important so that there would be transportation conformity, air quality. With the Interstate System largely complete, as I indicated, ISTEA shifted the Federal program from capital construction to focus on people and goods movement. There were a lot of things we looked at in that bill that simply had not been looked at before. We realized just building new roads was not the answer to all of our highway problems, our congestion problems, our transportation problems in the country. We came to the realization that we talked a lot about that the whole country suffers when there is a traffic jam.

Millions of gallons of fuel are wasted as cars sit and idle. They are the most inefficient when they idle. We also came to the realization, talked a lot about it, that when people are stuck in traffic they can no longer be productive workers. They cannot deliver their goods. They cannot be on their computers at work. They cannot be going to court. They cannot be taking care of their patients. When traffic is stopped, it stops people from being productive. So we talked about that in the 1991 ISTEA bill.

We also expanded the transportation decisionmaking process to include local officials, and even citizens.

Now, in 1998, we did TEA-21 which continued the basic policy structure established in ISTEA. The reason that was important, from 1982 to 1998 we had not changed the minimum requirements States would receive. Six years ago when we took this bill up we said every State will get 90.5 percent of the money they put into a program. That was a big step forward involving a changing of formulas and billions of dollars changed. We did that. We thought it was fair.

In the bill we are taking up this year, we have even gone further. We have said it is important that after we pass this legislation, States at the end of this bill will get 95 percent of what they put in.

My friend from Arizona is right; States that are getting 90.5 percent now would rather get 95 percent tomorrow rather than at the end of this 6-year period. But we are moving this ball down the line toward the goal line, and I think we are scoring a touch-

down. Even though the Senator from Arizona talks about how bad this bill is and how he does not like it because of all the pork in it, I do not know what his definition of pork is. I really have some trouble understanding that.

This is a highway bill. There is some money spent for doing work on bridges. As was stated just a few days ago by the Senator from Florida, actually 29 percent of all bridges in this country are substandard. What we have done in this bill, S. 1072, is to try to make sure there is growth among the core programs of this bill, and we have created a new program which is called the safe routes to school program. This has been accepted across the country as being important. We believe children should walk and ride bicycles to school as much as they can. In some places they cannot do that because the traffic patterns are such that they cannot. So part of this money would be spent building bicycle paths and in effect making it easier for children to walk and ride to school.

This reduces the rate of return gap between donor and donee States. So I think we are doing the right thing in this bill. As I indicated, I cannot envision why my friend from Arizona complains about this being pork. It is a highway bill. Is building a highway something that is bad? Is repairing an outdated, dangerous bridge bad? I do not think so. Is trying to improve air quality while doing construction bad? I do not think so. So I do not know why my friend from Arizona is so angry and is talking about all of these bad things. This is a good bill.

As I indicated, the situation in dealing with our national defense system it is not based upon how much money a State pays into a program. It is based on where we need the defense program. Using the theory of my friend from Arizona, what would the State of Idaho do? Idaho is a big State. It is a bridge State. It helps one get to California. If they only got back the money they paid into the program, the roads in Idaho would be a mess. What about Wyoming? What about South Dakota? What about North Dakota? What about Alaska? If one takes off from Seattle and goes to Miami, that is how big the State of Alaska is. Now, they do not have any people there. They do not pay much money into the gas fund. They need help. Their roads are very difficult to maintain.

Wyoming also has no people in it, basically. My friend from Arizona wants Wyoming to get the money they pay into the program, and that is all? This is the United States of America. We are a central whole divided among self-governing parts, and we have a central government that helps make these States not independent, saying every penny they pay into the tax system is all they get out. It will never work that way.

My friend from Arizona, as much as I respect and understand what great contributions he has made to the country,



on this debate has added nothing. He has added nothing. He is just off base. I don't know how else to say it.

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

Mr. REID. I will be happy to yield.

Mr. JEFFORDS. I would like to take you back to when the highway program was started by President Eisenhower. As I remember, one of the big concerns at that time was the inability of this Nation to defend itself, some real problems that were created for the defense of this Nation, because the highway system from East to West and North to South was so poor that in the event we did get an invasion in different areas, we would have little or no chance to get the troops there and mobilize them on the scene. We recognized at that time we had serious defense problems unless we improved the infrastructure of the United States. Am I correct in my understanding of that?

Mr. REID. I would say, through the Chair to my friend from Vermont, yes. Major Eisenhower was asked to bring a caravan of military vehicles across the country. He did it, but it was not easy because the roads were impassable on occasions. The people in the convoy had to work on roads as they came across the country. This young officer decided at the time if he ever had the ability to change the condition of the highways in our country, he would do it.

Lo and behold, Eisenhower is elected to be President of the United States and one of the first things our Republican President does is to propose this program that is loaded with pork, that builds roads. President Eisenhower is responsible for the Interstate Highway System more than any other person, and he did it because it met the needs of this country.

As we said, the actual construction of the roads has been completed. One of the last places it was done was in the State of Nevada. Actually it was in California, but it connected Mesquite, NV with St. George, UT. But they had to go through this terrible hard rock to finish the Interstate Highway System. It took a long time and it was extremely expensive to do that, but there were a few little places like that which hung on for years until we could say we completed the system. We did that. Now we have come up with programs that are so important. There are roadways in the country that are just as important as the Interstate Highway System. That is why we have a program, the National Highway System. What this talks about is the offshoots of the Interstate System.

I have talked about this on the floor today. To get to my hometown of Searchlight is not easy to do. There are a couple of ways you can get there. But this bill takes into consideration places such as Searchlight, NV. They are entitled to good roads also. You are not entitled to good roads just because you are on the interstate system.

This bill has gone such a long way to making the playing field more level. I

commend my friend from Vermont and my friend from Oklahoma. We didn't have to do this. We could have gotten enough votes to pass this legislation without raising it to 95 percent at the end of this bill. But it was believed by the committee we should do that, that we would raise every State to a minimum of 95 percent. We have done that. It was hard to do, but it benefits a lot of States and certainly the American people and makes a system that is easier to explain and understand.

Mr. JEFFORDS. Do we not have other problems, in the sense of trying to move freight across the country and making the highways safe? We took the intermodal transportation systems we had, and a lot of that takes funds we would normally use, is that not true? Mr. REID, yes. That is why it was called intermodal transportation system—ISTEA.

