

SEC. 6. ARMOR PIERCING AMMUNITION.

(a) UNLAWFUL ACTS.—Section 922(a) of title 18, United States Code, is amended by striking paragraphs (7) and (8) and inserting the following:

“(7) for any person to manufacture or import armor piercing ammunition, unless—

“(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(B) the manufacture of such ammunition is for the purpose of exportation; or

“(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

“(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

“(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

“(B) is for the purpose of exportation; or

“(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;”.

(b) PENALTIES.—Section 924(c) of title 18, United States Code, is amended by adding at the end the following:

“(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

“(A) be sentenced to a term of imprisonment of not less than 15 years; and

“(B) if death results from the use of such ammunition—

“(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

“(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.”.

(c) STUDY AND REPORT.—

(1) STUDY.—The Attorney General shall conduct a study to determine whether a uniform standard for the testing of projectiles against Body Armor is feasible.

(2) ISSUES TO BE STUDIED.—The study conducted under paragraph (1) shall include—

(A) variations in performance that are related to the length of the barrel of the handgun or center-fire rifle from which the projectile is fired; and

(B) the amount of powder used to propel the projectile.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under this subsection to—

(A) the chairman and ranking member of the Committee on the Judiciary of the Senate; and

(B) the chairman and ranking member of the Committee on the Judiciary of the House of Representatives.

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. INHOFE. Mr. President, I submit a report of the committee of conference on the bill (H.R. 3), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senator will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of July 28, 2005.)

Mr. INHOFE. I understand we have 15 minutes divided evenly between the majority and minority, and the Senator from Arizona has up to 30 minutes.

I ask now to recognize the Senator from Arizona for up to 30 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this is a remarkable piece of work. I want to assure my colleagues that I will not take a half hour, but I will take a few minutes to talk about some of the interesting and egregious and remarkable aspects of this bill.

There is an old saying about evil, and that is, if you do not check it or reverse it, then it just continues to get worse. I have to say, I haven't seen anything quite like this, although I have seen some pretty bad things in the years that I have been here.

It is \$286.4 billion, terrifying in its fiscal consequences and disappointing for the lack of fiscal discipline it represents. I wonder what it is going to take to make the case for fiscal sanity here. If you had asked me years ago, I would have said that the combination of war, record deficits, and the largest public debt in the country's history would constitute a sufficient perfect storm to break us out of this spending addiction—and I would have been wrong. I think we can weather almost any storm thrown at us. This week's expenditures, I think, are a pretty good example.

I mentioned before, we are all the beneficiaries of the foresight of President Eisenhower and the Congress that helped to shepherd the original highway bill legislation. I have carried it to the floor before. It is about that thick. It has two demonstration projects in it.

This is just a small example of some of the provisions in this bill, which are unnumbered pages. The conferees didn't even have time to number the pages. I have no idea how many billions

are in here. Some, I am sure, are very good projects. Many of them are interesting. Some of them are entertaining. Just glance right here: Parking facility in Peoria, IL, \$800,000. A parking facility in a highway bill.

The original bill as proposed by President Eisenhower and adopted by the Congress had two demonstration projects. Now we have a lot. No one has counted them yet. No one has counted these projects because we have not, of course, had time because they have been stuffed in late, in the middle of the night.

Not surprisingly, my colleagues have come to me and begged: Please make this short; I have a plane to catch. Please don't take too long; I have a plane to catch. I have to get out of here.

Of course, it is just a coincidence that we happen to be considering this legislation just before we leave.

How do we celebrate? Let me count the ways.

Section 1963, Apollo theater leases. The section would require the Economic Development Administration to lease and improve the Apollo Theater, in Harlem, New York.

The Apollo Theater in Harlem, NY.

Midway Airport, directs the Coast Guard, in consultation with the Department of Transportation, to make grants or other funding to provide for the operation of Midway Airport.

This is not an airport bill; this is a highway bill.

Expands the authority of the State of Oklahoma in environmental matters to extend over “Indian country” within that State.

Let me say that again.

Expands the authority of the State of Oklahoma in environmental matters to extend over “Indian country” within that State.

I don't know what that costs. But what in the world is it doing on a highway bill?

Requires for Treatment as a State under EPA regulations, an Indian Tribe in Oklahoma, and the State of Oklahoma, must enter a cooperative agreement to jointly plan and administer program requirements.

What is that all about? No one has ever brought it to my attention as chairman of the Indian Affairs Committee. I admit it is a long-neglected committee—at least until recently.

