

vote along with one of the other filibustered nominees if we abandon our efforts to ensure that all nominees receive an up-or-down vote. The Democrats don't care which of the other four nominees are put on the bench because they let us pick the nominee.

Well, we are not going to toy with these people's careers. They have waited patiently for years to receive the simple dignity of an up-or-down vote, and we are working to restore the norms and traditions of the Senate that existed prior to the previous Congress so they may receive one. But the fact that our Democratic colleagues are now willing to afford one or more of the individual filibustered nominees the courtesy of an up-or-down vote but not allow the same nominees collectively to receive up-or-down votes shows that our Democratic colleagues recognize that each of these nominees is deserving of an up-or-down vote. More than that, it shows the partisan and political nature of the opposition.

Last year, our Democratic colleagues said all seven of these judicial nominees were "too extreme." Now they say only three are too extreme. So one of the following three statements is true: The nominees changed, or the Democrats' definition of what constitutes extremism has changed, or they never really meant it in the first place. Let me repeat that. One of three things is true: Either the nominees who were extreme last year are not extreme this year, the Democrats' definition of what constitutes extremism changed between last year and this year, or they never really meant it in the first place.

It is no wonder many people concluded that what is at work is really just partisan politics. Mr. President, we should not play partisan games with the nomination process. We should take our constitutional duties seriously.

I ask our Democratic colleagues to afford these nominees collectively what they are willing to afford each of them individually; that is, a simple up-or-down vote.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

TERRORISM RISK INSURANCE EXTENSION ACT OF 2005

Mr. SCHUMER. Mr. President, I ask unanimous consent that Mr. REID from Nevada be added as a cosponsor of S. 467, the Terrorism Risk Insurance Extension Act of 2005, introduced by my friend, Senator DODD of Connecticut.

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

Mr. SCHUMER. Mr. President, we still live in America, and particularly in my city of New York, in the shadow of 9/11, of the terrorism that occurred. Obviously, the thousands of families who have had a loved one taken from their midst live with it every moment of their remaining lives, but the rest of us live with it, too, not only in empathy for them but also in terms of the economic consequences of terrorism.

The bottom line is very simple, and that is, because of terrorism, the insurance industry, in terms of insuring risk of large structures in America—whether it be large buildings that make us so proud of the Manhattan skyline, or large arenas such as the football stadiums that dot America, or larger facilities such as Disneyland, Disney World, and amusement parks—all have difficulty getting insurance.

Insurers are worried that if, God forbid, another terrorist act occurs it will be so devastating that it will put them out of business. So they either provide no insurance or provide it at such a high rate because of the downside risk. Small as it may be—and we hope it is—it is still possible that an act so enormous that if, God forbid, it occurs, they do not want to be involved.

So 2 years ago, the Senate, House, and the President got together at sort of the end of the day and passed terrorism risk insurance. It has been a large success. Insurance rates have come down, terrorism insurance is available, and insurance companies know if, God forbid, the worst happens there will be a backstop, and they are willing to issue policies. In turn, that means developers, builders who want to build new large structures in America, will do so, employing thousands and thousands of people, creating profits and new businesses as well.

We now come to the fact that this legislation expires—it was passed as an experiment; those who were dubious of it said, Let's see how it works—in December. But the urgency to act is much sooner than December because policies are not written for 6 months. If right now you are a business and you want to renew your insurance against risk for 1 year or 2 years or 3 years, that policy would go beyond December.

What the insurers say to many is, "I will raise your rate dramatically", which will raise costs and shut down construction, or "I will not insure you at all", which certainly shuts down construction. It means nothing will get built. So we should move this legislation quickly.

I stress we do not need to repeat last year by delaying and delaying. Last year, we began to witness, when we delayed a great deal, a loss in economic activity in the larger cities of this country in particular, even though we were well aware that ultimately this had to be done.

There are really only two alternatives. One is going to be no terrorism insurance. The private market will not fill the gap. That will prevent tens of

billions in projects from going forward this summer and this fall, not next year but right now.

The second is that the market will fill the gap but only at such extraordinary prices and only in unique situations that the same thing would happen.

Why are we sitting in the Senate and in the House twiddling our thumbs? Our economy is squishy, oil prices are up, other economies outside of Asia are down, including Japan's actually, and, therefore, we are worried about the economy, and here we are putting another log on the tracks in the way of economic recovery.

