

our communities, we must make these activities safer. Mr. President, 5,600 fatalities is an unacceptable number.

In addition to reauthorizing current programs, our bill directs the Secretary of Transportation to make safety grants to fund an information clearinghouse and educational programs to promote bicycle and pedestrian safety. These provisions will support existing efforts to improve bicycle and pedestrian access to transportation facilities and to enhance safety for all transportation users.

I believe that these provisions in the bill, if taken into use by our States and communities, will do a great deal to protect the children presently in our system and in the future.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BOND. Mr. President, after conferring with both sides of the aisle, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. INHOFE. I ask unanimous consent that the Senator from New York, Mrs. CLINTON, be recognized for up to 5 minutes as in morning business and then for me to reclaim the floor at the conclusion of her remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New York.

OUTSOURCING AMERICAN JOBS

Mrs. CLINTON. Mr. President, I thank the Senator from Oklahoma.

I rise today because I could not believe my eyes when I saw this headline in the Los Angeles Times today: "Bush Supports Shift of Jobs Overseas." If one reads this article, it is clear the

concern I feel on behalf of my constituents, who are finding their jobs going to other countries, is not shared in the White House. In fact, Gregory Mankiw, the President's Chair of the Council of Economic Advisers, has this to say:

Outsourcing is just a new way of doing international trade. More things are tradable than were tradable in the past. And that's a good thing.

I do not think outsourcing American jobs is a new kind of trade. I do not think we should be thinking of our people as commodities, and I certainly do not believe it is a good thing. If the other end of Pennsylvania believes it is a good thing to have companies shift jobs from America to the rest of the world, then maybe they do not have a clue about what it is going to take to bring jobs back to this country and create the kind of economic prosperity that will put our people back to work again.

Of course, this goes hand in hand with the budget the President sent up, which cuts investments and workforce training of dislocated workers, which underscores the failure to push for stricter standards or real enforcement of labor and environmental standards in our trade agreements, has no plans to address rising health care costs or legacy health and pension costs that are strangling American manufacturing companies, and apparently does not care we are now outsourcing radiologists and engineers, people we told to go get a good education, get that college degree, get that advanced degree; there will always be a place for you in the American economy. If this is what the opinion is on the other end of Pennsylvania Avenue—"Bush Supports Shift of Jobs Overseas"—I certainly hope this body will join to pass a resolution repudiating this strategy. This is a strategy for decline. This is a strategy for the destruction of the American job market.

We will be presenting a resolution, a sense of Senate, to stand against this philosophy in the White House that turns a blind eye to the damage that is being done to the American economy: The loss of jobs, the loss of income, the loss of self-confidence and prestige that is now sweeping our land.

I hope both sides of the aisle, Democrats and Republicans, will join in a sense-of-the-Senate resolution saying: We don't know what they are drinking up there in the White House, we don't know what the Council of Economic Advisers is reading, but we in the Senate do not believe shifting jobs overseas is a good economic strategy and we want, once and for all, to not only repudiate that but to come together with real plans and policies that will keep our jobs here and make it possible for us to promise the American workforce that this economy will be creating opportunities for them and they will not be watching the American dream be outsourced as well.

Mr. President, I thank my colleague from Oklahoma for his kindness in let-

ting me express and vent my frustration about this headline and the words coming out of the White House at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

AMENDMENT NO. 2276 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to withdraw amendment No. 2276 on behalf of Senator DORGAN.

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

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE WITHDRAWN

Mr. INHOFE. Mr. President, with the approval of the committee, I now withdraw the committee substitute amendment.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 2285

Mr. INHOFE. Mr. President, I now send a substitute amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE) proposes an amendment numbered 2285.

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

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

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

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the pending substitute to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute to Calendar No. 426, S. 1072, a bill to authorize funds for Federal-Aid Highways, Highway Safety Programs, and Transit Programs, and for other purposes.

Bill Frist, James Inhofe, Christopher Bond, Gordon Smith, Lamar Alexander, Richard G. Lugar, Pat Roberts,

Robert F. Bennett, Mike Crapo, Jim Bunning, Ted Stevens, Conrad Burns, Chuck Hagel, Charles Grassley, Trent Lott, Saxby Chambliss.

Mr. FRIST. Mr. President, I will allow the manager to explain what went on so our colleagues will fully understand, but I wish to make a statement. I encourage colleagues who are interested in bringing amendments to the floor to do that and continue to work in that vein. Again, my whole purpose over the last week and a half we have been on this bill has been to make sure people could come to the floor to discuss the bill, and if there are amendments people feel strongly, we are going to continue to move forward.

The objective of the leadership on both sides of the aisle is to complete this bill this week. I encourage people to come to the floor if they have amendments and to talk to the managers this afternoon.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Since this process started, we have been encouraging people to come to discuss their amendments. We are now in a position where they can actually offer their amendments. We had quite a few Members who worked over the weekend, who also had their staff working. They brought amendments down, and I thank all of those Members.

We visited with them. As the managers, we accepted some. I think now we are at the point where we do encourage our Members to bring their amendments. While we are in this stage right now, let me share a couple of points that I think are very significant.

There has been a lot of discussion that the formulas are unfair to some States. I suggest that in almost every case where there is a donee State that becomes a donor State, it is by a very small amount. On the average, the disparity between donee and donor is far less.

In approaching this, we actually took the average donor and put 4 cents on it and then from the donee took 4 cents off. I think it is a very fair way of doing it. But when people talk about the formulas, let's keep in mind the formulas are real. They have not been real in the past. They were not real in TEA-21. They tried to do it but they ended up with a minimum guarantee, which is a political document.

The formulas include such things as total lane miles on the interstate, on principal arterial routes; vehicle miles traveled; annual contributions to the highway trust fund attributed to commercial vehicles; diesel fuel used on highways; relative share of total cost to repair or replace deficient highway bridges. That is one I am particularly interested in since, as I have said many times, my State of Oklahoma is dead last in terms of the conditions of bridges; weighted nonattainment and

maintenance areas; rate of return of donor States. All of those are in the formula.

This is the first time, since we started this process—at least since I have been here in 1991 when ISTEA came out—that we actually are using the formula and staying with it. It has not been easy, because people who do not like the way their State was treated come down and say all kinds of detrimental things about the formula, about our motives, about the bill in general.

The bottom line is, we have been honest with the Senate and honest with all of the States.

I do not think it will shock anyone to hear that there were political considerations in the past. We know that from the other body. The House Member from Pennsylvania was always very aggressive in getting the most he could for his State. I think a lot of them are like that, and we have corrected a lot of those.

I would say this: Of all of the ones who are the big players in TEA-21, and that was 1998, there was Senator Moynihan, whom we loved so much. His State was 1.25. We had Pennsylvania, which was Congressman Shuster, 1.21; Rhode Island, of course, Chairman Chafee, 2.17; the Senator from Montana was not only the ranking on the committee but also on the subcommittee, 2.18. At the same time all of that happened, my State was .9050, so we are way down there.

With SAFETEA, our percentages really do not change that much. We do ultimately bring everybody up to 95 percent and that is what this will do. Some are dissatisfied because they do not get up to 95 percent until the sixth year. It is unfortunate we could not come up with any other way, but it would cost so much money that if we did that, the ones who would be paying for it would be the donee States, and that would not be fair to them.

So I feel very good about where we are today. I think we have a fair bill. Very few people in this Chamber know the hours, the months, and the years that have been involved in this bill. Certainly the managers of the bill do because we have been working on this bill for such a long period of time.

Now that we have cloture filed, after it expires, it is our intention to go ahead and have a vote on cloture and get the bill completed. I believe it can be done this week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 7 minutes as if in morning business and then we return immediately to the bill, S. 1072.

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

The Senator is recognized.

(The remarks of Mr. INHOFE are printed in today's RECORD under "Morning Business.")

Mr. INHOFE. 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. WARNER. 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.

AMENDMENT NO. 2286 TO AMENDMENT NO. 2285

(Purpose: To provide a highway safety improvement program that includes incentives to States to enact primary safety belt laws)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mrs. CLINTON, Mr. DEWINE, and Mrs. MURRAY, proposes an amendment numbered 2286.

Mr. WARNER. Mr. 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 printed in today's RECORD under "Text of Amendments.")

Mr. WARNER. Mr. President, this is an amendment I submitted the other day on behalf of myself, Senator CLINTON, and Senator DEWINE of Ohio. It is an amendment to increase our national seatbelt use rate to 90 percent, a concept that is well known to the Members of the Senate. This amendment is identical to the legislation I introduced last year, S. 1993.

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

I commend the distinguished chairman of the Environment and Public Works Committee because he has a section in the bill on improving highway safety. But I fear that somehow the President's proposal—actually the proposal the President sent up to the Congress regarding the use of seatbelts—was not included in the final markup. It is for that reason I rise to include in this bill a provision that was sought by the President.