The reason, as I said before, is we learned a few bills ago that just simply pouring more asphalt is not the way to solve all the problems in this country. What this bill takes into consideration is ways to more efficiently move people and products across our country. We have done the best we can on this.

Again, I don't see how this, in any form or fashion, can be pork. This is different than our regular appropriations bills. I think people are overly critical of those, but this is not even in the same category.

Mr. JEFFORDS. I also go back to some of Senator Moynihan's concerns years ago. Now looking at what is going on in China and other places, with the development of intermodal systems or the ability to travel at much faster rates of speed, to move—in their case—millions of people who want to travel, is that not also something we are trying to look at, trying to make sure we will not lose our position in the world with respect to our transportation methodology?

Mr. REID. Yes. When I served in the House of Representatives, I was on the Foreign Affairs Committee. I was dumbfounded. We have all this surplus food and we would take it to other continents, for example, to Africa, and the food would never get where it was supposed to go. Why? Simple. There was no way of hauling it to the places where it was needed. They had an insufficient transportation program in many of these countries. People were starving to death and they couldn't get the food where it was needed.

We don't have anything like that, but it does illustrate why we have to have the ability to move things easier. Each year that goes by, we have to make it easier because we have competition around the world. The more people who are tied up in traffic, in trucks and trains and in personal vehicles, the less competitive we will be. That is what this bill is all about.

For my friend to suggest let's just extend this for a year, come back and look at it again—we have already done that once. The State of Nevada and the

other 49 States were grouching when we did that. Why? Because these highway programs, many of them, are multiyear programs. If they can't enter into a multiyear contract, it wastes a lot of money. It wastes money. Something that would have cost \$3 million, if we extend this now for an extra year, by the time we finish it could wind up costing \$6 million, twice as much as it ordinarily would cost. Without what we have in this bill, we would get a lot less product. Extending this bill for a year's time is not the way to go.

Mr. JEFFORDS. Also, isn't this a job creation bill and is this not a time when this Nation is in dire need of improving the employment of people who desire to have work?

Mr. REID. The former majority leader and minority leader of the Senate, the distinguished junior Senator from Mississippi, was on the floor today and that is one of the things he talked about.

We talk about job creation. Here it is actually taking place. This bill will be responsible for hundreds of thousands, if not millions, of jobs in this country—millions of jobs. For every \$1 billion we spend in infrastructure, we create 47,000 jobs.

In addition to those 47,000 jobs we will create spending \$1 billion here, the spinoff of this, according to Senator FRIST, the majority leader of the Senate, is \$6.2 billion that flows from that. This bill is a win-win for everyone.

I am at a loss as to why my friend from Arizona would come and try to throw this into the same pot as: Boy, we are spending too much money around here. This is like Medicare.

It has nothing to do with that. These moneys come from the highway trust fund with the exception, which we have already acknowledged, that some moneys are coming from the reshuffling of taxes that are already in existence. There are no new taxes.

I hope the ship is not tilted even a little bit from these statements made by my distinguished friend from Arizona because they should be accorded very little weight.

Mr. JEFFORDS. Madam President, I appreciate the contributions of the Senator in helping us better understand the need for and also the great benefits of this legislation. I am sure when Members go to a vote—if we ever get to a vote—we will overwhelmingly accept the Senator's concept of what should and could be done. I appreciate what the Senator has done to make this bill as good as it is.

Mr. REID. Madam President, I close by saying again I want the Senator from Vermont and the Senator from Oklahoma to understand how much I appreciate their work on this legislation. We have to keep our eye on the prize. This is, as Senator LOTT said, probably the most important piece of legislation we will pass all year. He said that an hour ago, and he is absolutely right. This could be the most important legislation we pass all year

to stimulate the economy, to create jobs, to help States become and remain competitive, and to ease traffic burdens and congestion which we have throughout our country.

Mr. JEFFORDS. Madam President, I would like to make one further statement. The Senator from Arizona indicated we dramatically changed the highway formula. The bill reported out of the EPW Committee, in fact, does not change the underlying formulas for interstate bridges, national highways, and air quality. The only change we made was to increase the return to donor States while ensuring growth to each and every State. The EPW Committee wanted to put forth a bill that achieved fair balance and growth in every State. As in all of our national programs, we direct resources in our bill to the 50 States in order to maintain a national system. If we only sent funds to programs on a State-by-State basis, and then based it only on the ratios of the taxes paid from each State, we would be balkanized and disunified.

I believe our bill is fair, balanced, equitable, and national in scope. As States grow, donor States grow. Every State is equipped to carry the share of the burden it is supporting on the national transportation system.

This is a good bill. Let us get it done.

Mr. INHOFE. Madam President, I believe it is always very difficult when we get a complicated formula. We have been talking about how complicated the formula is when you take into consideration the growth of States. We are dealing with low-population States. We have a floor. We have donor States and donee States. But the Senator from Arizona is right when he said we actually have more donor States than we had under TEA-21. The disparity amount is far less between the donor and donee States. We are calculating that now. I think the point needs to be answered, and I think we are going to be prepared to do it.

A State such as New York, for example, has gone from \$1.25—in other words, \$1.25 for every dollar that has been put in—down to 99.75. That is down to getting back everything they have put in, but it is dropping down substantially from the amount in the previous bill.

I have looked at States to try to defend myself in being fair on this. If you look at TEA-21—that was Senator Moynihan, Representative Schuster, and Senator Chafee—Moynihan's State went up to \$1.25; Schuster, \$1.20; Chafee, \$2.16, and mine—and I am chairman of the committee—is only going to go up to \$.95. And we are still going to be a donor State. I think that should demonstrate we are being fair on this.

To suggest that Colorado is getting a raw deal, they have the highest rate of return of any State. But formulas are complicated. I am not critical of the Senator from Arizona. There will be others down here who do not want this bill to pass, and it might not have any-

thing to do with the formula. No one can argue that this formula is the only fair formula we have.

How many times on the floor of the Senate in previous years have Members waited until they got 60 votes and took care of 60 Members and then turned around and not cared what happens to the rest? We don't do that. It would be easy if we did that. We talk about countervotes, and go back and get it passed.