There can be no dispute that terrorism insurance works, and there can be no dispute that if we do not renew it, there will be trouble. The ratings agencies have said in no uncertain terms that come December 31, if there is no terrorism insurance, they are not going to be able to give any kind of decent rating to any insurance offer.

These guys are insurers. They look for risk. They live with risk. They wake up in the morning thinking a risk, they go to sleep at night thinking a risk. We can say, oh, well, and have an ideological debate about how much should the Government be involved, or we can say, actually, people are not as worried about terrorism. It does not matter what you think, Mr. President, or what I think, it is what these insurers think. If the rating agencies say they are not going to give a decent rate to insurers, it is over, and we will not have it.

Moody's noted in an insurance brokers report that up to 75 percent of the policies written since January 1 have adopted a conditional endorsement that voids terrorism coverage if TRIA is not renewed. As we go through the year, the number of endorsements, they said, is expected to increase.

The report specifically stated these conditional endorsements appear to be an indication that unless terrorism insurance is renewed, premium spikes or a sharp reduction in the availability of coverage may result.

The report warns—this is very important—that Moody's is unaware of any viable private market initiative that would take the place of TRIA.

There are some who say: Let it expire and let's see what the market does. That is taking a huge risk because if the market does not come in, then we have hurt construction workers, laborers, and all those who would work in these buildings.

Alan Greenspan, the Chairman of the Federal Reserve, is a very well-respected voice around here, as he should be, in my opinion. He is a free-market guy. He does not like Government involvement. Right now, I am going toe to toe with him about Fannie Mae and Freddie Mac. He would like to curb their role because he does not like the Government involved. I think they are needed in the housing market. But on

terrorism insurance, even Alan Greenspan admits it is needed. Here is what he said:

This is a very difficult issue, because remember that the private markets work exceptionally efficiently in a civilized society in which domestic violence or violence coming from abroad is not a central factor.

You cannot have a voluntary market system and the creation of markets, especially insurance markets, in a society subject to unanticipated violence. And as a consequence, there are certain types of costs, which is what we have the Defense Department protecting us from, which we essentially choose to socialize.

The less of that we have, the better off society is.

Of course, this is his view, and he wants to make sure you know he does not want us to do this everywhere.

There are, nonetheless, regrettable instances in which markets do not work, cannot work. And while I think you can get some semblance of terrorism insurance, I have not been persuaded that this market works terribly well.

It is pretty clear, we need to renew this legislation, and it is likely we will renew it. What is so incredible is we are waiting and waiting, and every day we wait causes damage to jobs and the economy.

The bottom line is that financial dislocation caused by another possible terrorist attack—God forbid—is too much for our country to risk. I urge the entire Senate to pass this legislation quickly. It is cosponsored by 25 of my colleagues, and we should move it without delay and let the markets, let the insurance world, and, most of all, let jobs and construction go forth.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Journal clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I would like to be recognized as in morning business.

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

Mr. REED. Mr. President, I rise to discuss the Terrorism Risk Insurance Act, or TRIA. This law is necessary to make our economy function smoothly and effectively and to protect it from the risk of a terrorist attack.

After 9/11, we enacted a number of measures including the Terrorism Risk Insurance Act, to enhance and stabilize the security of our citizens and our economy. TRIA provided a high-level Federal backstop that allowed private insurance and reinsurance markets to return and to allow American businesses to overcome the shock of September 11. TRIA seems to have performed exactly as we intended, but as we all know the program expires at the end of this year. I am getting concerned that we are fast approaching

the point where we need to move forward and reauthorize the TRIA. We can't allow this program to expire without a short-term extension or longer term solution to be put in place.

But as we consider whether to extend TRIA, we should look closer at the two main goals we tried to accomplish with the law. First, as I just noted, we wanted to make sure that the market and the economy functioned in the wake of 9/11 and in the face of the threat of terror. After 9/11, the insurance companies looked at their risk for the first time in the context of a mass casualty destructive act that would destroy buildings, that would kill perhaps thousands of people, and they decided that they alone could not take this risk. In light of the new conditions, the passage of TRIA, provided a necessary backstop, and allowed the private insurance companies and the market to function effectively.