Simply by increasing the number of Americans who will buckle up is the most effective—I repeat, 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 the Environment and Public Works Committee,

which has the primary responsibility for reauthorizing TEA-21. The bill addresses, as it should, highway safety measures such as how to build safer roads and how to use new technologies to improve safety.

But statistics show that the greatest measure of safety, again, to drivers, passengers, and possibly third parties not connected with the vehicle, is through the use of a seatbelt. It is remarkable the lives that have been saved through the use of this simple device. America has about a 79-percent use rate of seatbelts. Now, that is quite a commendation to the drivers all across this country. Seventy-nine percent of Americans, according to reliable statistics, use their seatbelts. That has been translated into the saving of tens of thousands of lives and injuries in automobile accidents. But I believe, as do many in this Chamber, we can do better.

Those are the facts. Are we just going to have a standstill or are we going to move forward? Senator CLINTON, Senator DEWINE, and I 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. And whether it is in the town forums we conduct, town meetings, or here 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, JOHN WARNER—or to any other colleague with whom I am privileged to serve—what does it matter to you whether I buckle up?

Well, let's take a look. No one disputes that the absence of wearing a seatbelt causes more loss of life and serious injury. The statistics show that the impact associated with the crash, to the extent the 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 by the use of a safety belt—simply said.

Accidents involving unbelted drivers result in a significant cost to your wallet. Many people are rushed from the accident scene to various emergency facilities. All of that has the initial cost of the law enforcement that responds, the rescue squads that respond, and eventually the costs to the emergency room or whatever medical facility you might have the good fortune to be taken to, to hopefully save your life. That isn't free. There is a cost. Regrettably, a number of persons who suffer these types of injuries in automobile accidents are uninsured. Again, the cost often devolves down on the good old hard-working taxpayers—in most instances, the taxpayers who buckle up.

When an accident happens on our roads and highways across this great Nation, we are all impacted. Accidents cause significant congestion, which results in lost time and productivity as

we try to get to our work or to our home along the highway where they are engaged in trying to remove the accident.

More often than not, the accident, with the combined slowdown of those passing the accident, causes significant congestion for some considerable portion of time. Either the lane in which we are traveling moves very slowly because of the accident or, indeed, we come to a standstill, as often is the case when a lane is closed to clear an accident. That standstill frequently is necessitated because of the severity of the injuries experienced in that accident. It takes the response team longer to get to the accident. It takes the response team longer in their carefully trained steps to extricate the injured person. All of that requires needed time.

To give the initial treatment and then to carefully transport that individual, if necessary, to a medical facility takes time. That costs money. The road becomes backed up. That is lost time for your mission on the road, be it for business, family, or pleasure. That is lost time and productivity. Behind you often are trucks and other vehicles involved in commerce. That is lost time and delay due to the seriousness occasioned by injuries and accidents where there has been the lack of use of seatbelts. It is as simple as that. Those are the facts. Then, of course, there is the cost to the community for caring for the injured person who, regrettably, frequently doesn't have the insurance to pay for his or her costs. The local people in your communities end up paying the bill.

The legislation we are proposing today will take an important step forward for the States to adopt either a primary safety belt law or take steps of their own devising to meet a 90-percent seatbelt rate—not the Warner amendment or the legislative measure put forth by the administration upon which we draw our concept for certain portions. The States can decide for themselves how they achieve a 90-percent goal of the use of seatbelts in their respective States. 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 I am privileged to serve, Secretary Mineta stated:

President Bush and I believe that increasing safety belt usage rates is the single most effective means to decrease highway fatalities and injuries.

That is explicit and clear. The Secretary goes on 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 and former Governors, even in this Chamber with former Governors. I think they would tell you that a primary safety belt law is a tough piece of

legislation for the State legislature to pass solely on its own. I mean that. Frankly, it needs the impetus of those of us here in the Congress, of the combined efforts of the executive and the legislative branches of the Federal Government because it is just one of those things that State legislatures have extraordinary difficulty grappling with.

Regrettably, in my own State this law has come down to a single vote defeating it in two consecutive attempts. Stop to think, one vote in the distinguished General Assembly of the Commonwealth of Virginia has stopped our State from adopting this type of law.

I believe the impetus here will make it possible for our State and many others to adopt this statute.

As provided in our amendment, States can increase seatbelt use either by enacting, as I said, a primary seatbelt law. Everybody knows what a primary seatbelt law is and how it works. 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 safety belt 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 safety belt use rate. So that is a challenge to the States.

The current national belt 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 sometimes in the 60 percentile. It is the weight of the primary States that carries the percentile and brings it up to 79 from those States that don't 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 that if a law enforcement officer has cause other than a perceived or actual seatbelt violation—namely, the driver didn't 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 observed there has been no use of the seatbelt, then in the course of proceeding to enforce the several laws of the State as regards speeding or 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. They say: Oh, well, don't worry, I will not buckle up. State law doesn't 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 programs. We are building on what we did in TEA-21. I was privileged to be on the committee. I was chairman of the subcommittee 6 years ago. I worked with Senator Chafee, who was chairman of the full committee, and we drove hard to make progress with the seatbelt laws, and we did it. We basically put aside a very considerable sum of money to encourage States—again, using their own devices—to increase uses. 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.

Sadly, traffic deaths in 2002 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. That is according to the National Highway Traffic Safety Administration. And 9,200 of these deaths might have been prevented if the safety belt had been used.

Those are alarming statistics. Automobile crashes are the leading cause of death for Americans age 2 to 34. Stop to think of that: Age 2, that means a child; that means a parent neglected to buckle up a child. Automobile crashes as the leading cause of death for Americans age 2 to 34. That is our Nation's youth. Do we have a higher calling in the Congress of the United States 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 ways.

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 with me, join with the President 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 in the Armed Forces. I say to colleagues, again, the statistics are tragic. Traffic fatalities are the leading noncombat cause of death for our soldiers, sailors, airmen, and marines. They are in that high-risk age category, 18 to 35.

Someone even took a look at the statistics, the total of the fatalities least year, and said that represents in deaths approximately the size of the average U.S. Army battalion. That is several companies and maybe a reinforced element. Just think, that is the magnitude in one category of those who serve our United States, the men and women in the Armed Forces.

I cannot think of any reason why we all cannot join behind this effort. That alone is a 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 or giving far greater attention to public awareness programs

that result in more drivers and passengers wearing safety belts. Our goal is 90 percent—90 percent.

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

With jurisdiction over the largest share of the highway trust fund, our committee has had the vision to tackle important national safety problems. 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 of 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 this is why we need a provision to strengthen and to move forward the position of the Congress on the issue of increased use of safety belts. That is the purpose of this amendment.

It is just unfortunate, but 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 improved road engineering, which is in this bill, can defy in many instances the type of personal conduct that results in reckless behavior. It is as simple as that.

Our automobiles now come equipped with crash avoidance technologies and are more crashworthy than ever before, but these advances are only part of the solution.

In repeated testimony before the Environment and Public Works Committee, from the administration, our States, safety groups, and the highway industry, we are told that three main causes of traffic deaths and injuries are unbelted drivers, speed, and alcohol.

The formula we have devised in this legislation does have a reduction in the amount a State receives under this 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.

The net effect of this legislation is simply to recognize we are asking that 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 absence of the use of seatbelts, bringing into parallel two of the three principal causes of death and injury on today's highways.

The administration put forward an innovative safety belt program, as I said, under the leadership of the Presi-

dent that was a major component of their new core transportation program, the Highway Safety Improvement Program. Our amendment incorporates the administration's bill and includes additional incentives for states to increase seat belt use rates.

I ask unanimous consent to have printed in the RECORD a number of documents that show widespread support for this legislation, from the Virginia Association of Chiefs of Police, the American Medical Association, and the letter to Senator INHOFE from the Secretary of Transportation. One hundred thirty-five organizations across the United States are in support of this legislation.

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 the 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.

There 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.

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. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. WARNER. I thank the Presiding Officer. I see other hands.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is appropriate that the occupant of the Chair at the present time is the Senator from Rhode Island because the amendment being offered by the Senator from Virginia is one that was a favorite of one of my favorite people, his father. I can remember many times he would be talking about this amendment. In fact, I can recall some disagreements.

I would say: John, your son is a mayor of a significant city. I am sure if you call him up he will tell you, if there is one thing they don't want, it is unfunded mandates. I was the mayor of a city for four terms. The biggest, greatest plague we had was unfunded mandates.

I will reluctantly oppose the Warner-Clinton-DeWine-Murray seatbelt sanction amendment at the appropriate time. This amendment makes a significant and damaging change to the core safety program established in the highway reauthorization bill.