As far as the Finance Committee, I think they have done a good job. They don't have their final product out. But I know the criteria on which they are working, and I am very proud of Senator GRASSLEY and Senator BAUCUS for the work they have done. It might be that there is some money being taken out of the general fund which is being put back into the highway trust fund. But that is replacing money that came out of the highway trust fund which went into the general trust fund. In one fell swoop, \$8 billion went out of the general fund. These are raids on the highway trust fund.

I believe this is a moral issue. If a State pays the money, they anticipate that money being paid because they use their roads. It is going to go into road maintenance and road construction and bridge construction.

Our State of Oklahoma is still number 50 in condition of bridges. There is a lot to be done all around the country. There will be some people who do not like this bill for reasons having nothing to do with formula. But you can always take a formula and pick it apart and make it sound unfair. This is not unfair. This is a fair way to approach it. I believe it is real equity.

As I say, we are now calculating this. The States that went from a donee status to a donor status are a very small amount. But it is closing that disparity between the donee and donor States. This is precisely what we have been trying to do.

If the Senator from Nevada and the Senator from Vermont were talking about job values in this bill—look at any State and you can see the job opportunities. There is not one piece of legislation we are going to be dealing with during this entire year which is going to have the effect on jobs this is going to have. Pick out any State. You can see the total amount of new jobs. It is close to 3 million jobs—and job opportunities. We have a jobs chart, and then we have a jobs opportunity chart. We know there will be construction jobs. We know that is going to happen. But keep in mind every time you hire someone to do more construction, that person is also going to go out and buy more goods and services. They will have to manufacture more, and that is going to employ more people. We have calculated that. That is a very accurate figure.

I know there are a lot of Members who are going to be opposing this because they may not like some of the freight provisions. Perhaps their States

are not treated in a way that other States are treated because they do not happen to be a poor city or they do not happen to be a terminal city. Nonetheless, I think Senator REID made a good statement when he said this is not just one State but it is the United States of America.

Again, on the particular State of Arizona, that is a 40-percent increase, which I think is very fair. In fact, that is a greater increase than the average increase States have.

Let me say to the Senator from North Dakota that he has been very kind in working into our schedule at times when we were not working on the highway bill. I do appreciate it very much.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2276

Mr. DORGAN. Madam President, I have just informed the staff of the managers of the bill that I intend to offer an amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2276.

Mr. DORGAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the penalty for non-enforcement of open container requirements)

At the appropriate place insert the following:

**SEC. 1409. OPEN CONTAINER REQUIREMENTS.**

Section 154 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

**“(C) TRANSFER OF FUNDS.—**

**“(1) IN GENERAL.—**Notwithstanding any other provision of law, the Secretary shall withhold the applicable percentage for the fiscal year of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b), if a State has not enacted or is not enforcing a provision described in subsection (b), as follows:

| <b>“For:</b>   | <b>The applicable percentage is:</b> |
|--|--------------------------------------|
| Fiscal year 2008 .....                                 | 2 percent.                           |
| Fiscal year 2009 .....                                 | 2 percent.                           |
| Fiscal year 2010 .....                                 | 2 percent.                           |
| Fiscal year 2011 and each subsequent fiscal year ..... | 2 percent.                           |

**“(2) RESTORATION.—**If (during the 4-year period beginning on the date the apportionment for any State is reduced in accordance with this subsection) the Secretary determines that the State has enacted and is enforcing a provision described in subsection (b), the apportionment of the State shall be increased by an amount equal to the amount of the reduction made during the 4-year period.”.

Mr. DORGAN. Madam President, this amendment very simply deals with the question of open containers of alcohol in automobiles and moving vehicles on the roadways. Some perhaps will not believe this, but there are some locations in this country where it is still

legal to put one fist around the neck of a bottle of whiskey, use the other hand to put the key in the ignition, and then with a hand on the steering wheel and a hand on a bottle of whiskey drive off down the road. And it is perfectly legal. Some would say that can't be. Yes. It is. It is the case. In some parts of this country, you can't be drunk while you drive, but you still can drink while you drive, and you are perfectly legal.

I don't think there is any intersection in any part of this country where you or your family or your neighbors ought to meet a vehicle, an automobile, that is being driven by someone who is drinking alcohol, in a circumstance where it is legal for them to drink alcohol while meeting you at that intersection. That is unforgivable, in my judgment. I have been trying, I suppose for 10 or 12 years, to get this done. I offer this amendment again. It simply says to the States: You must have a prohibition on open containers of alcohol in State law. If not, you lose 2 percent of your highway funds. And for up to 4 years you can get the funding restored if you pass the prohibition, but you must have a prohibition of open containers that meets the Federal requirement.

We have that federal requirement. It was instrumental in getting it passed into law. It says you must have a prohibition on open containers of alcohol, and if you do not, some of your highway money goes to hazard mitigation. So we have 36 States that have actually passed statutes that prohibit open containers of alcohol; 14 States have not passed statutes that meet this test. A number of them still get the same amount of highway money, but because money is fungible, they use it for hazard mitigation and use the money on the other side and there is no pain involved at all.

The result is that we have States in this country where it is, one, legal, or, two, illegal but not enforced, where people are driving while they are consuming alcohol. I don't think it ought to be the case anywhere in America for it to be legal to drink and drive.

Every 30 minutes someone receives a call in this country that their loved one has been killed due to a drunk driver. I received that call at about 10:30 one evening, a moment I will never forget. My wonderful mother was killed by a drunk driver. She, like so many others, was driving down the street 30 miles an hour, coming from the hospital at 8 o'clock at night, and a drunk was coming in the other direction, witnesses say at speeds between 80 and 100 miles per hour, in a high-speed police chase, and ran into my mother's car and she was killed.

This carnage on America's highways that is caused by someone drinking and driving is not some mysterious illness or disease for which we do not know the cure. We know what causes this, and we know how to stop it. The way to stop it is to say to people all across

this country: You cannot drink and drive. Just that simple. You just cannot do it. Yet there are still States in this country in which it is legal to drink and drive. And there are other States in which it is legal, if the driver does not drink, that other passengers in the car can have open containers of alcohol.