One of the areas that I became concerned about was workman's compensation. Most people would say: What does that have to do with a major attack that falls upon a large building or a major city or some other key facility? The point is thousands of workers are covered by workman's compensation. Those deaths and injuries would trigger workman's compensation. That is just one example of the situation caused by 9/11, the situation of uncertainty, the situation of potentially huge losses which never before were fully calculated by the insurance companies. That part of the purpose of TRIA has worked very well. Our insurance markets are functioning smoothly today.

But there is a second important reason, and that second important reason is that many of us felt that we needed to have a policy in place all the time to allow the economy to rebound more quickly in the unfortunate event of another terrorist attack here in the United States.

Let me just remind you, as we left this Chamber yesterday morning, as we moved to assembly areas, as we evacuated all these buildings, the notion of a further terrorist attack was not something hypothetical or remote. For an instant there, there was real concern that we would be struck again. And if we are struck again and we do not have in place a terrorism reinsurance program, the insurance industry will once again face the same dilemma we saw on 9/11: we can't cover these risks; we are overexposed; we can't provide insurance in the future. That slows the economy down and potentially in many different ways. TRIA has to be in place. As long as we are sincerely persuaded that there is a terrorist threat, and I know I am, then we have to have this TRIA program in place.

Some opponents of the extension argue that TRIA should be a temporary program because by ending it private terrorism insurance markets will be forced to stabilize and provide adequate capacity to meet the demand for

coverage. I do not think that will happen. I think the markets will stabilize because companies will not write risks. And if you are trying to build a major building in a major city, guess what? Try to get insurance. If you propose to put in a major office complex with thousands of workers, try to get workman's compensation insurance. You will not get it. That is the way the market will respond to the uncertainty caused by the potential attack of terror, and that will hurt our economy grievously. I think we have to recall and realize that we still are under the threat. I think we have to also be conversant with the fact that there will be dramatic economic effect even if a small attack is waged by terrorists because the psychological dimension is just as important in many respects as the physical damage. So we have to have in place this terrorism reinsurance program, and we are running out of time to do it right, carefully, thoroughly, and get it done before the end of the year. As you may know, the Treasury Department is required to report to Congress by June 30 of 2005 on issues associated with the act and its purposes. While I am looking forward to the conclusion of the Treasury Department study, it will have little, if anything, to do with the second aim of the law; namely, having a policy in place in the event there is another attack in the United States.

It is this "preparedness" reason that most compels me to believe that we need to continue a Federal terrorism insurance program. This Congress, Senator DODD and Senator BENNETT reintroduced the extension bill, S. 467, the Terrorism Risk Insurance Extension Act of 2005, of which I am an original cosponsor. In addition to extending TRIA to 2007, this bill establishes a Presidential working group on financial markets to submit a report to Congress containing recommendations to address the long-term availability and affordability of terrorism risk insurance.

The administration thus far has been silent on extending TRIA. It is essential that the administration lead rather than follow in this process of legislative deliberation. Furthermore, vacancies in key administration positions have led to a vacuum in leadership and communication needed for good policymaking as we approach deliberations on TRIA. Extending TRIA is absolutely the right thing to protect the economic security of our country. I urge my colleagues to take a close look at this legislation and join us in supporting it.

I thank the Chair. I yield back my time.

Mr. REID. Mr. President, I ask unanimous consent to include in the RECORD at the conclusion of my remarks a written statement that I submitted at a symposium sponsored by the U.S. Chamber of Commerce on extending the Terrorism Risk Insurance Act, or TRIA, and a letter signed by seventy-four CEOs of the largest integrated financial services companies in

the country which provide banking, insurance and investment products and a second letter from the Coalition to Insure Against Terrorism, CIAT, which represents over seventy-five companies and major associations, a virtual cross section of the U.S. economy, both of which express strong support for extending the terrorism insurance program.

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

(See exhibit 1.)

Mr. REID. Mr. President, in 2002 I co-sponsored, and Congress passed, the Terrorism Risk Insurance Act, commonly referred to as TRIA. This important legislation provided a government backstop for the terrorism insurance market that disappeared after the attacks of September 11. TRIA is working. Today, because of TRIA, terrorism risk insurance is available and businesses have meaningful access to coverage. The primary purpose behind TRIA, and the reason it needs to be extended, is to make sure that the American economy and markets function in the face of a terrorist threat. There needs to be a mechanism in place to allow the economy to rebound more quickly and to protect American jobs in the unfortunate event of another terrorist attack here in the United States. The threat of an attack has not gone away and will not go away when TRIA expires at the end of 2005.