The amendment imposes a new sanction on States that fail to achieve a 90-percent seatbelt rate or enact a primary seatbelt law. Currently, only 20 of the 50 States meet the requirements of this proposed new Federal mandate. As a result, if this amendment were to pass, 30 States would be immediately thrust into a status of noncompliance with this mandate and the clock would start ticking against them, threatening a significant penalty through the loss of funding. My State of Oklahoma is already in compliance. Actually it wouldn't affect us. We are in compliance with the requirements proposed by this new sanction. But I fundamentally oppose imposition of new sanctions on the States.

While most agree that seatbelts represent the single greatest factor in saving lives on our Nation's highways, the decision to pass a primary seatbelt law is best made at the State level.

The penalties proposed by Senator WARNER's seatbelt sanction are two-fold. The first penalty takes effect in calculating apportionments for fiscal year 2005. This is especially dis-

concerting because that gives States who do not already have primary seatbelt laws on the books only 8 months from now to enact a primary law. It doesn't affect me. Our State of Oklahoma already has them. This first penalty would require States in non-compliance to spend 10 percent of the funds apportioned to them under the new core safety programs on safety behavioral projects. Under section 405 of title 23, any funds subject to this transfer cannot be recovered in future years by a State's subsequent compliance with the seatbelt sanction.

A second penalty would be imposed if States had still not enacted a primary seatbelt law or brought their seatbelt rate up to 90 percent by the beginning of fiscal year 2007. States still in non-compliance by this time would lose up to 4 percent of their apportionments under each of the National Highway System programs: The Surface Transportation Program, Interstate Maintenance Program, and the Highway Bridge Replacement and Rehabilitation Program. That one is significant to me. These funds would be completely lost to the States in non-compliance and redistributed among other States.

You could argue that my position in Oklahoma could be enhanced by the passage of this amendment because we know there will be some States that are not in compliance. Certainly our bridges in Oklahoma need as much help as they can get.

The amendment proposes instituting a huge penalty for States without a primary seatbelt law. Although I support the increased use of seatbelts across the United States and would encourage States to enact primary seatbelt laws to reach this objective, I believe threatening States with the loss of needed Federal dollars for surface transportation is not the right approach.

I admire so much the Senator from Virginia and his dedication. I never appreciated what he had to go through 6 years ago as chairman of the Environment and Public Works Committee during the last reauthorization until I became the chairman and am going through it. I am sure he did a far better job than I. But I disagree with this particular amendment.

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

Mr. INHOFE. I am happy to yield.

Mr. WARNER. He is always so courteous about matters such as this, and particularly with reference to our dear friend, John Chafee, who felt very strongly about this legislation. It is more than a technicality, but this is not a sanction in the sense that we simply say each State should achieve 90 percent. Now, there may be ways by which States can achieve that other than following this path which, as the Senator correctly points out, has a certain sequence of penalties. They would meet the law and completely avoid the other path, where there are penalties.

My question is this: When America was faced with the problems of alcohol, which is still prevalent on the roads in our Nation, we, the Congress, enacted what we call the famous .08 law; am I correct?

Mr. INHOFE. That is correct.

Mr. WARNER. Didn't we have an identical series of steps in that law that I have put into this law?

Mr. INHOFE. I know there are similar steps. If you say they are identical, I am sure they are.

Mr. WARNER. I assure the Senator it is almost identical. You can come down to where it has worked in the case of alcohol, and now 47 States out of the 50 have adopted the alcohol legislation. I think, quite frankly, that we can see a similar number of States quickly adopt this legislation—a primary seatbelt law to avoid the penalties. So it is not without precedent, and it also gives the State the alternative of doing it by some other means than going down the path I have outlined.

Mr. INHOFE. I agree with the Senator from Virginia. I only say, if your State were to devise a way to get to the 90-percent mark that they have to get to to keep from being penalized, it would have to take some reasonable period of time. They would have to establish some criteria and then try to get there.

I cannot imagine it could be done within 8 months, and these people would already be subjected to the penalties imposed in the year 2005. That would be a concern.

Mr. WARNER. Mr. President, I say to my distinguished colleague that we selected that time period because of the language the Secretary of Transportation forwarded to the Congress. If there could be a means, if you would be willing to help me devise a formula by which you think a greater degree of fairness can be achieved, I am open to that.

Mr. INHOFE. Mr. President, I look forward to working with the Senator from Virginia, as I always do. I think many of us who came to serve in the Senate who were either Governors or mayors in major cities somehow have this obstacle or obstruction in our minds on any kind of mandates. I plead guilty to that. I think other Members might oppose the amendment, such as the Senator from Missouri who was a Governor. That is primarily the reason.

I would be happy to work with the Senator from Virginia, and I think he has an excellent point. I know his heart is right and he is trying to save lives. That is why we all love him so much.

Mr. WARNER. Well, Mr. President, I will take into consideration the views of my distinguished chairman and see what we might do to make that accommodation. I thank the chairman.

Mr. INHOFE. Mr. President, while we are waiting for people to come with their amendments, I will make a few comments relative to statements that were made on the Senate floor yesterday concerning the bill.

Comments were made by one Senator who said he would just suggest that we swap formulas between Oklahoma and Arizona. That was the senior Senator from Arizona, a very distinguished Senator. I only say that Arizona and Oklahoma and all other 48 States have exactly the same formula. You don't have to swap formulas. They are the same.

I also suggest in the case of Arizona, it gets more money than Oklahoma does under this bill—by about \$60 million. So if a swap were taking place, I think I would go along with that.

I am concerned a little about the statements made that more States will become donor States. That is true under this bill. Right now, the disparity between donor and donee is far greater than it will be after this bill is passed. So if you have a State that goes from a \$1.01 down to 99 cents, that is a small amount, but because it goes below the threshold of a dollar, then it is now in donor status. So the way we try to accomplish this is, if you take the average, the average donor State increased by 4 cents; the average donee State decreased by 4 cents. I don't see that anything could be more fair than that.

Third, I think if you look at the individuals who were driving this legislation 6 years ago—TEA-21—you found that there were some parts of the State that were perhaps treated better than other parts. Certainly, we had three of the most powerful people from the northeastern seaboard—Senators Moy-nihan, Congressman Shuster, and Senator Chafee. When you look at the amounts that they, under TEA-21, achieved, New York was \$1.25; Pennsylvania, \$1.21; Rhode Island, \$1.26; and Oklahoma, 90.5 cents, which was the minimum. A critic of this bill said we should do what we did 6 years ago and immediately go to 90.5 cents as a floor instead of waiting until the sixth year.

The problem with that is there is not enough money. And if we did that, that would have to come out of the donee State. The other problem is we are actually much more ambitious in this bill in reaching that point.

If you look at this State by State—and several times on this Senate floor we have been challenged by Members from States who felt their State was not getting a fair shake—keep in mind that every State is going to increase by at least 10 percent under this bill, and every State is going to have a donor status of nothing less than 95 percent at the conclusion of this bill, at the sixth year.

Mr. REID. Will the chairman of the committee yield for a question?

Mr. INHOFE. I am happy to yield.

Mr. REID. Mr. President, on the issue now before the Senate, propounded by the senior Senator from Virginia, a unique situation has arisen in Nevada. In Nevada, the State legislature, last session, had a debate on whether or not they would have primary seatbelt requirements for the people of Nevada.

They did something interesting. The State now has a law that requires seatbelts for children but not for adults. I think this is pretty compromising.

The Senator from Virginia is not on the Senate floor, but I could go for something like that—that there could be a requirement that States have a mandate that children have to wear seatbelts. The State of Nevada debated this and, as far as adults, it failed. So I ask you and the Senator from Virginia to consider amending the matter now before the Senate to have a requirement for children. I think that is something that would be accepted. I think the debate would be very short and to the point.

I think if he proceeds on his requirement to have seatbelts mandated for everyone, States that are individualistic, such as Nevada—the State of Nevada doesn't like to be told what to do. They believe they are a sovereign State and the legislature meets and debates these issues. On this issue about primary seatbelts, that was brought before the legislature just last session. I think it would be very difficult for this Senator to say that I know more than the Nevada State Legislature, which not only held hearings on this issue but had a long debate and turned down this mandate. While I personally may disagree with that, the point is that the people of the State of Nevada, through its elected legislature, have spoken.

I hope—I repeat for the third time—that the Senator from Virginia would consider modifying the amendment now before the Senate and have this apply just to children.

The question is, through the Chair to the Senator from Oklahoma, how he feels about this. Before he answers, I wish to compliment the Chair and his wonderful father who was one of my role models in this body. It is true he brought this amendment up on a number of occasions, but it never passed. We are now in the same situation as in years previous.

It seems to me we would be well off if we made incremental improvement, and I think that improvement would be to make sure this covers all children.

I again ask the question of my friend from Oklahoma, does he think that is a reasonable compromise?

Mr. INHOFE. Mr. President, I say to my friend from Nevada, the argument I recall against the amendment was that the driver himself or herself would be in a position where they could lose control of a vehicle by not having a seatbelt on and, obviously, the children would be safer than if nobody had on a seatbelt.

The Senator makes a very good point. It is one at which I would certainly like to look.