Eligibility to Participate in Western Alaska Community Development Quota Program. Designates a community to be eligible to participate in the Western Alaska Community Development Program established under the Magnuson-Stevens Act.

It may be worthwhile. I have no clue. What in the world does it have to do with a highway bill?

This is one of the most remarkable I have ever seen. I have been talking about these for years and years, but this is truly remarkable. This is a “technical adjustment.”

This section would overturn a decision by the 9th Circuit Court of Appeals.

It overturns a court decision in a highway bill, and legislates a settlement between the parties that would authorize \$4 million to be provided, tax free, to the Alaska Native fund. That \$4 million is going to be spent to be provided tax free to the Alaska Native fund, in a highway bill.

This section was not in either the Senate-passed or the House-passed bill. Neither one. So right there it is in violation of the rules of the Senate and the Congress. It wasn't in either bill.

This "technical adjustment" is neither technical nor an adjustment, but it is a bailout for Hawaii and a blatant giveaway to the Alaska Native population. In 2000, the General Services Administration donated to Tanadgusix Corporation, called TDX, which is an Alaska Native corporation, a World War II decommissioned dry dock under the condition that it be transported from its holding area in Hawaii and placed in Alaska.

The TDX agreed to this condition. However, after receiving title, TDX began operating the dry dock in Hawaii. GSA attempted to enforce the contract. TDX sued the Government. A Federal district court and the Ninth Circuit Court of Appeals had both ordered TDX to tow the dry dock to Alaska. Additionally, the Department of Justice has filed a false claim suit against TDX for its illegal use of the dry dock.

None of this seems to matter to the conferees who require the dry dock to be sold, so long as the buyer agrees to operate the dry dock outside the United States to protect the ports in Hawaii and Alaska from competition.

The conferees also require the Government to compensate TDX with \$4 million tax free.

Why? Again, what in the world does this have to do with highways? And why should we be bailing out corporations and overturning court decisions? It is only \$4 million. We are talking about \$280-some billion. But this is a bailout for Hawaii and a tax-free gift to Alaska.

Conferees also have tax cuts. Do you know in this bill we have tax cuts, repeal of special occupational taxes on producers and marketers of alcoholic beverages? We don't want people to drink and drive on highways, so I guess there is some connection to the highway bill, repeal their alcohol taxes.

There are income tax credits for distilled spirits wholesalers. Income tax credits for distilled spirits wholesalers in a highway bill.

Caps on excise tax on certain fishing equipment. I guess you have to drive on a highway to go fishing. Maybe that is it.

There are tax breaks for luxury transportation. We don't want to leave our big donors out of this bill. Tax breaks for luxury transportation, exemption from taxes on transportation provided by seaplanes and certain sightseeing flights. I guess you could land a seaplane on a highway—all

though that is hard, as an old pilot, I have to say. Exemption on taxes on transportation provided by seaplanes and certain sightseeing flights.

I might add to my colleagues, we have had a couple of hours to examine a 2,000-page bill.

Section 1114, Highway Bridge Program. The section contains bridge construction or improvement projects totaling \$100 million for the fiscal year.

We are getting up there a little bit now.

These include \$12,500,000 per fiscal year for the Golden Gate Bridge, \$18,750,000 per fiscal year for the construction of a bridge joining the island of Gravina to the community of Ketchikan in Alaska.

Let me tell you that once again: \$18,750,000 per fiscal year. We figure it is about \$80 million. It could be a lot more than that. Guess how many people live on the Gravina Island? Fifty-five-zero. I don't know what that works out to per capita, but it is about a million-something per person at least.

... and \$12,500,000 per fiscal year for the State of Missouri for construction of a structure over the Mississippi River to connect the City of St. Louis, MO, to the State of Illinois.

National Corridor Infrastructure Improvement Program. Directs the Department of Transportation to establish and implement a program for highway construction in corridors of National significance to promote economic growth and international or inter-regional trade pursuant to criteria in the section.

It lists 33 earmarks for 24 States totaling \$1.95 billion—B—billion dollars.

Freight Intermodal Distribution Pilot Program.

It is always interesting when you see the words "pilot program."

Directs the Secretary of Transportation to establish a freight intermodal distribution pilot grant program authorized for a total of \$24 million. A portion of the funding must be used for the following projects:

Short-haul intermodal projects, Oregon \$5 million; the Georgia Port Authority, \$5 million; the ports of Los Angeles and Long Beach, California, \$5 million.

Ports—ports, my friends, not highways, ports.

