



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, WEDNESDAY, APRIL 27, 2005

No. 53

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Lord, You are our light and salvation, so why should we be afraid? Each day, You provide us with blessings for which we give thanks.

Thank You for the beauty of the Earth and the glory of the skies. Thank You for bringing order out of chaos. Thank You for marriage and family, for homes built upon our trust in You. Thank You for children's laughter and for the roar of the ocean. Thank You for Your love and for the true and free gift of Your salvation. Thank You for Senators and staffers who faithfully labor to keep our Nation strong.

Lord, deliver us from those things that dishonor You. Free us from provincialism, narrowness, and from a shallow tolerance that lacks a studied conviction. Liberate us also from poverty of thought and spirit. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader from the great State of Tennessee is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following our leader time, we will have up to 2 hours of morning business. That time will be divided with the majority controlling the first 30 minutes, the minority controlling the next 60 minutes, and the last 30 minutes under the control of this side of the aisle. Following that time we will resume consideration of the highway bill. Yesterday, we began the amendment process on the highway legislation, and we will continue working through amendments today and over the course of this week. I do expect rollcall votes today on amendments, and we should have a full day of debate on the highway bill.

I do want to take this opportunity to remind my colleagues that we in all likelihood will be considering conference reports this week, as they are made available. One of those will be the budget conference report, which will be debated for up to a 10-hour statutory limit. I hope when we do come to the budget we not find it necessary to use all that time, but Senators should stay on notice that we will complete that very important conference report before we leave for our recess.

Finally, I should also mention there are a number of nominations—actually two specific nominations—that will be completed before adjourning. We are working back and forth across the aisle to see how we can best complete those two nominations. We have three district judges as well that should be voted unanimously. The two nominations that I referred to—one is the Portman nomination, which came out of committee, to be U.S. Trade Representative, and the other is Stephen Johnson, to be Administrator of EPA. Again, we are working on bringing that to conclusion, but we need to complete both of those before we leave. Both of these are Cabinet rank officials, and we should not—will not—adjourn until we have considered these important nominations as well.

Mr. President, I have a brief statement on the bill.

THE HIGHWAY BILL

Mr. FRIST. Mr. President, yesterday the Senate voted overwhelmingly to invoke cloture on the motion to proceed to the highway bill, the highway bill we are now on. The amendment process has begun. It enjoys strong bipartisan support, and I am encouraged by the bipartisan commitment to both go to the bill and move this important bill forward. Time is of essence. The current highway extension from last year expires at the end of next month, on May 31. We are going to have to work together to pass this legislation, then take the bill that we pass to conference to join it with the House bill—I have a feeling there will have to be fairly extensive negotiations at that point—and then send that bill to the President for his signature.

This highway bill that is currently on the floor is a product of a long bipartisan process. It is based on more than 3 years of hard work, over a dozen hearings, testimony from more than 100 witnesses, countless hours of negotiation, all of it supported by a deep

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4351

and broad coalition, from State and local highway authorities to national safety advocates. It was last month that a very similar bill overwhelmingly passed the House of Representatives by a vote of 417 to 9. It is time to get this bill done.

This is what America sees, I know: While we engage in this endless negotiation inside the beltway, outside the beltway people are listening to that as they are sitting in traffic jams which are getting worse and worse by the day. At the same time we are debating, roads and bridges continue to deteriorate, and preventable traffic accidents take the lives of tens of thousands of Americans each year. I will come back to that, because these lives do not have to be lost. The action we take on the floor of the Senate will cause those lives not to be lost.

Car crashes, in fact, are the No. 1 cause of death for every age from 3 years of age to 33 years of age; crashes are their No. 1 cause of death. According to national statistics reported just last week, 43,000 people died in car accidents just last year alone. More than 2.7 million people were injured.

I believe the key point is that one-third of all these traffic-related deaths can be attributed to unsafe roads. One out of every three deaths can be attributed to unsafe roads. In my home State of Tennessee, over 1,000 Tennesseans lost their lives in traffic accidents in 2003. Treasury Secretary Norm Mineta rightly says:

If this many people were to die from any one disease in a single year, Americans would demand a vaccine.

We do have a medicine of sorts. In fact, we have a cure of sorts. Passing the highway bill will save 4,000 lives each year simply by making those roads safe, by improving those roads, as well as educating the public about road safety. In Tennessee, where seat-belt usage is among the lowest in the country, our State highway department is taking action, but, like transportation departments all across the country, it needs our help. The highway bill will provide Tennessee with more than \$3.8 billion over the next 5 years to invest in our State's highway infrastructure.