While some in Washington continue to hope that a private market will develop in the absence of TRIA, let me quote from two reports put out recently by those who are in the business of watching markets. The first is a Special Report by the rating agency Moody's Investors service dated April 28 which expressed concern about the potential effects of the pending expiration of the Terrorism Risk Insurance Act, TRIA.

Moody's noted, that insurance brokers report that up to 75 percent of policies written since January 1st have adopted a conditional endorsement that automatically voids terrorism coverage if TRIA is not renewed, and that the number of conditional endorsements is expected to increase as the year progresses. The report stated, "These conditional endorsements appear to be an indication that unless TRIA is renewed, premium spikes, or a sharp reduction in availability of coverage, may result. The report warns, "Moody's is unaware of any viable private market initiative that would take the place of TRIA."

Secondly, Marsh Inc., in a report released on April 25, entitled Marketwatch: Terrorism Insurance 2005, concludes: "If TRIA is not extended, the stand-alone insurance market is unlikely to have sufficient capacity to satisfy all of the expected demand at commercially viable prices."

The Bush administration official who spoke at the recent U.S. Chamber symposium on TRIA simply gave those in attendance a history lesson on the

issue, but refused to give any indication whether the administration would support or oppose an extension of TRIA. Policy holders from major sectors of the economy—real estate, financial services, energy, entertainment, hotel, and hospital industries—feel like they are being left to twist in the wind wondering whether the administration and the Congress are going to take the necessary action so that they can properly and responsibly protect their properties. There is absolutely no sense of urgency by this White House and I think they would like to see this issue quietly go away.

The financial dislocation caused by another possible terrorist attack is too important to ignore and we should not continue to delay action on an issue that is so important to our economy and the American workforce. We should act on extending TRIA and act promptly.

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

CHAMBER OF COMMERCE TERRORISM
REINSURANCE CONFERENCE

REMARKS BY SENATOR HARRY REID

(Thursday, March 17, 2005)

I was a co-sponsor of the Terrorism Risk Insurance Act (TRIA), which Congress passed in 2002, and I strongly agree with many of you, that we need to extend this important program as soon as possible.

After the attacks of September 11th, private insurance was no longer available to cover losses caused by terrorist attacks. It became impossible to purchase property and casualty insurance to cover losses to real property and the people in those buildings because the risk was too difficult to measure. This created serious problems in the real estate and commercial development sectors and essentially stopped construction of new buildings because banks would not loan money for projects that could not be insured.

When a meaningful market for terrorism insurance failed to develop after several months, it became clear that Congress needed to do something to prevent continued disruption to the economy.

We passed TRIA and it is working today.

Because of TRIA, terrorism risk insurance is available and businesses have meaningful access to coverage. I don't think we can underestimate its impact on the economic recovery we have seen in Nevada and other parts of the country.

As you know, TRIA is set to expire at the end of 2005. Its looming expiration has huge implications for our economy and job creation. Already I have heard reports that insurance providers will not write terrorism insurance policies in large, metropolitan markets such as Las Vegas, Chicago and Washington, DC in light of TRIA's near expiration. I regret that this is taking place, and I worry about the impact this will have on our economy if the insurance they need is not available.

The White House seems to be content on waiting for the Treasury Department's report on the terrorism insurance market before making any decision. That report is not due until June 30th. That's too late and waiting until this summer to make a decision creates too much uncertainty for the real estate, construction and insurance industries.

When many of us voted for TRIA, we did so for two principle reasons. First, we wanted to make sure that the markets functioned in

the face of the threat of terrorism. We wanted to restart the construction industry and get people back to work. But the second important reason for this legislation—and I believe President Bush stated this when he signed the bill into law—was that many of us felt that we needed to have a policy in place to allow the economy to rebound more quickly in the unfortunate event of another terrorist attack here in the United States. We felt that having an insurance program in place would ensure that economic activity would continue after a terrorist attack.

And this second reason is why I am so concerned about the President's "wait and see" approach to extending TRIA. The Treasury department's study—whatever it finds—is only focusing on the first reason that TRIA was put in place. It has little, if anything, to do with the second reason for the Act.

It is this "preparedness" reason that is the real convincing reason that causes me to say we need to continue a Federal terrorism insurance program, and we do not have to wait for the Treasury department to further the debate on that.