Fairbanks, Alaska [of course] \$5 million.

Just throw that in.

Charlotte Douglas International Airport Freight Intermodal Facility, North Carolina, \$5 million.

South Piedmont Freight Intermodal Center, North Carolina, \$5 million.

Development of Magnetic Levitation Transportation Systems. Authorizes a total of \$40 million for MAGLEV deployment and earmarks 50 percent of the funding made available each year for a MAGLEV project between Las Vegas and Primm, Nevada, and 50 percent for a project east of the Mississippi River.

So we are going to have \$40 million for MAGLEV deployment and half of it goes to Nevada and half of it goes for a project east of the Mississippi River.

"Project Authorizations," this section would fund 5,173 projects, totaling \$14.8 billion.

Here is my favorite so far: \$2,320,000 to add landscaping enhancements

along—get this—the Ronald Reagan Freeway. I wonder what Ronald Reagan would say: \$2,320,000.

In my youth, I have watched Ronald Reagan deride this kind of activity on the part of Congress. He used to get a pretty good response.

\$480,000 to rehabilitate a historic warehouse on the Erie Canal in the town of Lyons, New York.

A historic warehouse. I hope we all have a chance to visit it sometime.

\$600,000 for High Knob Horse Trails, construction of horse riding trails and associated facilities in High Knob area of the Jefferson National Forest in Virginia;

\$2,560,000 for the Daniel Boone Wilderness Trail in Virginia. These funds would be used for acquiring the site; designing and constructing an interpretive center, and for the enhancement of the trail corridor;

\$120,000 for the Town of St. Paul—restoration of Hillman House to serve as a trail information center;

\$400,00 to rehabilitate and redesign Erie Canal Museum in Syracuse, New York;

\$2,400,000 for the National Infantry Museum Transportation Network in Georgia;

\$960,000 for transportation enhancements to the Children's Museum of Los Angeles;

\$1,200,000 for the Rocky Knob Heritage Center in Virginia;

\$1,600,000 for the Blue Ridge Music Center in Connecticut.

So we can listen to music as we are traveling on the highways.

\$200,000 for the deer avoidance system to deter deer from milepost markers in Pennsylvania and New York;

\$1,280,000 for the Cultural and Interpretive Center in Richland, WA;

\$1,200,000 for the planning and engineering of the American Road, the Henry Ford Museum, Dearborn, MI;

\$1 million for the Oswego, NY pedestrian waterfront walkway;

\$400,000 for the Uptown Jogging, Bicycle, Trolley Trail in Columbus, GA;

\$2 million for Ketchikan, AK, to improve marine drydock facilities;

\$3 million for dust control mitigation on rural roads in Arkansas.

Dust control mitigation on rural roads. Good luck. And

\$850,000 for the Red River National Wildlife Refuge Visitor Center in Louisiana;

\$5 million for the Grant Tower reconfiguration in Salt Lake City, UT.

I guess we don't know what the problem with the present configuration of the Grant Tower is in Salt Lake City.

Construction of ferry boats and ferry terminal facilities, which would set aside \$20 million for the construction or refurbishment of ferry boats and ferry terminal facilities and, guess what, of this amount \$10 million would be earmarked for, guess where, Alaska. And \$5 million would be earmarked for New Jersey. Way to go, New Jersey. And \$5 million would be earmarked for Washington.

It authorizes such sums as may be necessary for 465 earmarked projects totalling \$2,602,000,000, and the big winners are Alaska, Colorado, Georgia, Iowa, Michigan, Missouri, Montana, North Carolina, Oregon, Pennsylvania, and Vermont.

Going-To-The-Sun Road in Glacier National Park in Montana. Authorizes

\$50 million for a project to be 100 percent federally funded to reconstruct a road in Glacier National Park. I am sure no one else with a national park in their State has need for roads that would outdo this one.

Bear Tooth Highway in Montana. Upon request by the State of Montana, the Secretary shall obligate such sums as necessary to reconstruct the Bear Tooth Highway. I think this might fit nicely into the \$3 million we provided a few years ago on another appropriation bill to study the DNA of bears in Montana so they could use the Bear Tooth Highway.

The Great Lakes ITS implementation: \$9 million to continue ITS activities in the Milwaukee, Chicago, and Gary, IN, area.

There is a lot more.

The Knik Arm Bridge funding clarification: Directs the DOT to provide all funds earmarked for the Knik Arm Bridge to provide the Knik Arm Bridge and Toll Authority, \$229.45 million. The Knik Arm Bridge, a name that is hard to pronounce, I admit, will be renamed Don Young's Way.