Safety is a top priority of this legislation. Another serious goal is to get America's highways back on track economically. America is interlaced by nearly 4 million miles of roads and highways. Our transportation infrastructure is worth about \$1.75 trillion. Every \$1 billion we invest in transportation infrastructure generates twice that much—\$2 billion—in economic activity and creates over 47,500 jobs. The interstate highway system has often been called the greatest public works project in history, and for good reason.

Our roads, ports, and railroads are vital to America's economic success. We know that well in Tennessee, where we are home to companies such as Federal Express, U.S. Express, Averitt Express. Unfortunately, America's trans-

portation infrastructure is deteriorating badly and becoming painfully overcrowded. Our roads and highways are not keeping up with demand. Just ask any American commuter—bumper to bumper traffic all day long. Indeed, in our Nation's urban areas, traffic delays have more than tripled over the last 20 years, and not just in the big cities but all over the country. In Raleigh Durham, for instance, commuting time has gone up 25 percent in 10 years. In Charlotte, traffic congestion has added 39 additional commuting hours per year. That is nearly an entire work week that has been added, sitting in traffic. In Tennessee, traffic congestion has increased in all of our major metropolitan areas. In Nashville, my hometown, commuters drive an average of 32 miles per person per day. Metropolitan planning organizations are struggling to meet demand.

Americans suffer the loss of more than 3.6 billion hours in those traffic delays, and that translates down to 5.7 billion gallons per year of fuel being wasted. These transportation delays ripple through our Nation's economic sector and ultimately result in lost wages and lost jobs and lost productivity.

Traffic congestion also generates more pollution. Cars that are caught up in stop-and-go traffic emit far more pollution than they do on a road that is smoothly flowing. The American Highway Users Alliance estimates that if we could free up America's worst bottlenecks, in 20 years carbon dioxide emissions would drop by over three-fourths, and Americans would save 40 billion gallons of fuel.

Time, money, and quality of life are being burned up in traffic jams. The highway bill goes a long way to alleviating many if not most of these problems. The key to that effort is the improvements it will make in our mass transit system. The highway bill provides generous provisions to improve our bus and rail systems that make our urban centers thrive. In Tennessee, it will provide more than \$240 million over the next 5 years to improve our transit for our rural and urban commuters. Taking the train or the bus will be more convenient and less time consuming and more comfortable.

As we consider this legislation, keep in mind that oil prices are climbing to historic highs, and the summer driving season is just around the corner. For the sake of every family right now planning their vacation for this summer, every commuter who parks and rides, every minute we spend in a traffic jam, I do urge my colleagues to work quickly to pass this bill.

One final note, and it is a note of caution: We need to stay within our budget limits. We have a rising deficit. We have a President who has clearly laid out his spending parameters, several of which will be spelled out in the budget we will bring to the floor tomorrow. But I am confident by working together we can get this done, and

we can demonstrate reasonable fiscal restraint.

Our vast and interconnecting highways are emblematic of our American spirit. They represent what being American is all about. They represent that spirit and love of adventure, our drive for the unknown. Our highways, bridges, roads, trains, and ports are the physical, tangible expression of the United States. I do urge my colleagues in the great American tradition, in every sense of the phrase, to keep America moving forward.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business up to 120 minutes, the first 30 minutes under the control of the majority leader or his designee, the next 60 minutes under the control of Mr. BIDEN or his designee, and the final 30 minutes under the control of the majority leader or his designee.

The Senator from the great State of Missouri.

Mr. TALENT. My understanding is we are going first in morning business on this side of the aisle.

The PRESIDING OFFICER (Mr. VITTER). The Senator is correct.

JUDICIAL NOMINATIONS

Mr. TALENT. Mr. President, I will claim 20 minutes of the time. I will appreciate it if the Presiding Officer notifies me when 15 minutes are up because Senator HUTCHISON wants to use 10 minutes. I want to make certain everyone knows I do not intend to filibuster this morning. There will be a limit to my remarks.

I appreciated what the leader said about the highway bill. We do need to pass it. We need to pass a robust highway bill for all the reasons he stated. We are all very strongly for reducing the deficit, but spending on infrastructure is dynamic in nature, as I happen to believe tax cuts are dynamic in nature in the sense they produce economic growth. When we reduce the deficit, make this country competitive, help people get to work, Americans will get rid of the deficit if they can get to work in the morning. We need to have that debate in the Senate. Everyone needs to vote their conscience and vote out a robust highway and transportation bill.

That is not what I am here to talk about this morning. I am here to talk about judicial nominations. We have spent altogether too much time on judicial nominations the last 2 years, 150 hours on judicial nominations—not even Supreme Court nominations but court of appeals nominations. We have