It is long past the time for us to stop it. We have passed legislation that tries to coax the States into doing this, and many have complied by passing legislation that prohibits open containers of alcohol. Now I say let's go the next step, to say to the States: It does not matter where you are driving in this country. We expect, as policymakers, never to have to meet someone at an intersection where the driver or the passengers in that car are drinking, and doing so legally. We know better than that.

Again, every 30 minutes someone receives a call that some member of their family was killed by a drunk driver. That simply means that someone took a drink of alcohol, took too much alcohol, got drunk, got behind the wheel, and turned the automobile into an instrument of murder. We can do better than that in this country. I suggest this piece of legislation is long overdue.

It is interesting to note that the States that do not have a prohibition of open containers of alcohol on the books have alcohol-related fatalities that are higher than the States that do have that prohibition. So the evidence exists that the prohibition works.

It is true that I grew up in a State that is not going to be affected by this because North Dakota has never allowed anyone to have an open container of alcohol in the vehicle. I grew up understanding you do not do that; no one ought to do that. If you are old enough to drink and you want to drink and it is legal for you to drink, you do not drink in a vehicle. There are places for you to drink—in your home or perhaps in an establishment somewhere, but not in a vehicle, not in a car.

It is also the case that those States that have prohibitions on open containers of alcohol have a lower rate of hit-and-run accidents. That is a fact. The Department of Transportation has that information. It is just common sense for a State to say to people, you cannot do this, No. 1, by law; and, No. 2, in enforcing the law, you will have fewer deaths as a result of drunk drivers.

Let me finally say something about an organization called Mothers Against Drunk Driving. It was not too many years ago that a drunk driving charge by the neighbor had others giving him kind of a knowing wink and a nod and a grin and a pat on the back, saying: Well, tough luck, Charlie; you got caught. Not anymore. Now it is serious business. Drunk driving is not a joking matter. Do you know what changed that? Mothers Against Drunk Driving—all across this country, that organiza-

tion, started by mothers who had lost children and lost loved ones to drunk drivers and decided they were going to make a difference. They went statehouse to statehouse, capital to capital, and they put in place some tough laws. But it is still not enough. I am pleased to say Mothers Against Drunk Driving have supported what I am trying to do in the Senate today for some long while.

They have made a difference. We can help them make an even greater difference by passing this amendment and saying to the States: We are not fooling around. This is serious business. This is life or death for thousands of people.

As I indicated previously, I have offered this amendment prior to this time, I suppose on three or four other occasions. Each time I have offered the amendment, I have been told: Those sanctions are too tough. So they got changed, so that it attempts to coax the States to do the right thing. But the fact is, coaxing is not enough. This Congress, this Senate, ought to say to every State in this country, ought to say to every State, reflecting every jurisdiction, there should be not one corner, not one highway in this country, in which it is legal for people to drink and drive at the same time. That is the policy that ought to come out of this Senate.

A mandate? It is a mandate, no question about that. We propose a number of mandates from time to time on a bill such as this. It is not a mandate that will hurt any State. No State will lose money if only the States decide as a matter of common sense that in their State it shall never be appropriate and never be legal for people to have an open container of alcohol in the vehicle, it shall never be allowed in their State for people to be able to drink and drive simultaneously.

People will shake their heads and say it cannot possibly be the case that that would exist today, but it is, long after the time that should have been changed in some little corners of this country.

That is the amendment I offer. I know my colleagues from Oklahoma and Vermont have pleaded with people to come and offer amendments. I hope they will approve this in 5½ or 6 seconds, but perhaps it will require more discussion because, as is always the case, I understand, there are some who have heartburn when I propose a significant mandate. And this mandate is 2 percent of highway funds, although no State, in my judgment, would ever lose it and no State need ever lose the highway funds if only they decide, as we have decided, that it ought not be permissible to drink and drive at the same time anyplace in this country and it ought not be permissible to have an open container of liquor in a passenger vehicle on America's highways.

That is a devastatingly simple concept and one that I hope before we finish this highway bill will be approved by this Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Madam President, first, I say to the distinguished manager and chairman of the Environment and Public Works Committee, on which I have been privileged to serve some 16, 18 years, I commend him for his diligence and commitment to try to get this highway bill through the Senate and hopefully enacted into law. I had much the same responsibility some 6 years ago. I know the complexity of this particular piece of legislation.

I have worked with the distinguished chairman and the distinguished Senator from Missouri in the preparation of this particular measure. It is badly needed by America. I hope we can work our way through this situation.

I send to the desk an amendment.

The PRESIDING OFFICER (Mr. CORNYN). The amendment is already at the desk.

Mr. WARNER. I address the distinguished manager of the bill and ask unanimous consent to have this amendment called up and possibly agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, the distinguished manager had the courtesy to advise me that he would object. Given the situation which I think I understand, I would just like to speak to the bill and develop a record for today and hopefully eventual consideration of this amendment in the not distant future can be arranged.

This amendment is cosponsored by the distinguished Senator from New York, Mrs. CLINTON, and my dear friend and colleague, the Senator from Ohio, Mr. DEWINE. It is an amendment to increase our national seatbelt use rate to some 90 percent. This amendment is identical to the text of legislation I introduced last year, S. 1993.

If my colleagues examine the highway bill and what it means to each of our States, our foremost responsibility, in my judgment and in the judgment of many, and in the judgment of the President of the United States, must be to improve highway safety for the driving public.

Today we had a very impressive press conference. I will give further details about it shortly. We must have had a dozen or so representatives who spoke on behalf of their respective organizations endorsing this bill.

I ask unanimous consent to print in the RECORD a list of organizations endorsing this bill.

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

ORGANIZATIONS SUPPORTING S. 1993, THE NATIONAL HIGHWAY SAFETY ACT OF 2003—SPONSORED BY SENATOR JOHN W. WARNER AND SENATOR HILLARY RODHAM CLINTON

Advocates for Highway and Auto Safety, Alaska Injury Prevention Center, Alaska Safe Kids, Alliance of Automobile Manufacturers, Allstate Insurance Company, American Academy of Pediatrics, American Academy of Pediatrics CT Chapter, American College of Emergency Physicians, American Insurance Association, American Medical Association, American Public Health Association, American Trauma Society, Arizona Consumers Council, Arizona Emergency Nurses CARE, Association for Safe International Road Travel (ASIRT), Automotive Coalition for Traffic Safety, Inc., Automotive Safety Program (IN), Benedict College/Project Impact (SC), Black Women's Health Imperative, Brain Injury Association of America.