I can assure the Senator from Nevada, I learned the hard way what our law was in Oklahoma when we started cranking out grandbabies. We have 11 of them now. I did not realize the seriousness of this bill and I did not have

one of the young ones in a seatbelt, and I had to pay the penalties. I learned the hard way they really meant business.

Our law has teeth. I would certainly like to look and see what kind of results the State of Nevada has had.

Mr. REID. If I could, Mr. President, I try very rarely to boast on the floor of the Senate, but this is an opportunity I can do so because I noted a sense of pride with the Senator from Oklahoma talking about his 11 grandchildren. A week ago last Sunday, I had born into my family my 14th grandchild. So is it OK if I am a little boastful about that?

Mr. INHOFE. Of course.

Mr. REID. Eleven is OK, but the Senator from Oklahoma still has a way to go.

Mr. INHOFE. We haven't quit.

Mr. REID. What is that?

Mr. INHOFE. We haven't quit.

Mr. REID. Neither have we. In fact, we have just begun to propagate.

Mr. INHOFE. In terms of population of the State of Nevada and the percentage my grandchildren constitute in my State, the Senator from Nevada is way ahead of me.

Mr. President, there are other points about which I could be talking that were brought up, but I don't think it serves any useful purpose. We made great progress on this bill. People have said nothing happened last week. Something did happen last week. We had a chance to bring up the bill, go over the bill, talk to people, and line up votes, quite frankly.

We have the vast majority of people believing this is the right bill. I only regret there are those who try to say it is not fair for one reason or another. There is no question, if you take this and the last two 6-year reauthorizations, that this bill is far more fair than any other authorization we have done.

All these points were kept in mind as to donee States and donor States. Now that we get up to 95 percent, we are going to forget about what it was like to be a 70-percent donor State, but I can remember. This will be an issue that will go away because you figure you are high enough. This bill got us there.

At the same time, we have donee States, States that have done very well in the past. I mentioned a minute ago, partially because the former chairman of the House Transportation Committee, Congressman BUD SHUSTER—and I served with him for 8 years in the House on that committee—perhaps his State got a little higher than it should have through his anxious approach. However, when you compare that to the State of Oklahoma—this is an interesting comparison—you can look at a chart and see you are not getting as much as last year and, therefore, it is unfair.

That is just not true. My State has roughly the same road miles as the State of Pennsylvania. If you look at the next 6 years, the State of Pennsylvania is getting three times as much

money as we are getting in our State of Oklahoma. It doesn't sound like I did a very good job for Oklahoma.

There are other factors involved. It was called to my attention by one of the Senators from that State that it is a pass-through State. Everyone goes through Pennsylvania to get someplace. How do you put that into an equation? How do you put down how many people stop to buy products or services in your State? Some of these factors can't be done.

I will say this: The old bill turned out to be a minimum guarantee. That was wrong. That was a political document that merely said we will make 60 percent of the people in this Chamber happy, and we don't care what happens to the other 40 percent. That was not an appropriate way to approach that bill.

With the factors of donee, donor, total lane miles, vehicle miles traveled, annual contributions to the highway trust fund from commercial vehicles, diesel fuel just on highways, relative share of the total cost of repair and replacement of deficient highways and bridges, weighted nonattainment in maintenance areas, and rate of return for donor States, this formula has worked, and I am very proud of it.

We have gone through the last 2 weeks complimenting each other and the leadership. I certainly compliment my friend from Vermont, the ranking member, Senator JEFFORDS, as well as Senator REID, the ranking member on the subcommittee, and, of course, KIT BOND, the chairman of the subcommittee under my committee. But I also compliment the staff.

I can promise you, Mr. President, that the staff worked many more hours than we did. They were down there all this last weekend. All I was doing was sitting on the phone calling for votes. It was a lot of hard work, a lot of dedication. I want all the staff members of the majority and the minority to know how much I personally appreciate them.

I think it is necessary to have this bill. I can't think of anything worse than going on these short extensions and no one can plan in advance. With the bill we have today, we have it set up so we can plan in advance.

The IPAM part of this bill will allow those projects which are ready to go to start working, to start those projects going, to hire the people.

We had a chart a while ago as to the number of people this bill puts to work. We are talking about almost 3 million people, 3 million jobs that will be filled as a result of having this bill pass.

I look forward to talking about the amendments, working toward cloture, and getting this bill passed in the Senate and sent to conference so we can all go to work in conference and come up with a good solution to our Nation's highways, roads, and infrastructure problems, as well as jobs in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I, first, commend my good friend from Oklahoma, and then I will give my synopsis of some of the areas of this bill. I have just never worked with someone who has been more cooperative—and our staffs—to bring about a consensus in a very difficult bill. A little change here and a little change there will change millions of dollars and who it goes to and will bring about a consensus that will at least make enough people happy to vote for the bill, which is the ultimate goal.

We have made great progress. I think we are now in a position where we are going to be able to move forward.

TEA-21 provided record funding levels for transportation, which allowed States and local governments to make greater investments in our transportation systems than ever before. S. 1072 will continue that trend.

In crafting this bill, Chairman INHOFE, Senator BOND, Senator REID, and I wanted to ensure the resources available under this bill would be spent wisely and responsibly.

During our hearings, we learned of challenges facing communities and transportation agencies trying to manage a full load of increasingly complex transportation projects. In response, we crafted a bill that will improve the delivery and stewardship of the Federal aid highway program.

First, we have expanded the scope of a program called "value engineering." Value engineering provides States and local governments an additional approach to examining transportation projects before they are finalized. It promotes improved design, construction, and funding of transportation projects.

Second, we have included provisions to address issues that arise when State and local governments develop large-scale projects, so-called mega projects that cost over \$1 billion.

To ensure these projects are developed and managed efficiently, S. 1072 requires project management and financial plans.

Finally, to ensure that money received by the States is properly accounted for, we direct the Secretary to annually review States' financial management systems.

As my colleagues can see, S. 1072 provides record levels of funding for transportation investment and the provisions to ensure we are good stewards of the public funds.

I look forward to going into the amendment process and making sure we work, hopefully, efficiently and effectively and quickly to get this bill before us in final form before too long.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, the transportation planning process is a critical component of any surface transportation program or project. Poor planning may lead to cost overruns, project delays, and even project cancellations. An early and comprehensive planning process can help stakeholders and project sponsors to identify and overcome potential problems so transportation projects proceed smoothly.

Our bill includes several provisions to encourage better planning practices at both the State and metropolitan levels. We make some additions to current law to encourage transportation planning agencies to consider our environmental, natural resource, and community health issues early in the planning process.

The bill directs transportation planners to consult with relevant resource agencies when developing long-range transportation plans.

Improved coordination will promote long-range plans and project proposals that adequately consider and address the diverse implications of transportation projects. Improved interagency consultation and coordination is only one component of a successful plan.

As I have said before, transportation investment is about people and communities. It is about making life better for our citizens by providing an efficient, safe, and comprehensive transportation system.

A successful transportation program is one that considers the needs and the wishes of the people it serves. Our bill will enhance public participation in the planning process, encouraging projects that meet our infrastructure needs without sacrificing the environment or quality of life.

Finally, our bill emphasizes the role of new and emerging technologies in transportation planning. Geospatial mapping technologies have inspired innovative and successful planning processes in many States around the country. We encourage States to continue to develop and implement those technologies and to integrate them into the transportation planning process.

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

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

Mr. DASCHLE. Mr. President, I have a couple of issues I will address as in morning business. I ask consent.

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

A PREMATURE BSE DECISION

Mr. DASCHLE. Mr. President, yesterday the Bush administration called to end the short-term investigation into the recent mad cow scare. While many

of us believe Secretary Veneman and her staff have done a good job on many fronts, the decision to suspend the investigation is extremely premature. Despite the high safety standards met by cattle producers, consumers still have questions about the safety of America's meat supply. By curtailing its investigation, the Bush administration has chosen not to do all it can to settle the questions raised by the discovery of a single Canadian-born cow infected with BSE.

In 2001, a herd of 81 cattle came into the United States from Canada. One of those animals turned out to have BSE. USDA, through its investigation, has managed to locate 28 of the remaining 80 Canadian-born animals. We are grateful for these efforts, but there is a lot more work to do. Twenty-eight is not 80.

Last year, USDA Chief Veterinarian Ron DeHaven said:

We feel confident that we are going to be able to determine the whereabouts of most if not all of these animals within the next several days.

Six weeks later, those early hopes have been disappointed. Consumers have a right to know why those other cattle were not found and what more, if anything, can be done.

If we assume the Canadian index herd were all fed the same bovine byproduct known to cause BSE, it is possible the other animals currently in the United States may also have the disease.

An international panel convened by USDA announced last week they believe some cattle in the U.S. may actually have BSE. While the likelihood an American consumer would come into contact with the meat from one of the infected cows is low, Government has the responsibility to do all it can to instill consumer confidence in the safety and quality of our food system and the food we feed our families.