I also support inclusion of group life coverage in the TRIA bill when it is reauthorized. There continues to be a lack of available catastrophe reinsurance coverage for the group life insurance industry and the absence of reinsurance coverage poses a significant risk for the 156 million American families who rely on the promised survivor benefits of their group life insurance policies.

If the President is serious about creating jobs and maintaining the health of the U.S. economy, he needs to get behind efforts to extend this law now. Otherwise, it is just not going to happen. American businesses are already being told by insurers that they face the prospect of going without terrorism coverage by year-end.

Prior to TRIA's enactment in 2002, \$15 billion in real estate transactions were cancelled or put on hold because there was no terrorism insurance available. Commercial construction was at a six-year low. According to the White House, over 300,000 construction jobs were lost or put on hold because there was no terrorism insurance available. Bond rating agencies downgraded \$12.5 billion worth of commercial mortgage-backed securities because of the lack of available terrorism insurance. Lenders began to "force place" terrorism insurance coverage on many properties, despite the fact the only available terrorism coverage was deficient, defective and priced at levels that negatively affected the economics of the underlying properties.

Extending TRIA makes good economic sense, and I hope the White House and my Republican colleagues who control its fate will work with our caucus and move swiftly to extend it.

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, April 27, 2005.

Hon. BILL FRIST,
Hon. HARRY REID,
U.S. Senate, Washington, DC.
Hon. J. DENNIS HASTERT,
Hon. NANCY PELOSI,
House of Representatives, Washington, DC.

DEAR MAJORITY LEADER FRIST, SPEAKER HASTERT, MINORITY LEADER REID AND MINORITY LEADER PELOSI: We are writing in support of an extension of the Terrorism Risk Insurance Act (TRIA).

The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer.

TRIA is not likely the long term answer to how policy holders, insurers and the government deal with terrorism coverage. It is,

however, a program that keeps policy holders from bankruptcy, insurers from insolvency, and taxpayers from paying the full cost of a catastrophic terrorist event. From this standpoint, it has been a success and it is essential that the program be extended for a determinant period of time.

An extension should meet the following principles:

It should extend the current program for a reasonable period of time;

It should hold retention levels at the current program limit;

It should provide a backstop for group life policies; and

It should require stakeholders to determine the nature of a public private partnership going forward (including, specifically, a study of how to deal with threats posed by nuclear, biological, chemical and radiological attacks).

We recognize that TRIA is not working perfectly for all stakeholders. For some insurers the retention levels require companies to underwrite as if the program does not exist, and any increase in retention levels will render the program useless. But we believe that TRIA has helped to stave off the economic dislocation that could have filled the vacuum left by drain of insurance industry capital post-9/11. In instances where states have granted exclusions, insurers who otherwise could have walked away from this type of risk have not because of TRIA. In states where no exclusion exists, or for those carriers who write worker compensation coverage, the backstop is insurance against insolvency.

Thank you for your attention to this important issue. Please do not hesitate to contact us if we may be of assistance on this or other issues.

Best regards,

STEVE BARTLETT,
President and CEO.

Also signed by 74 others.

COALITION TO INSURE
AGAINST TERRORISM,
Washington, DC, April 26, 2005.

DEAR SENATOR REID: The Coalition to Insure Against Terrorism (CIAT), a broad-based coalition of business insurance policyholders representing a significant segment of the nation's GDP, strongly supports S. 467, the Terrorism Risk Insurance Extension Act of 2005, introduced by Senators Bennett and Dodd. As the principal consumers of this vital insurance coverage, CIAT urges you to cosponsor this important legislation.

With the Terrorism Risk Insurance Act (TRIA) set to expire at year-end, there is no evidence to suggest that insurance markets will be able to provide adequate insurance against catastrophic acts of terrorism without a federal reinsurance backstop. Based on recent testimony from senior Administration officials, the threat of terrorism within our homeland remains as high as it did on 9/11. Earlier this year, CIA Director Porter Goss said before the Senate Intelligence Committee: "It may be only a matter of time before al-Qa'ida or another group attempts to use chemical, biological, radiological and nuclear weapons", and "al-Qa'ida is intent on finding ways to circumvent U.S. security enhancements to strike Americans and the Homeland."