Buckle Up 4 Meghan, Butler County Safe Kids (OH), Cedar Rapids Police Department (IA), Central Maryland Regional Safe Communities, Champaign County Safe Kids Coalition (IL), Chattanooga—Hamilton County Health Department, Children and Nutrition Services, Inc. (WY), Children's Mercy Hospital (MO), City of Madison (WI), Coalition for American Trauma Care, Columbus Health Department (OH), Community Alliance for Teen Safety, Concerned Americans for Responsible Driving, Consumer Federation of America, Consumers for Auto Reliability & Safety, Consumers Union, CRASH—Citizens for Reliable and Safe Highways, DEDICATEDD—Drive Educated, Drive Informed, Commit and Totally End Drunk Driving, "Do Buckle, Don't Booze" Campaign (ND).

Downers Grove Police Dept. (IL), Driscoll Children's Hospital (TX), Drive and Stay Alive, Inc., East Windsor Township Police Department (NJ), Eastern Panhandle Safe Community (WV), Eastern Shore Safe Communities (MD), Effingham County Sheriff's Department (IL), Elizabeth Police Department (NJ), Emergency Nurses Association, Focus on Safety (IN), Epilepsy Foundation, Franke Publicity (MN), General Federation of Women's Clubs, Green River Area Development District (KY), Hamilton County Health Dept. (TN), Holmes County Health Department (OH), Houston Safe Communities (TX), Illinois Traffic Safety Leaders, Independent Insurance Agents & Brokers of America, Injury Free Coalition for Kids of Atlanta, Injury Prevention Center of Greater Dallas, Injury Prevention Center (RI), International Association of Fire Chiefs, Joliet Police Department (IL).

Keep Kids Alive Drive 25, Kemper Auto & Home Group, Inc., A Unitrin Company, KIDS AND CARS, Louisiana Safe Kids, Loyola University Burn & Shock Trauma Institute, Macoupin County Public Health Department (IL), Mothers Against Drunk Driving (MADD), MADD (FL), MADD (NY), MAKUS Buckle Up! Drive Safely!, Maryland Kids in Safety Seats, Maryland State Police, Massachusetts State Police, Mayo Clinic Hospital (AZ), Meharry Medical College, Milledgeville Junior Women's Club (GA), Missouri State Safety Center, Montgomery County Child Passenger Safety Program (MD).

National Alcohol Enforcement Training Center, National Association of Professional Insurance Agents, National Association of Public Hospitals and Health Systems, National Black Caucus of State Legislators, National Center for Bicycling and Walking, National Coalition for School Bus Safety, National Conference of Black Mayors, Inc.

(NCBM), National Fire Protection Association, National Latino Council on Alcohol & Tobacco Prevention, National Parent Teacher Association, National Peer Helpers Association (MO), National Safe Kids Campaign, National Safety Council, New Kent County Sheriffs Office (VA), New York Coalition for Transportation Safety, North Alabama Highway Safety Office, Northeast Colorado Health Department, 100 Black Men of Augusta, Inc. (GA), Operation Student Safety on the Move (OR), Office of Highway Safety (MS), Pennsylvania Traffic Injury Prevention Program, P.A.T.T.—Parents Against Tired Truckers, Phelps Memorial Health Center (NE), Preventing Alcohol Related Crashes (WI), Professional Insurance Agents of Ohio, Providence Safe Communities Partnership (RI), Public Citizen.

R. Adams Cowley Shock Trauma Center, University of Maryland Medical System, Rehabilitation Institute of Chicago, Remove Intoxicated Drivers (RID) USA, Richland County Safe Communities (OH), Riverside County Sheriff's Department (CA), St. Louis Fire Dept. (MO), St. Mary's Highway Safety (MD), SADD (NY), Safe and Sober Law Enforcement (MN), Safe Communities Coalition Augusta (GA), Safe Communities of Miami County (OH), Safe Communities Salisbury State University (MD), Safe Communities Southwest Coalition, Safer New Mexico Now, Safety Council of Southwestern Ohio, SAFE—Seatbelt Awareness for Everyone, Safe Traffic System, Inc. (IL), State Farm Insurance Companies, STOP DUI, Surface Transportation Policy Project, Think First of Ark-La-Tex, Think First Missouri, Think First National Rehabilitation Hospital, Trauma Foundation, USAA, Utah County Health Department, Virginia Association of Chiefs of Police, Williams County Health Department (OH).

Mr. WARNER. Mr. President, this is a list of 135 organizations across America that advocate their support for this particular piece of legislation.

This chart is an enumeration of those organizations. It is not readable, but the list is in the RECORD for all to see.

Simply by increasing the number of Americans who will buckle up is the most effective step that can be taken to save their lives and the lives of others. That is the single most important step.

I am privileged to serve on this committee, as I said, that has the primary responsibility for reauthorizing TEA-21. The bill addresses, as it should, highway safety measures, such as how to build safer roads or how to use new technologies to improve safety. But—and I underline "but"—statistics show that the greatest measure of safety again to drivers, passengers, and possibly third parties, many of them innocent third parties, not connected with the bill is through the use of the seatbelt. It is remarkable the lives that have been saved through the use of this simple device over the years.

America has about a 79-percent use rate of seatbelts. That has been translated into the saving of tens of thousands of lives and injuries in automobile accidents, but we can do better. Those are the facts. Are we just going to have a standstill or are we going to move forward? Senators CLINTON, DEWINE, and myself think we should move forward with a firmer approach with achievable goals and funding.

We have debated the benefits of seatbelt use on many occasions in this body and elsewhere across America. Whether it is in the town forums we conduct, the town meetings, or on the floor of the Senate, there is always that individual who comes back: Don't tell me what I have to do. What does it matter to you—they will often say, or to any other colleague with whom I have had the privilege to serve—what does it matter to you whether I buckle up? It matters a great deal to me and to all those who share the joys but often the burdens—the increasing burdens—of driving and using our road system and the risks.

Let's take a look. No one disputes that the absence of wearing a seatbelt causes more loss of life and serious injury. Statistics solidify that assumption. The statistics show that the impact associated with a crash, to the extent a driver can maintain control of the vehicle in those fatal seconds, the severity of the crash, and perhaps the loss of life can be reduced significantly by the use of the safety belt. It is as simple as that.