That work has not been completed because the investigation has not been adequately ended. While the risk to human health may be remote, the Bush administration is doing a disservice to consumers by short-circuiting the good work USDA has done to locate the Canadian-born animals in question.

In the face of so many doubts and questions, it makes no sense to cut this investigation short. Some suggest pressure from the hugely concentrated meatpacking industry is responsible. A small handful of meatpackers controls 80 percent of the beef in the United States. In fact, this is such a significant problem that the Senate approved legislation as part of its last farm bill to address problematic concentration in the meatpacking industry. Unfortunately, that provision was stripped during the conference and was not included in the final farm bill.

Along with this growing concentration comes greater influence within the administration itself. I am not suggesting the packers did something unlawful, but the fact remains they wanted to end this investigation because it

cast a cloud over their products. Evidently, these are the interests the Bush administration has chosen to advance above others.

Others have suggested the Bush administration took this step in its zeal for a single American trading continent—no borders with the Canadians or the Mexicans whatsoever. In fact, after the farm bill was passed, the Secretary suggested we should have a continent-of-origin label for certain agricultural products. If that had been pursued, we would never be able to differentiate between our highest quality products and those from Canada and Mexico. As it is, Americans today, still, do not have the option of knowing where our food comes from.

This is particularly important with regard to beef in light of the BSE scare. American consumers are simply asking for a label with basic information about the food they eat. In fact, 80 percent of Americans have said they would like to know where their meat comes from. That is why Senators on both sides of the aisle fought for and won approval of the country-of-origin labeling law. It is why many of us have charged those opposed to COOL with acting irresponsibly. In a backroom deal before the BSE scare, Republicans met in private and delayed the COOL law for 2 years.

The Senate has shown time and time again that we support this important consumer law and that we want to see it back in law, to ensure implementation this fall. In fact, the law still requires USDA to develop the regulations by this fall. So, when we change the date of implementation back to September of this year, there should be no delay whatsoever in USDA implementing it on time as the law originally required. But we should not even have to wait for that. USDA has the authority to immediately provide this information to consumers, to tell them where their food and, in particular, where their meat originated. If we have that, consumers can stay away from Canadian-born cattle, at least until the animals in question that have not been located in the United States are actually found.

But to date the administration will have none of it. They will not help inform U.S. consumers, even though our major export markets have requested we certify that our exports are born and raised and processed in our country. I don't understand why the administration will not provide U.S. consumers the information they want and our foreign trading partners the information they now demand.

The only answer that keeps coming back to many of us is while COOL is good for average Americans, it is inconvenient for the large meatpacking cartel since they would be required to affix a simple label to their products and track the meat from the stockyard to the store shelf. So, despite the support of 167 consumer groups representing over 50 million Americans,

the administration denies Americans this basic information.

USDA should reopen the investigation and try to locate all of the cattle from the Canadian index herd. They should also assist American consumers and American farmers and ranchers by immediately implementing a "Product of the USA" labeling program under emergency regulations. Instead of bowing to pressure and cutting short a valuable investigation, the administration should take a step back and rethink its priorities. The BSE scare is now hurting all of our ranchers, as over 40 countries have banned imports from the United States. The American livestock industry is being tarnished and ranchers are suffering because of one Canadian cow. The industry should not be further tarnished by inappropriate Government action. The administration should reopen the investigation, drop its opposition to labeling, and implement COOL immediately.

For the sake of America's farmers and ranchers, for consumer confidence in the safety of our food supply, the administration needs to do the right thing. Though it might upset a few special interests, the American people will overwhelmingly support such an action because it is in their interest. I, for one, will commend the President for his thoughtful reversal of this misplaced policy priority.

WHITE HOUSE SAYS EXPORTING U.S. JOBS IS
"GOOD FOR THE ECONOMY"

Mr. President, the other issue I wanted to discuss briefly is a new position taken by the administration, reflected in this newspaper. The article appeared this morning in the Los Angeles Times. The headline reads, "Bush Supports Shift of Jobs Overseas."

I ask unanimous consent the article be printed in the RECORD.

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

[From the Los Angeles Times, Feb. 10, 2004]

BUSH SUPPORTS SHIFT OF JOBS OVERSEAS
(By Warren Vieth and Edwin Chen)

WASHINGTON.—The movement of American factory jobs and white-collar work to other countries is part of a positive transformation that will enrich the U.S. economy over time, even if it causes short-term pain and dislocation, the Bush administration said Monday.

The embrace of foreign out-sourcing, an accelerating trend that has contributed to U.S. job losses in recent years and has become an issue in the 2004 elections, is contained in the president's annual report to Congress on the health of the economy.

"Outsourcing is just a new way of doing international trade," said N. Gregory Mankiw, chairman of Bush's Council of Economic Advisors, which prepared the report. "More things are tradable than were tradable in the past. And that's good thing."

The report, which predicts that the nation will reverse a three-year employment slide by creating 2.6 million jobs in 2004, is part of a weeklong effort by the administration to highlight signs that the recovery is picking up speed. Bush's economic stewardship has become a central issue in the presidential campaign, and the White House is eager to demonstrate that his policies are producing results.

In his message to Congress on Monday, Bush said the economy "is strong and getting stronger," thanks in part to his tax cuts and other economic programs. He said the nation had survived a stock market meltdown, recession, terrorist attacks, corporate scandals and war in Afghanistan and Iraq, and was finally beginning to enjoy "a mounting prosperity that will reach every corner of America."

The president repeated that message during an afternoon discussion about the economy at SRC Automotive, an engine-rebuilding plant in Springfield, Mo., where he lashed out at lawmakers who oppose making his tax cuts permanent.

"When they say, 'We're going to repeal Bush's tax cuts,' that means they're going to raise you taxes, and that's wrong. And that's bad economics," he said.

Democrats who want Bush's job were quick to challenge his claims.

Sen. John F. Kerry of Massachusetts, the front-runner for the Democratic presidential nomination, supports a rollback of Bush's tax cuts for the wealthiest Americans and backs the creation of tax incentives for companies that keep jobs in the United States—although he supported the North American Free Trade Agreement, which many union members say is responsible for the migration of U.S. jobs, particularly in the auto industry, to Mexico.

Campaigning Monday in Roanoke, Va., Kerry questioned the credibility of the administration's job-creation forecast.

"I've got a feeling this report was prepared by the same people who brought us the intelligence on Iraq," Kerry said. "I don't think we need a new report about jobs in America. I think we need a new president who's going to create jobs in America and put Americans back to work."

In an evening appearance at George Mason University in Fairfax, Va., Sen. John Edwards of North Carolina mocked the Bush administration's economic report.

Edwards, who also supports repealing tax cuts for the richest Americans and offering incentives to corporation that create new jobs in the United States, said it would come as a "news bulletin" to the American people that the economy was improving and that the outsourcing of jobs was good for America.

"These people," he said of the Bush administration, "what planet do they live on? They are so out of touch."

The president's 411-page report contains a detailed diagnosis of the forces the White House says are contributing to America's economic slowdown and a wide-ranging defense of the policies Bush has pursued to combat it.

It asserts that the last recession actually began in late 2000, before the president took office, instead of March 2001, as certified by the official recession-dating panel of the National Bureau of Economic Research.

Much of the report repeats the administration's previous economic prescriptions.

For instance, it says the Bush tax cuts must be made permanent to have their full effect on the economy.

Social Security also must be restructured to let workers put part of their retirement funds in private accounts, the report argues. Doing so could add nearly \$5 trillion to the national debt by 2036, the president's advisors note, but the additional borrowing would be repaid 20 years later and the program's longterm health would be more secure.

The report devotes an entire chapter to an issue that has become increasingly troublesome for the administration: the loss of 2.8 million manufacturing jobs since Bush took office, and critics' claims that his trade policies are partly to blame.

His advisors acknowledge that international trade and foreign outsourcing have contributed to the job slump. But the report argues that technological progress and rising productivity—the ability to produce more goods with fewer workers—have played a bigger role than the flight of production to China and other low-wage countries.

Although trade expansion inevitably hurts some domestic workers, the benefits eventually will outweigh the costs as Americans are able to buy cheaper goods and services and as new jobs are created in growing sectors of the economy, the report said.

The president's report endorses the relatively new phenomenon of outsourcing high-end, white-collar work to India and other countries, a trend that has stirred concern within such affected occupations as computer programming and medical diagnostics.

"Maybe we will outsource a few radiologists," Mankiw told reporters. "What does that mean? Well, maybe the next generation of doctors will train fewer radiologists and will train more general practitioners or surgeons. . . . Maybe we've learned that we don't have a comparative advantage in radiologist."

Government should try to salve the short-term disruption by helping displaced workers obtain the training they need to enter new fields, such as healthcare, Mankiw said, not by erecting protectionist barriers on behalf of vulnerable industries or professions. "The market is the best determinant of where the jobs should be," he said.