This stark reality, together with the unique factors that make the terrorist threat akin to the risk from war, continues to prevent insurers from effectively modeling and pricing the risk of future catastrophic terrorism attacks, thereby seriously hampering the development of any viable catastrophic reinsurance alternatives to TRIA.

To date, the terrorism reinsurance program established by TRIA has achieved the goals envisioned by President Bush and bipartisan leaders in Congress in 2002. First, it has helped keep the economy going in the face of continued terrorist threats by ensuring that businesses across America can secure this essential coverage, saving countless jobs in the process. Second, it serves as an important tool to minimize the severe economic disruption that almost certainly will occur should there be a future terrorist attack of catastrophic proportion.

S. 467 would extend the current TRIA program for a short period of time while also creating a group of insurance and risk management experts to work with the Presidential Working Group on Financial Markets to develop a longer-term solution. If enacted, this legislation will ensure that the nation's workers and businesses will be able to secure adequate and affordable insurance coverage against terrorism after year-end, and that the nation has a sound policy in place to enable the economy to quickly recover should another terrorist attack occur in the U.S.

CIAT believes that it is absolutely critical that Congress act quickly to extend the Terrorism Risk Insurance Act (TRIA) beyond December 31, 2005. Extending TRIA is an essential part of our nation's economic preparedness against terrorism, as well as an essential element of our nation's economic security. With only a few months left, American businesses and property owners face the threat of going without adequate and affordable terrorism insurance coverage next year. Without a federal terrorism risk reinsurance program in place, our economy will be needlessly disrupted and significant U.S. economic interests and jobs are likely to be exposed to the uninsured costs of a major terrorist event.

To this end, CIAT respectfully requests that you cosponsor S. 467.

Sincerely,

THE COALITION TO INSURE
AGAINST TERRORISM.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 605, to provide a complete substitute.

Dorgan amendment No. 652 (to amendment No. 605), to provide for the conduct of an investigation to determine whether market manipulation is contributing to higher gasoline prices.

Nelson (FL) (for Feingold) amendment No. 610 (to amendment No. 605) to improve the accuracy and efficacy of identity authentication systems and ensure privacy and security.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate equally divided between the Senator from Oklahoma and

the Senator from Vermont or their designees prior to the vote on the motion to invoke cloture on the pending substitute amendment.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, those of us who are in the managing positions want to explain what it is about and why the cloture is very important. However, we do want to accommodate the Senator from Arizona, who is busy with a markup right now, and if there is no objection, I would recognize him for up to 8 minutes.

Mr. MCCAIN. Mr. President, I thank the Senator from Oklahoma and the Senator from Missouri for their courtesy, and I will try to be brief in my statement.

Nearly 50 years ago, the Federal-Aid Highway Act of 1956 was enacted into law. As I mentioned during last year's debate, the 1956 act added up to a mere 29 pages—a tiny fraction of this year's highway bill. But what it accomplished truly changed this country. The act created programs that led to the construction of the Interstate Highway System, the largest civil works project ever undertaken by the United States. The 1956 act was the brainchild of President Eisenhower to establish the highway trust fund, financed by taxes on gasoline to fund this massive undertaking. The act required the construction of an interstate highway system using a uniform design that would be safer than most U.S. highways in existence at that time.

Mr. President, today we are all the beneficiaries of the foresight of President Eisenhower and of the Congress that helped to shepherd the legislation through to enactment. The Interstate System today is 47,000 miles long, comprised of 62 superhighways crisscrossing the Nation in a grid. Twenty-four percent of all travel occurs on the interstates, and the system has obtained a record of being twice as safe as other highways.

Unfortunately, when people look back 50 years from now at the highway legislation that the Senate will consider shortly, I doubt that history will remember this as having helped improve on President Eisenhower's "grand plan." We are no longer focused on building a unified transportation system to improve the safety, security, and economy of our Nation as a whole. Instead, we are faced with legislation that redistributes funding to the States in an unfair manner.

Approximately every 6 years we reauthorize our Nation's multiyear highway, transit, and safety programs. We last reauthorized these programs in 1998 with the enactment of TEA-21 following extensive debate in the Senate. In the 108th Congress we did not reauthorize these programs, and, instead, Congress passed a series of short-term extensions of TEA-21, and this happened for good reason. The bill brought to the Senate floor in the last Congress would have increased overall funding to \$318 billion, \$100 billion over the TEA-21 enacted level.