Accidents involving unbelted drivers result in a significant cost. Many people are rushed from the accident scene to various emergency facilities. All of that has the initial cost of the law enforcement and the rescue squads that respond, and eventually the cost to the emergency room or whatever medical facility you might have the good fortune to be taken to hopefully save your life. That does not come free. How well we know that.

There is a cost. It is borne by the local community often or the county or the State. Regrettably, a number of persons who suffer these types of injuries are uninsured. Again, the cost often devolves down on the good old hard-working taxpayers and, in most instances, the taxpayers who otherwise would buckle up.

That is lost time for your mission on the road, be it for business, family, or pleasure. That is lost time in productivity. Behind you are often trucks and other vehicles involved in commerce. That is lost time in delay due to the serious occasion of injuries and accidents from the lack of use of seatbelts. It is simple as that. Often the highway is shut down, and it is just incalculable the inconvenience and cost to others while your safety and perhaps your survivability is attended to more often than not by volunteer fire departments or others who come to the rescue.

The legislation that we three Senators are introducing today will take an important step for the States to adopt either a primary safety belt law or take steps of their own devising to meet a 90-percent seatbelt use rate, not the Warner amendment or the legislative measure put forth by the administration upon which Senator CLINTON and I draw for concepts of certain portions.

The States can decide for themselves—I wish to underline, we are

challenging the States to decide for themselves how they achieve a 90-percent goal of the use of seatbelts in their respective States. They could have a far better idea than we have. That is the purpose of this legislation, to move every State to a 90-percent use rate for safety belts.

In a letter dated November 12, 2003, to Chairman INHOFE of the Committee on Environment and Public Works, on which, again, I am privileged to serve, Secretary Mineta states:

President Bush and I believe that increasing safety belt usage rates is the single—

I repeat, the single—

most effective means to decrease highway fatalities and injuries.

That is explicit and clear. The Secretary goes on in that letter to say:

... the surest way for a State to increase safety belt usage is through the passage of a primary safety belt law.

I have had this debate with Governors, former Governors, even in this Chamber with former Governors. I think they would all say that a primary safety belt law is tough legislation to pass solely on its own in the State legislatures. Those in this Chamber who have been members of State legislatures know best. Those of us who have worked with State legislatures, as I have over the 25 years I have been privileged to be a Senator, I have some idea of how those legislatures operate. Certainly, those who have been Governors—and many of my colleagues in this Chamber have been Governors—know full well the difficulty confronted at the State level in getting this type of law through.

Frankly, it needs the cover, one might say the political cover, the impetus, given by the Congress—that is us, Uncle Sam—of the United States to move that process in the States forward.

So the local politicians can shake their fists at old JOHN WARNER, they can shake their fists, hopefully, at those who will join in passing this legislation and say it is Washington that has done it again—more regulation, more direction. We know the arguments. We have all heard them. But lives and injuries and costs to the community can be saved.

I think quietly, in the hearts of those State legislatures, is the thought that we will improve safety in our State. We will improve the chances of survivability on the roads of our State.

I ask unanimous consent the full text of Secretary Mineta's letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. WARNER. As provided in our amendment, States can increase seatbelt use by enacting, as I said, a primary seatbelt law. Everybody knows what a primary seatbelt law is and how it works.

I want to explain the basic laws as shown on this chart. The white State

has a primary enforcement seatbelt law. Those are the existing States. The red State needs a primary enforcement seatbelt law. So my colleagues can see the magnitude.

Here is my State, Virginia. Twice now that primary seatbelt law has gone through the legislature up to the point of a final vote, and by one vote only, twice, the General Assembly of Virginia has rejected that primary seatbelt law. That is a clear reason that impetus by the Federal Government can help achieve that one vote and hopefully many more.

Now, let's talk about the mechanics. It means a law enforcement officer can literally stop a vehicle if they observe that the individual is not wearing his or her seatbelt. It is as simple as that. But a State, if they decide not to enact a primary seatbelt law, can, by implementing their own strategies, whatever they may be—and there is a lot of innovation out in the States—that would result in a 90-percent seatbelt use rate. So that is a challenge to the States.

It can be achieved by other means other than having the officers under law be given the right to stop the vehicle when he observes that the driver is not using a seatbelt.

The current national seatbelt use, as I said, is 79 percent. But many States, those that have the primary law, are sometimes at 90 or even above 90, but those that do not have the primary seatbelt law are down somewhere in the 60 percentile. Just think, only 60 percent of the drivers in some States utilize that seatbelt. It is the weight of the primary States that carries the percentile and brings it up to 79 from those States that do not have an effective law. States with their primary safety belt law have the greatest success for drivers wearing seatbelts.

On an average, States with the primary seatbelt law have a 10 to 15 percent higher seatbelt use compared to those with a secondary system. This demonstrates that secondary seatbelt laws are far more limited in their effectiveness than a primary law.

Essentially, the secondary laws say if a law enforcement officer has cause other than a perceived or actual seatbelt violation, namely the driver did not have it buckled, if they have cause to stop that car, for example, for a speeding offense or a reckless driving offense or indeed an accident, and they observe there has been no use of the seatbelt, then in that circumstance, in the course of proceeding to enforce the several laws of that State as regards speeding and reckless driving or whatever the case may be, they can add a second penalty to address the absence of the use of the seatbelt in that State.

Drivers are gamblers, unfortunately, but that is the way it is. They say: Oh, well, don't worry. I will not buckle up—State law does not require it—unless they stop me, and they are not going to stop me today.

It is that gambling attitude that more often than not will cause an accident. Then it is too late.

So we come forward today to build on our national program. We are building on what we did in TEA-21. I was privileged to be on that committee at that time. I was then, as I said, chairman of the subcommittee 6 years ago. I worked with the late Senator John Chafee. What a distinguished and able Senator he was, and those who were privileged to serve with him have fond memories of working with him. He was chairman of the full committee. We drove hard to make progress for the seatbelt laws, and we did it. This chart shows the result.

We basically put aside a very considerable sum of money to encourage States, again, by using their own devices, to increase usage. As a direct consequence of what we did in TEA-21, there has been an 11-percent increase in these 6 years in the use of seatbelts. Now, that is significant, but it could be much greater and stronger.