Bush's quick visit to Missouri—his 15th to a state considered a critical election battleground—was the first of several events this week intended to underscore recent economic gains. Although U.S. job creation remains relatively sluggish, the nation's unemployment rate fell from 6.4% in June to 5.6% in January, and the economy grew at the fastest pace in 20 years during the last half of 2003.

The format of his visit to SRC Automotive—one that he particularly likes—involved several employees and local business owners sharing the stage with the president to discuss their perspectives on the economy, with Bush elaborating on their stories to emphasize particular aspects of his economic program.

Today, Bush is scheduled to meet with economic leaders at the White House. On Thursday, he goes to Pennsylvania's capital, Harrisburg—in another swing state that he has already visited more than two dozen times since becoming president.

Mr. DASCHLE. When I saw the headline, I had to read it twice.

I actually could not believe what I was reading. Again the quote is from the headline, "Bush Supports Shift of Jobs Overseas."

Our economy has already lost 2.6 million jobs in the last 3 years. We have 9 million Americans who are unemployed. Long-term unemployment is at a 20-year high, and 80,000 workers are exhausting their unemployment benefits every week because our Republican colleagues refuse to extend temporary Federal unemployment benefits.

What does the White House say? The President's top economic advisers tell us not to worry. They say shipping American jobs to China, India, and other countries is actually good for the economy. Those comments are actually in this article. It is a direct quote, that these American jobs shipped abroad are good for the economy. They say exporting computer programming jobs and

other white-collar jobs is actually good for the economy.

The White House acknowledges some workers will be hurt. But then they say the "benefits" of exporting American jobs "eventually will outweigh the costs as Americans are able to buy cheaper goods and services and new jobs are created in growing sectors of the economy."

How are people without jobs supposed to buy all of these goods and services? How do you keep a consumer economy going when you export the jobs? What are they thinking?

The chairman of the President's Council of Economic Advisers, the office that wrote the report, says the "government should try to salve the short-term disruption by helping displaced workers obtain the training they need to enter new fields, such as health care." That sounds like a cruel joke.

The President's proposed budget for next year cuts money for Federal job training.

You have on the one hand the President's council arguing we ought to train displaced workers but then have the budget presented to Congress as one which actually cuts the very training the administration is advocating.

How do people know what fields to train for? How do they know the jobs they are training for won't be the next jobs targeted to be shipped overseas with the encouragement of the White House?

Maybe exporting American jobs sounds like a good idea if you are sitting in some think tank, or behind a desk at the White House, or here on the Hill. But out in the real world, it is creating real hardship and anxiety.

I have seen what happens when plants ship their jobs overseas. It happened in my hometown 2 years ago. Midcom, Incorporated makes electronic transformers for high-tech companies. They used to employ 200 people in Aberdeen. One Tuesday morning in March of 2001, those workers showed up for work and were told their jobs were going to be gone in 3 months, many of them to Mexico and China.

I have met with many of those workers. A lot of them are women in their 40s and 50s, and their families depended on their incomes to make ends meet. They don't see how exporting their jobs was a good idea for the economy, and neither do most Americans.

The chairman of the President's Council of Economic Advisers is quoted as saying, "Out-sourcing is just a new way of doing international trade." "More things are tradable than were tradable in the past."

Not everything is tradable. The dignity that comes from earning an honest dollar and providing for your family is not tradable. The security that comes from knowing you can pay the bills and you are not going to lose your home is not tradable. The sense of patriotism and community that says we are all in this together is not a tradable commodity.

The White House report predicts a miraculous economic recovery this year. They say we could see the creation of 3.8 million jobs. The White House has said the economy will create millions of jobs every year now for the last 3 years. And they have been wrong. They are wrong now when they say exporting American jobs is good for the economy. The White House has lost more jobs on President Bush's watch than the last 11 administrations put together. They have cut job training in education. They are blocking Federal unemployment benefits. And now, incredibly, they are saying that exporting middle-class, white-collar jobs is good for the economy.

Instead of policies that reward companies for shifting jobs overseas, instead of letting companies open a post office box in some island nation and call it their corporate headquarters so they skip out on paying taxes, America needs a real plan to keep the good jobs we have here and create many more of them.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Missouri.

Mr. BOND. Mr. President, I understand there is an amendment of the Senator from Virginia and the Senator from New York pending. Is that the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Mr. President, I spoke about this amendment this morning. For those who may not have been fortunate enough to hear it, let me reiterate just a few of the important points.

This is a mandate. This is very clearly a mandate with a very severe penalty on any State that doesn't either have 90-percent usage of seatbelts or a primary seatbelt law.

I came to this body as a former Governor who has seen so much of the big brother influence telling State Governors and State legislators what they have to do, and I said we need to find a better way of doing things. I also said I happen to be a strong believer in seatbelts. I have been in a couple of serious accidents. Because I had a seatbelt on and the shoulder harness, I came away with only a good fright, and, fortunately, with no serious injuries. I have seen many other people who were not so fortunate. I believe in encouraging seatbelt usage. I believe the proper way to do it is through incentives and encouragement.

Under this proposed amendment, in fiscal year 2005 and thereafter, 10 percent of the funds under the Highway Safety Improvement Program would be transferred to the section 402 program, and beginning in 2007, 2 percent of the Interstate Maintenance, Surface Transportation and Bridge Programs would be withheld from States that didn't have a primary seatbelt law or achieve at least a 90-percent safety belt use rate. The percentage withheld would rise to 4 percent in fiscal year 2008 and thereafter.

Why do I object to that? That is telling the people who pay the money into the Federal highway trust fund through their taxes on the fuel they buy that their legislature has to do what we say they should or we are going to withhold the money from them. I believe we cannot continue to usurp the activities and the roles of State legislatures and State chief executive officers.

I introduced a letter from a number of organizations saying:

Currently States face 8 highway safety-related sanctions and penalties that are designed to force compliance with various Federal highway safety mandates or goals, including enactment, by specified deadlines, of various types of State safety legislation. While our organizations support the underlying safety goals, we oppose the use of penalties and sanctions.

They go on to say:

Fewer resources to invest means delays in roadway and intersection improvements, fewer dollars for upgrading signage and markings, and less funding available for investment and safety research.

Also signing this letter are the executive director of the American Association of State Highway and Transportation Officials, the executive director of the Governors Highway Safety Association, the president and chief executive officer of the American Highway Users Alliance, the executive director of the International Association of Chiefs of Police, the executive director of the Commercial Vehicle Safety Alliance, the executive director of the National Conference of State Legislators, the president of the American Council of Engineering Companies, and the vice president of Public Affairs of the AAA, as well, I might say not surprisingly, as the executive director of the National Governors Association.

I hope we may be able to have a vote on that very shortly. But I would defer to the principal sponsor of the amendment to speak in opposition to the arguments I have made.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his courtesy, and that of the distinguished chairman of the committee, Senator INHOFE.

I say to my dear friends: What price do you put on life? No one disputes this legislation will save lives. I don't know of anyone in this Chamber who wouldn't put the highest possible priority on saving lives.

This legislation follows, in many respects, what this Chamber did not too many years ago when it was faced with the problem of trying to reduce the actions and loss of life or injury occasioned by the abuse of alcohol and then driving the automobile.

As a consequence of that, 47 States now have complied with that statute. It is a success in terms of the limited goals that could be set realistically by the .08 drinking level. It achieved the goals in 47 States.

We are asking the average American, about 79 percent of our constituents in

the 50 States—it varies from State to State but overall average, nationally, 79 percent—who use the seatbelt, we are just trying to take it from 79 percent up to 90 percent.

That is the purpose, to save lives, very often innocent lives. It is a well-known, documented fact that in a collision, those who have safety belts on have a higher degree of physical control over the vehicle with the hope of trying to reduce the consequences of the inevitable accident. Without a seatbelt, the driver is often jostled in such a way that he or she loses total control of the car and often an innocent individual is injured.

It is the youth of this Nation who will be the principal beneficiaries of this legislation because, regrettably, it is the young people who are so often involved in these frightful accidents. For whatever reason, macho or otherwise, they do not wear their seatbelts.

This law would simply say that law enforcement in the several States, when they observe a car passing and the driver does not utilize their safety belt, can pull that driver over. In my State today, that driver cannot be pulled over unless he or she is committing an offense other than not wearing their safety belt. Law enforcement can then pull that driver over if he or she is not wearing their safety belt and levy whatever penalties are appropriate. But it is that fear of being pulled over, particularly among those young people, who always seem to be fighting accumulated points for driving infractions, who will be the principal beneficiaries.

The men and women of the Armed Forces, regrettably—so many of them, again, ages 18 to 30—are involved in these accidents. So we are helping our military because they will comply with this law of the several States if there is a mandatory seatbelt law.