Another section in the legislation: Traffic circle construction, Clarendon, VT—\$1 million for the State of Vermont to plan and complete construction of a traffic circle at a specified location.

Three million dollars—\$3 million—to fund the production of a documentary—get this: \$3 million to fund the production of a documentary about infrastructure that demonstrates advancements in Alaska, the last frontier.

Statewide transportation funding. This section would fund ferry projects, including \$25 million for projects in Alaska and Hawaii, and extension projects utilizing ferry boats, ferry boat terminals, or approaches to ferry boat terminals; \$2.5 million for the San Francisco Water Transit Authority; \$2.5 million for the Massachusetts Bay Transportation Authority Ferry System; \$1 million for the Governor's Island New York ferry system, and \$1 million for the Philadelphia Penn's Landing ferry terminal.

The Department of Transportation is going to provide grants to the Okla-

homa Transportation Center to study motorcycle accident investigation methodology, \$1,408,000. And then, of course, \$1 million for fiscal years 2006 and 2007 for a wood composite products demonstration project at the University of Maine.

Well, anyway, that is how we are doing the grand plan, and I would point out to my colleagues there are, according to the information I have, 30 donor States that are losers and there are 20 States that are winners. Some States have as much as 526 percent return on every dollar that is sent to Washington, and others have as low as 92 percent. Some have 206 percent, 218 percent, 207 percent, 227 percent.

I ask unanimous consent that this chart be printed in the RECORD. I think my colleagues would be interested to see how they came out on this.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

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

**U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

DATE OF RETIREE AND 5 YEAR FUNDING COMPARED TO TFA-21 FY 2005-2009 APPORTIONMENTS FOR RTA-000-16

Mr. McCAIN. What is so harmful in this is, because I happen to represent, as do some other Senators, fast-growing States, it is the rapidly growing States that are penalized the most here: Arizona, California, Colorado, Florida, Georgia. The fastest growing States are the ones that are receiving the smallest amounts of money, and it is obviously very unfair. I think we all know what the answer is. Let the States keep the dollars they collect in the form of taxes and spend it within their own State. I think the answer is that simple.

This is how this Congress administers the money of the American people, Mr. President. In the 1950s when President Eisenhower's "Grand Plan" was being formulated, the country focused on building a unified transportation system to improve the safety, security, and economy of our Nation as a whole. Now, Congress circles transportation funds like sharks. Instead of serving the public good, this Congress slices and dices the Treasury's money to fill up the pork barrel. And we do so with grand speeches and lofty language, with no trace of shame or irony.

We live in the Era of the Earmark, Mr. President. In 1982, the transportation bill included 10 earmarks costing \$386 million. In 1987, the bill included 152 earmarks, with a cost of \$1.4 billion. By 1991, the bill included 538 earmarks—costing taxpayers over \$6 billion. Our most recent transportation bill, TEA-21, included 1,850 earmarks with a price tag of more than \$9 billion. The legislation that we are voting on today eclipses those numbers. I am told that SAFETEA-LU includes over 6,300 earmarked projects totaling over \$20 billion.

Some Members of Congress may be happy to associate their names with this legislation—the chairman of the House Transportation and Infrastructure Committee for example has made sure that this legislation renames the Knick Ann Bridge in Alaska "Don Young's Way." The bridge would also receive more than \$229 million. I want no part of this, Mr. President. This legislation is not—I emphasize not—my way of legislating.

And I'm sure that if we had adequate time to review this conference report we would find more pork and more inappropriate provisions. But, of course, we will once again go through this process too quickly for a proper evaluation. This conference report is over 2,000 pages long—and over six and one-half inches high—and yet we've had less than a day to review it. And that doesn't even include the statement of managers, which sits in a box in the cloakroom—making it difficult for any member to read.

Fiscal prudence is crucial. But even if the conferees had excluded pork from this legislation, that alone would not make it adequate. Equity is also essential, and—unfortunately—the conference report that is before us still retains a grossly unfair feature of past legislation.

This conference report perpetuates the historical discrepancy between donor States and donee States. Remarkably, not only does the bill continue this disparity, it actually exacerbates it. Whereas the bill that was passed last year by the Senate would have increased, at least theoretically, every State's rate of return to 95 percent in the final year of the bill—2009—the substitute amendment before the Senate only promises a rate of return of 92 percent in 2008 for those States. Until then, many States will linger at a rate of return of 90.5 percent in the first year and less than 92 percent thereafter while others receive more—in some cases much more—than what they contribute to the Highway Trust Fund.