Sadly, traffic deaths in 2002, just one fiscal year, rose to the highest level in over a decade. It is astonishing. Of the nearly 43,000 people killed on our highways, over half were not wearing their seatbelts. Now, that is a considerable number of individuals. That is according to the National Highway Traffic Safety Administration. In the judgment of the people who responded to the accidents, they considered that 9,200 of these deaths might have been prevented if the safety belt had been used.

Those are the alarming statistics. Automobile crashes are the leading cause of death for Americans aged 2 to 34. Stop to think of that, age 2. That means a child. That means a parent neglected to buckle up the child. Automobile crashes are the leading causes of death for Americans age 2 to 34. That is our Nation's youth. So many of them are in the Armed Forces of the United States. Passage of this will be helpful to the Armed Forces.

Do we have a higher calling in the Congress than to do everything we can to foster the dreams and ambitions and the productivity of our Nation's youth? I think not. And this is one of the most effective means to do it.

Last year, 6 out of 10 children who died in car crashes did not have the belt on; 6 out of 10. That is over half. I plead with colleagues to join me, join with the President of the United States, join with the Secretary who has taken this initiative.

My primary responsibility in the Senate—and this is one of the reasons I got interested in this subject—is the welfare of the men and women of the Armed Forces, as I mentioned. I say to colleagues again, the statistics are tragic. Traffic fatalities are the leading noncombat cause of death for our soldiers, our sailors, our airmen, our marines. They are in that high-risk age category, 18 to 35. I repeat, it is the largest noncombat cause of death.

Someone even took a look at the statistics and totaled the fatalities last year and said that represents in deaths

the size of an average U.S. Army battalion. That is a lot of folks. That is one of the principal incentives I have. I cannot think of any reason why we all cannot join behind this effort. That alone is the driving impetus for this Senator.

The time is long overdue for a national policy to strengthen seatbelt use rates. I said a national policy, and that is what this bill represents, either through States enacting a primary seatbelt law of their own conception and devising or passing this law, giving far greater attention to public awareness programs that result in more drivers and passengers wearing safety belts. Our goal is 90 percent for the Nation.

I have been privileged to serve on this committee 17 years and I, together with many others, notably my dear friend, the late chairman, Senator John Chafee, addressed this issue. Our committee is rich in the history of focusing revenue from highway trust funds on effective safety programs. It goes back through many chairmen and members of the Environment and Public Works Committee.

With jurisdiction over the largest share of the highway trust fund, our committee has had the vision to tackle important national safety programs. The legislation before us does provide more funding to help build safer roads. That is a step forward. But it does not have, in my judgment, that provision which represents a step up from what we did in TEA-21, that provision that would represent a recognition for the President's initiative.

The President has taken a decidedly strong initiative to increase the use of seatbelts. It is absent from the bill, and that is why we need a provision, by virtue of this amendment, to strengthen and move forward the position of the Congress on the position of increased use of safety belts on America's highways and roads. That is the purpose of this amendment.

It is just unfortunate that those with reckless intent quickly disregard responsible behavior and drive unbelted at excessive speeds, and many times with the use of alcohol. So no increased dollars for improving road engineering, which is in this bill—and I commend them for that, but that alone cannot defy, in many instances, the type of personal conduct that results in reckless behavior. In other words, engineering can quickly be overcome by the reckless driving, and particularly that associated with alcohol.

Automobiles now come equipped with crash avoidance technologies and are more crashworthy than ever before. But these advances are only a very small part of the solution. In repeated testimony before the Environment and Public Works Committee from the administration, from our States, safety groups, and the highway insurance industry, we are told three main causes of traffic deaths and injury are unbelted drivers, speed, and alcohol.

The formula we have devised in this legislation does have a reduction in the amount which the State receives under the proposed bill that we will consider next year when they fail to achieve the 90 percent safety belt use rate. It is as simple as that. But the formula is patterned directly after the law that is on the books now with respect to the .08 legal blood alcohol content level.

In other words, the formula we have in this amendment is identical, in terms of that what I call inducement—carrot/stick type of legislation—that we did for the .08 legal blood alcohol.

The net effect of this legislation is simply to recognize we are asking the same type of sanction policy with regard to one of the three major causes of death—alcohol—be equated to a second cause of death and injury, and that is the absence of the use of seatbelts, bringing into parallel two of the three principal causes of death and injury on the highways: .08 and mandatory use of seatbelts.

The administration put forward an innovative safety belt program, as I said, under the leadership of the President, and that was a major component of a new core transportation program, the Highway Safety Improvement Program, submitted to the Congress. Our amendments incorporate the administration's bill and include additional incentives for States to increase seatbelt use rates.

I ask unanimous consent to have printed in the RECORD today a deeply moving statement delivered by the representative of the American Medical Association, strongly in support of this legislation, and a letter from the Virginia Association of Chiefs of Police, strongly in favor of this legislation. Of course, the letter to the distinguished chairman, Mr. INHOFE, from the Secretary of Transportation is already a part of the RECORD.

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

AMERICAN MEDICAL ASSOCIATION,  
February 9, 2004.

AMA APPLAUDS LEGISLATION TO PROMOTE  
SEAT BELT ENFORCEMENT AND SAFETY

AMA SPEAKS AT CONGRESSIONAL PRESS CONFERENCE TO URGE SEAT BELT AMENDMENT PASSAGE

On behalf of the American Medical Association, I'm proud to stand here with Senator Warner in support of enforcing seat belt use. Preventing deaths and injuries on our nation's roadways has been a priority of the AMA for many years. In fact, over the last seven years the AMA has distributed more than 16 million brochures on protecting children in motor vehicles, and just last year we released a physicians' guide to assess and counsel older drivers. Requiring all states to enact a primary enforcement seat belt law or achieve a seat belt use rate of at least 90 percent will help protect Americans on the road.

We know that wearing seat belts saves lives. Over half of the 43,000 people killed on America's highways in 2002 were not wearing seat belts. Tragically, six out of 10 children who died that year in motor-vehicle collisions were also not wearing seat belts. Just



taking one moment to buckle-up could make a life-or-death difference to the thousands who needlessly die on our roadways every year.