When my colleagues cast their vote momentarily, stop to think, what price do you put on a life? I bet if you go back—perhaps I can resurrect how you voted on the .08 legislation for alcohol; this is a direct parallel in almost every way.

This is not mandated because the State, on its own initiative, can devise a program to go to 90 percent. It does not have to follow this track. Go ahead, there might be a better idea in your State to reach 90 percent. Then there is no problem under this law; you have met the criteria.

As that bell rings and you approach the Chamber, just ask yourself the question, What price do I put on a life? Because no one in this Chamber can stand up and say this law would not save lives, would not save injuries, would not save money now expended by your local community to care for those in an accident, many of whom do not have insurance. And the bill stops at your local hospital, unpaid. We did it for .08; we can do it for this.

I thank my colleagues for patiently listening to me. My distinguished col-

leagues from Missouri read off a list of endorsements and I have 135 groups here. The American Medical Association—I listened very carefully yesterday at a press conference when this was addressed by their representative—is strongly in favor of this. My colleague from Missouri mentioned the chiefs of police. I am proud to say my State, the Virginia Chiefs, endorse this statute. As I say, the President, through his Secretary of Transportation, while not directly addressing this specific piece of legislation, said:

I believe that increasing safety belt usage rates is the single most effective means to decrease highway fatalities and injuries.

I have two cosponsors on this bill. I wonder if the distinguished manager would enable me just to contact them?

Mr. INHOFE. Will the Senator yield?

Mr. WARNER. Yes.

Mr. INHOFE. In fairness to the Senator's cosponsors and in fairness to others who may not be easily retrievable at this time, I believe it would be a good idea to defer the vote. I will move to table and ask for the yeas and nays but ask the leadership to maybe put it tomorrow morning sometime. That will give the Senator ample time and provide time for them to be heard on the bill. Is that acceptable?

Mr. WARNER. That is a reasonable request. I think the distinguished Senator from New York, Mrs. CLINTON, would require, say, 10 minutes and the distinguished Senator from Ohio, Mr. DEWINE, and the distinguished Senator from Washington, 10; I will take 5 more minutes; maybe 40 minutes on this side prior to the vote.

Mr. INHOFE. I do not have a problem with that and 40 minutes on this side at all. Why not plan to do that?

Now I have been told we cannot lock in time agreements on a tabling motion, so I will withhold.

Let me be sure we all understand: In my State of Oklahoma, it perhaps makes no difference. We are one of the 20 States that has mandatory seatbelt laws. In fact, it could be argued we could be benefited by this because if other States do not comply and are punished, then that amount of money could go to the States that already comply. So I could actually benefit.

My problem has always been, as the distinguished Senator from Virginia knows, it is a mandate. I would prefer not to do it this way.

I know the Senator's heart is right. I know there is another great person who served in here by the name of John Chafee who felt as strongly about this as the distinguished Senator from Virginia.

Mr. WARNER. Also, Mr. President, we discussed the possibility that I could amend this because I think the distinguished chairman pointed out that 8 months is a short time. So if we could have a gentlemen's understanding that perhaps I could amend it in such a way to take that clause and revise it to enable States to have more time.

Mr. INHOFE. Yes.

Mr. WARNER. Mr. President, we are accommodating the desires of the managers of this bill. Certainly as the chief proponents of this amendment, as long as my cosponsors have an opportunity to speak to it, this matter will be handled fairly.

I yield the floor.

MOTORCYCLE SAFETY

Ms. MURKOWSKI. Mr. President, the Bureau of Transportation Statistics tells us that almost 5 million motorcycles are registered to operate on America's roadways, covering almost 17 million miles per year. Many more are used off-road, and some estimates put the actual number of riders at up to 20 million.

All these Americans choose to ride motorcycles either for recreation or for their primary means of transportation, and every year the number of Americans on motorcycles increases. As that number increases, so does the number of accidents, including fatal accidents. Yet we are falling tragically behind in training these individuals to ride safely.

The single best way to avoid injuries, fatalities, high insurance costs, lawsuits, medical costs and all the other factors that come into play is by avoiding the accidents in the first place.

The National Highway Traffic Safety Administration, in its Motorcycle Safety Program issued in January 2003, said: "Crash prevention . . . offers the greatest potential safety benefit for motorcyclists."

And the single best way to avoid accidents is to provide safety training.

Training works.

Untrained riders have accidents, and trained riders do not. It is really as simple as that.

A study of the California Motorcyclist Safety Program designed by Dr. John Billheimer and completed in 1996 found that rider training dramatically reduces accidents, and thus eliminates injuries and fatalities. Specifically, the study stated, "Analyses of statewide accident trends show that total motorcycle accidents have dropped 67 percent since the introduction of the California Motorcyclist Safety Program, with a drop of 88 percent among the under-18 riders. . . . If accident trends in California had paralleled those in the rest of the U.S. over this period, the State would have experienced an additional 124 fatalities per year. By any measure, the California Motorcyclist Safety Program is a cost-effective program that pays for itself many times over in saved lives and reduced accident rates."

Even more recent statistics from the Commonwealth of Virginia are equally telling. Virginia has approximately 110,000 registered motorcycle. Since 1998, there have been 7,099 motorcycle crashes in Virginia and 222 of those crashes have been fatal. Yet out of all those accidents, the number involving riders with formal training is less than 4 percent of the total, and the number

of fatal accidents involving trained riders is just 1.8 percent. The vast majority of all accidents—over 96 percent—are riders without training.

The most far-reaching document yet completed on motorcyclist safety is the "National Agenda for Motorcycle Safety," a cooperative effort by the National Highway Traffic Safety Administration, the Motorcycle Safety Foundation, the National Association of State Motorcycle Safety Administrators, and a host of others representing the insurance industry, law enforcement, riders, traffic safety experts and others.

The National Agenda identified a number of steps needed to reduce the tragic rate of motorcycle accidents. Uppermost among them is the need for better training.

Where does motorcyclist training come from? Who does it? How is it funded?

The truth is, training, and funding for training, is a mixed bag. And that, is exactly the problem. Most States provide at least moral support, but there is no uniform process for ensuring that training is provided, or that the facilities and funding is made available.

In most cases, training is funded almost entirely by the students themselves, who pay up to \$300 per person for the privilege. Many States also collect money—often a nominal charge of \$5.00 for a motorcycle operator's license. Both these efforts to raise funds are strongly supported by and promoted by the motorcycling community—but they want to ensure that the funds are actually used for things that enhance motorcyclist safety.

As for the curriculum itself, far and away the most frequent choice is the material created by the Motorcycle Safety Foundation (MSF), a group supported by the major motorcycle manufacturers.

The MSF course material for beginning motorcyclists is extremely comprehensive. It focuses on teaching the skills and knowledge needed for safe riding—beginning with the use of proper equipment such as gloves, boots and helmets, goes on to teach students how to predict and avoid hazardous situations, and graduates to teaching the physical skills needed for crash avoidance. This is precisely the course material that has produced such outstanding results in California, Virginia and many other States.

You may well ask, "If training is so successful, why do we still have so many accidents? The answer is as simple as can be: training availability lags far behind the demand.

Throughout the country, the waiting list to join a training class ranges from several weeks to several months.

In California, which has one of the oldest and strongest programs, it may take as long as 3 months.

In Wisconsin, one of the States where training dollars were totally eliminated, motorcyclist groups have

stepped up to the plate to self-fund training, but the waiting list may be as large as 7,000 people.

Illinois trained 8,500 people in 2000, but had to turn away nearly 3,000 more for lack of space. Course capacity increased in 2001 and 2002, but the number of people turned away increased faster. In 2003, almost 11,000 students completed training, but almost 4,000 were told "Sorry, there's no room for you."

And that's the story in State after State.

Unfortunately, what that means is that untrained riders are increasing in number all the time. If you can pass your State's test, you can ride. And if you just spent thousands of dollars on a new motorcycle, the chances are you won't be letting that new motorcycle license go to waste. But a licensed rider isn't necessarily a trained rider, nor is he or she necessarily a safe rider. It takes training—or years of experience—to make a safe rider. The statistics from California and Virginia confirm that for all to see.

At the appropriate time, it is my intention to seek action to encourage the State to provide more and better support for these vital training efforts.

Now, let me turn to another concern of the motorcycling community. A large part of the training needed to produce safe riders consists of teaching them how to avoid road hazards that simply should not exist in the first place. In many cases, highway engineering practices focus on four wheels, not two.

The average driver cruises past such things as bridge expansion joints, loose manhole covers, the slick sealants used to fill cracks in asphalt pavement, rough asphalt patches, rumble strips and lane-dividing buttons that keep drivers awake, and the steel or steel cable barriers along the side of the road. Yet any or all of these things may be hazardous to a rider.

The motorcycling community has long sought ways to let engineers and designers know about those hazards, and work with them to design better systems. I have seriously contemplated offering an amendment that would address this issue, but I am happy to report that such an amendment may not be needed.