As if that weren't enough, this year's bill would actually propose to create further disparities between States. Though "Equity" is in the title of the legislation, the number of donor States would increase from 28 under current law to 30. In addition, 16 States would linger at the bottom of the barrel through 2009. Some may argue that these so-called super-donor States should be satisfied with the fact that they are scheduled to move from a rate of return of 90.5 percent to one of 92 percent in 2008. I would suggest that this is a meager improvement over current law and nothing to cheer about. After all, many other States are set to receive significantly higher rates of return. While a State like Ohio is expected to receive 92 percent in 2009, Alaska will receive a rate of return of almost 530 percent in the final year. 530 percent on top of the hundreds of earmarks and special provisions that are in this conference report.

Mr. President, I fully recognize that during the years when the Federal Government was building the Interstate system, a redistribution of funding between the States may have made sense. Clearly, it would have been very difficult for the State of Montana, for example, with fewer than a million people, to pay the full cost of building its share of the Interstate system. But, Mr. President, that era is over. Congress declared the construction of the Interstate system complete in 1991. Yet here we are, almost 15 years later, and donor States are still expected to agree to the redistribution of hundreds of millions—if not billions—of dollars to other States regardless of the already enormous transportation needs of donor States.

That's not where this story ends, though. The rate of return formula is based on the authorized funds that are "below the line"—that is, that count towards the calculation of the rate of return. There is a significant amount of funds that is "above the line." These funds are not counted in the rate of return calculation. It's above the line that more mischief takes place. For example, \$100 million is earmarked for the Alaska Way Viaduct and Seawall Replacement project above the line.

This means that Alaska's rate of return significantly understates the amount of Federal funding that Alaska receives under this legislation. The race for pork that takes place above the line also explains why some States that are nominally donor States might be happier with this legislation than one would expect. For example, California will receive over \$1 billion in funding for earmarked projects above the line—that's well over the average annual funding that California receives below the line.

In closing, I note that the conference report exceeds the funding level requested by the President of \$284 billion by over \$2 billion.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Madam President, I would like to ask the Senator from Arizona, are you yielding back your time or just yielding the floor?

Mr. McCAIN. I am sorry. I would like to yield 2 minutes of time and yield back the rest of my time after yielding 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank you, Madam President. I thank my colleague. I know that the chairman of the committee is anxious to conclude the legislation so I will be brief.

I simply reiterate the point that I hope colleagues sincerely consider the points made by the senior Senator from Arizona—not meant to embarrass but to get us to focus on how we could better fund our transportation needs in the country. We are all pretty bright and pretty good on identifying what is necessary, but far better it would be, as he pointed out, to let the States keep the money raised in the States and for them to decide how best to use the money in their own States. It would be much more fair than taxing some States and giving it to residents of other States. Even for the donor States such as ours, instead of getting close to 100 percent of the targeted amount that was provided in the bill in the first year, some are lucky if they get there at the very end of the period of time. There needs to be a fix to this problem sooner or later. I hope my colleagues again will sincerely consider the remarks of those who regrettably are required to vote against this legislation because of its unfairness and because of the way taxpayer dollars are used for projects, some of which do not even relate to highways or to transportation.

Madam President, I yield the floor.

STEELGRID REINFORCED CONCRETE DECKING

Mr. SANTORUM. Mr. President, I rise to engage my distinguished colleague from Oklahoma in a colloquy regarding steel grid reinforced concrete decking. First, I would like to congratulate my colleague on the successful completion of conference negotiations on this important legislation, and thank him for all he has done to assist me and my constituents through this bill.

It is my understanding that steel grid reinforced concrete decking has significant technological benefits and the ability to accomplish the goals of bridge and highway officials across the Nation. Among the many benefits of this technology are long service life, rapid and/or staged installation, and reduced maintenance costs and closures. Unfortunately, this type of bridge deck system is underused because of the larger initial costs incurred. It was my great hope that the benefits of this technology would be noted in the conference report of SAFETEA-LU. While it was my understanding that efforts were made by the distinguished chairman to incorporate language regarding this technology into this important piece of legislation, the issue of steel grid reinforced concrete decking was not directly addressed in the conference report. Accordingly, I would like to ask the chairman whether he agrees with me on the many benefits of steel grid reinforced concrete decking.