For those lucky enough to survive a devastating auto crash, the health care costs can be staggering. On average, hospitalization costs for unbelted traffic crash victims are 50 percent higher than for those who buckled-up. The needless deaths and injuries that result from not wearing seat belts cost society an estimated \$26 billion annually in medical care, lost productivity and other injury-related costs.

These deplorable statistics are reversible. We can significantly reduce deaths and serious injuries from motor-vehicle crashes by enforcing seat belt use nationwide through a primary enforcement law like the one Senator Warner is now proposing.

In my home state of Michigan, a primary enforcement law has been in effect for three years. In that time, nearly 200 lives have been saved, and over 1,000 serious collisions have been averted because of this change in the law.

As a physician, it is a rare blessing to be in a situation where we can easily identify the solution to a public health threat. Passage of the primary enforcement seat belt law will save lives. It's that simple.

RON DAVIS,  
AMA Trustee.

VIRGINIA ASSOCIATION  
OF CHIEFS OF POLICE,  
Richmond, VA, February 9, 2004.

The Virginia Association of Chiefs of Police (VACP) endorses S. 1993, a bill to create incentives for the states to enact primary safety belt laws. In 2002 in Virginia, we had 913 automobile fatalities. Of those 913 fatalities, 438 (62.7%) were not wearing a safety belt. In those 913 fatality crashes, 9,912 injuries were sustained by unbuckled occupants.

Under our current secondary enforcement law, Virginia's front seat safety belt use is 74.6%, which includes drivers and front seat passengers. Research tells us that front seat occupants of vehicles involved in potentially fatal crashes in states with primary safety belt laws have a 15 percentage point higher belt use than persons in states without primary laws.

The VACP supports the passage of primary safety belt laws as a proven tool to increase safety belt usage and reduce serious injuries and fatalities in the event of a traffic crash. Public education and enhanced traffic enforcement efforts have failed to increase Virginia's safety belt usage rate much beyond 75%. States with primary safety belt laws consistently experience safety belt usage rates up to 90%. The VACP believes that the passage of a primary safety belt law in Virginia will increase belt usage and save the lives of countless Virginians.

DANA G. SCHRAD,  
Executive Director,  
Virginia Association of Chiefs of Police.

#### EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,  
Washington, DC, November 12, 2003.

Hon. JAMES INHOFE,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: With almost 43,000 people dying every year on our nation's highways, it is imperative that we do everything in our power to promote a safer transportation system. The Bush Administration's proposal to reauthorize surface transportation programs, the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), offers several bold and innovative approaches to address this crisis.

President Bush and I believe that increasing safety belt usage rates is the single most effective means to decrease highway fatalities and injuries. As a result, SAFETEA's new core highway safety program provides States with powerful funding incentives to increase the percentage of Americans who buckle up every time they get in an automobile. Every percentage point increase in the national safety belt usage rate saves hundreds of lives and millions of dollars in lost productivity.

Empirical evidence shows that the surest way for a State to increase safety belt usage is through the passage of a primary safety belt law. States with primary belt laws have safety belt usage rates that are on average eight percentage points higher than States with secondary laws. Recognizing that States may have other innovative methods to achieve higher rates of belt use, SAFETEA also rewards States that achieve 90% safety belt usage rates even if a primary safety belt law is not enacted. I urge you to consider these approaches as your Committee marks up reauthorization legislation.

While safety belts are obviously critical to reducing highway fatalities, so too is a data driven approach to providing safety. Every State faces its own unique safety challenges, and every State must be given broad funding flexibility to solve those challenges. This is a central theme of SAFETEA, which aims to provide States the ability to use scarce resources to meet their own highest priority needs. Such flexibility is essential for States to maximize their resources, including the funds available under a new core highway safety program.

I look forward to working with you on these critically important safety issues as development of a surface transportation reauthorization bill progresses.

Sincerely yours,  
NORMAN Y. MINETA.

Mr. WARNER. I am pleased to say Senator MURRAY has asked to join as a cosponsor and I so request that be noted on the amendment.

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

Mr. WARNER. 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. MCCONNELL. 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. MCCONNELL. 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.

#### "WE THE PEOPLE . . ." PROGRAM

Mr. LEVIN. Mr. President, more than 1200 high school students from across the Nation will come to our Nation's capital this summer to enhance their knowledge and understanding of the history and philosophy of our Nation's most important documents: the Con-

stitution and Bill of Rights. These ambitious students will be participating in the annual national competition of "We the People: The Citizen and the Constitution." This laudable effort, which is federally funded, is the most extensive educational program in the country designed specifically to educate young people about the U.S. Constitution and the Bill of Rights. At a time when a study by the National Association of Educational Progress shows that three-quarters of America's students are not proficient in either American history or civics, the importance of this program is unquestionable.

"We the People . . ." helps our students not only appreciate our constitutional democracy, but it allows them to "participate" in it. Students start with an instructional program where they learn about our Government's primary institutions while they discover the relevance of our Constitution and Bill of Rights to their daily lives. Their lessons then simulate real-life when the students participate in a "Congressional hearing" where they "testify" before a panel of judges. By using the principles and knowledge they've learned in the classroom to role play, these students have the opportunity to delve into and appreciate both historical and contemporary issues facing our Nation.

This program is not just reserved for high school students. "We the People . . ." recognizes that civic education should not wait until the students are almost able to vote. Teachers are encouraged to engage their students in simulated hearings at the elementary and middle school levels. In fact, more than 24 million students and 75,000 educators have participated in the "We the People" program since its inception in 1987. Throughout the years, several of my staff members have served as judges in the State competition.

This year, I am proud to inform the Senate that East Grand Rapids High School will represent Michigan in this prestigious event. These students demonstrated their exceptional command of issues relating to the Constitution and the Bill of Rights in the state competition held in Lansing.

The "We the People . . ." program continues to be one of the best efforts to counteract the feelings of political apathy and cynicism amongst our Nation's youth. I wish the students at East Grand Rapids and all the students across the Nation who will be competing in this year's competition the best of luck. I know my colleagues will join me in recognizing the contributions the "We the People . . ." program has provided to students across the country.

#### CELEBRATING AFRICAN-AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, I am pleased to join in commemorating African-American History Month and in