That concludes my statement for the movement, but at this time I would like to engage in a colloquy with the chairman of the Environment and Public Works Committee on this matter.

I have been working in several areas to address the issue of motorcyclist safety. As part of this effort, I have been working to establish an Advisory Council to assist the Secretary of Transportation in developing the appropriate safety specifications for highways and motorcycles. Fatalities among motorcyclists have gone up dramatically, rising from 2,112 in 1997 to 3,244 in 2002. Because motorcyclists have special needs and concerns, I have long been concerned that the Depart-

ment of Transportation has not had adequate input from either riders or experts outside the Department itself. Thus, I proposed establishing a council of riders and experts to advise the Secretary on their unique safety needs.

Chairman INHOFE has been very helpful in trying to find the most appropriate way to get this accomplished. He suggested and I agreed to work with the American Association of State Highway and Transportation Officials—AASHTO, which is the organization that actually develops guidelines for highway safety engineering.

I recently received from AASHTO a letter describing a task force it has developed to identify strategies that can be used to reduce motorcycle fatalities and injuries. I believe this task force may be able to accomplish my goal of elevating the unique safety needs of motorcyclists to greater attention by including both riders and outside experts in its deliberations. As a result, I have decided not to offer an amendment to establish an advisory council at this time.

I believe that Chairman INHOFE has had an opportunity to look over the AASHTO letter and I am wondering if he agrees with me that this will accomplish what we have been working towards.

Mr. INHOFE. I have read the AASHTO letter to Senator MURKOWSKI and agree with her that the task force proposed by AASHTO will indeed accomplish what she seeks to achieve.

Mr. President, I ask unanimous consent that the letter from AASHTO dated February 3, 2004 to Senator MURKOWSKI be printed in the RECORD.

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

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,

Washington, DC, February 3, 2004.

Hon. LISA A. MURKOWSKI,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR MURKOWSKI: It has been brought to our attention that motorcycle safety issues are of great concern to you and your constituents. As you know, motorcycle fatalities have gone up dramatically in the past several years, rising from 2,112 fatalities in 1997 to 3,244 in 2002. The State transportation agencies share your commitment to addressing this public safety problem.

Motorcycle riding has special needs and concerns. Currently, the American Association of State Highway and Transportation Officials (AASHTO), through the National Cooperative Highway Research Program (NCHRP), is developing guidance for the State transportation departments on motorcycle issues as part of the implementation of our Strategic Highway Safety Plan. Part of this multi-million-dollar research effort is focused on improving motorcycle safety and increasing motorcycle awareness. Targeted areas in which I understand you may share a strong interest include:

Increasing the awareness of motorcycles on the road through a "share-the-road with motorcycles" campaign and stressing the importance of motorcycle awareness information in driver training courses, driver handbooks or manuals, and licensing tests;

Expanding comprehensive motorcycle rider education and skill testing in all States for novice riders; and

Reducing drinking and driving by motorcyclists through alcohol awareness messages and targeted enforcement.

As part of this effort, a workshop is being planned for June 2004 to identify strategies that can be used to reduce motorcycle fatalities and injuries. You and/or your constituents are welcome to participate in, and contribute to, this workshop. The result of this research project will be the development of a guide for highway officials on practices that can improve safety for motorcyclists throughout the transportation system.

Also as part of the implementation of our Strategic Highway Safety Plan, ASSHTO has committed to the creation of a joint task force to identify hazards/areas of concern to motorcyclists, as well as highway practices that can help minimize these concerns. Examples include the longitudinal expansion joints on bridges, the slickness of material used to fill asphalt pavement cracks, and the safety of various types of guardrail including traditional steel W-beam guardrail and the newer cable barriers. This joint task force will consist of members from the State transportation departments, the American Motorcyclist Association, the Motorcycle Riders Foundation, the National Highway Traffic Safety Administration, and the Federal Highway Administration. Additional input may also be sought from other noted experts in the areas of motorcycle and highway safety both here and abroad. The information developed by this special committee will be used as input into the revision and update of the various AASHTO manuals and guides.

We are very pleased that you have an interest in this area and we are committed to working with you over the next year to ensure that these issues are addressed and that the resulting recommendations are successfully implemented. Please contact my office at (202) 624-5800 if you have any questions regarding this information.

Sincerely,

JOHN C. HORSLEY,
Executive Director.

Mr. INHOFE. I understand that the Senator has also proposed creating a new program to encourage improvements in the States' motorcycle safety programs. I believe this amendment would be very valuable. I also believe it would be most appropriate offered as part of the Commerce Committee title, and would like to be added as an original cosponsor of the amendment when that happens.

Ms. MURKOWSKI. I thank the Chairman for his assistance and will add him as an original cosponsor when that amendment is offered.

The PRESIDING OFFICER. Who seeks recognition?

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. FRIST. Mr. President, I now send a cloture motion on the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 426, S. 1072, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, James Inhofe, Christopher Bond, Gordon Smith, Lamar Alexander, Richard Lugar, Lincoln Chafee, Elizabeth Dole, George Allen, Pat Roberts, Robert Bennett, Craig Thomas, Richard Shelby, Norm Coleman, Mike Crapo, Mike Enzi, Jim Bunning.

MORNING BUSINESS

Mr. FRIST. I now ask unanimous consent that there be a period for morning business with Senators to speak for up to 5 minutes each.

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

HONORING OUR ARMED FORCES

SECOND LIEUTENANT LUKE S. JAMES

Mr. INHOFE. Mr. President, I rise today to honor the memory of a brave young American who gave his life defending our Nation. I went to the ceremony out at Arlington this morning for this young man. It was one of the most moving experiences I have ever had. This man felt a call to serve his country, to be a part of something bigger than himself. For that call, he paid the highest price.

2LT Luke James of Hooker, OK, was a platoon leader in the 82nd Airborne's B Company, 2nd Battalion, 505th Parachute Infantry Regiment, stationed at Fort Bragg, NC. He is survived by his wife Molly and their little son Bradley who was born just 6 months ago. His parents Brad and Arleen James live in Hooker, OK, where Luke played football at Hooker High School and graduated near the top of his class. Luke later attended and graduated from Oklahoma State University where he participated in the ROTC program and earned a degree in animal science.

While on a dismounted patrol, Luke was killed by a roadside bomb during an ambush on January 27. He gave his life for the freedom of millions of Americans and for the peace and future of the Iraqi people.

Lieutenant James had long imagined a life of service in the Army. He was going to be career. These aspirations were realized culminating with his commissioning into the airborne infantry on December of 2002. His parents have described how Luke embodied the selfless attitude toward service to country that is so evident in all of our military men and women.

On February 10, I had the opportunity to attend Lieutenant James' fu-

neral at Arlington National Cemetery. The ceremony honored Luke, and deservedly so. In the words of Lieutenant James's mother, speaking of her son, she said:

We are very proud as his parents that he had the attitude he had, and wanted to serve. . . . It wouldn't have been this mother's choice, but you have to have young men and women willing to preserve the freedom we have. We are glad he was willing.

He was willing. We as a nation are grateful. The loss of 2LT Luke S. James is grievous to all of us. Our thoughts are with his wife and son, as well as his family in Oklahoma.

Today we recognize his valor and commitment. It is for men like Luke James I am proud to be a part of this great Nation. He was a special soldier, a real Oklahoman, and a true American.

As we tour over there, and see these young warriors and their attitude and commitment and patriotism, it is so heartwarming. I am sure at one time or another I saw Luke, but I don't remember when that was. But he is certainly typical, and his family, recognizing that he made the supreme sacrifice, but he made it for us. He knew that risk was there when he took on the position he held.

THE CASE OF MAHER ARAR

Mr. LEAHY. Mr. President, I rise to speak about a very troubling case of rendition and alleged torture that became public last fall. This is the case of Maher Arar, a Canadian and Syrian citizen, who was deported from the United States to Syria last year, who was held and interrogated for months by the Syrians at the Bush administration's request, and who claims to have suffered torture while in custody there.

Mr. Arar was stopped by immigration officers at John F. Kennedy International Airport in September 2002 as he attempted to change planes on his way home to Canada from Tunisia. He claims that he was interrogated by an FBI agent and a New York City police officer, and that he was denied access to a lawyer. He further claims that he repeatedly told U.S. officials that he feared he would be tortured if deported to Syria. After being held for nearly two weeks in a federal detention center in New York, Mr. Arar was transferred by U.S. authorities to Syria. Arar claims that he was physically tortured during the first two weeks of his detention in Syria, and that he was subjected to severe psychological abuse over the following ten months, including being held in a grave-like cell and being forced to undergo interrogation while hearing the screams of other prisoners.

Syria has a well-documented history of state-sponsored torture. In fact, President Bush stated on November 7, 2003, that Syria has left "a legacy of torture, oppression, misery, and ruin" to its people. Stories like Mr. Arar's are appalling and, if true, seriously