Mr. INHOFE. Mr. President, I thank the Senator from Pennsylvania for his persistence in advocating on behalf of steel grid reinforced concrete decking as a way of modernizing and strengthening our Nation's bridges. Be assured that it was my intention to assist this technology gain greater prominence among transportation officials at the national, State, and local level. I understand my good friend from Pennsylvania's enthusiasm for this technology and desire to expand its use. I look forward to working with Senator SANTORUM to educate our colleagues and transportation officials about the vast benefits of this technology.

EXISE TAX ON HIGHWAY VEHICLES

Mr. CONRAD. Mr. President, I would like to engage my friend from Iowa, the chairman of the Finance Committee, as well as my friend Senator BAUCUS, the ranking member of the committee in a brief colloquy.

The transportation reauthorization legislation that this body is considering includes a very important provision that is intended to provide clarity with respect to the excise tax on certain highway vehicles under Internal Revenue Code Section 4051. Can my colleagues confirm that it is the drafters' intent that this provision will allow vehicle dealers to rely on the gross combined weight rating established by the manufacturer?

Mr. GRASSLEY. That is our intent. Present law allows the seller to rely on the weight rating specified by the manufacturer when determining the applicability of vehicle excise taxes on trucks. The same rule should apply for tractors.

Mr. BAUCUS. I concur. A seller should be able to rely on the gross vehicle weight rating and the gross combined weight rating established by the manufacturer. Only in situations where the seller modifies the vehicle substantially will the seller be responsible for determining different weight ratings.

Mr. CONRAD. I thank my colleagues for this clarification.

Mr. SALAZAR. Mr. President, I rise in strong support of the transportation reauthorization bill. This bill is long overdue and will provide Colorado and our Nation with investments to improve our transportation infrastructure.

I regret that this bill could not do more to correct the fundamental injustice that States like Colorado—a donor State—suffer under our highway funding system.

Nonetheless, Colorado does get much needed relief in this bill. It will receive a 46.7 percent increase over the last time this bill was reauthorized. That's the largest percentage increase under this bill and more than any other State. That is \$156 million more over the life of the bill than we received under the previous transportation bill, TEA-21.

This increase in transportation funding to Colorado will help ensure that the highest level of our transportation infrastructure is maintained. Having a first-class transportation system is critical to Colorado. Transportation infrastructure is critical to the health and vitality of our State, from the Eastern Plains to the West Slope, and from Weld County to Conejos County, Coloradans depend on safe and well-funded highways.

Recognizing our State's varied needs, I worked hard with the Colorado Department of Transportation and with counties and municipalities across the state to ensure these precious tax dollars will be well spent. I am especially happy with our efforts to secure authorizations for the following highway projects: I-70/Havana/Yosemite; Wadsworth and U.S. 36 Broomfield interchange; Wadsworth Bypass, Grandview Grade Separation; U.S. 287 Ports to Plains Corridor; I-70 and SH58 interchange; improvements to Powers Blvd. and Woodman Rd. interchange; improvements to I-25S, Douglas, Arapaho County line to El Paso; improvements to U.S. 36; improvements to U.S. 24—Tennessee Pass; improvements to Bromley Lane and U.S. 85 Interchange; improvements to 104th and U.S. 85 Interchange; improvements to I-25 North, Denver to Ft. Collins; improvements to I-70 East multimodal corridor; improvements to Parker and Arapaho Rd. Interchange; improvements to I-225, Parker Road to I-70; improvements to I-70 West Mountain Corridor, Denver to Garfield; improvements to I-76—Northeast Gateway; improvements to C470 and U.S. 85 Interchange; improvements to Wadsworth and Bowles intersection; improvements to U.S. 160, Wolf Creek Pass; Fort Carson I-25 and Highway 16 interchange; U.S. 50 East Pueblo to Kansas border; Heartland Expressway improvements; I-25 Denver to Ft. Collins improvements; Pueblo Dillon Drive at I-25 overpass and ramp; Denver Union Station improvements; improvements to 56th and Quebec Street; U.S. 550 New

Mexico State Line to Durango; SH 121 Bowles Ave. intersection and Ridgeway; improvements, Jefferson County, CO; construction of McCaslin Blvd., U.S. 36 interchange in Superior; I-70 East Multimodal Corridor to Denver; SH 83—SH 88 interchange reconstruction, Arapaho County; improve to SH44 from CO Boulevard; improvements to SH550 btw Grand Avenue, N/S of city; improvements on U.S. 36 corridor from I-25 to Boulder.

Earlier this month I met with community leaders in Colorado Springs to discuss their efforts to prepare for the influx of troops and their families associated with BRAC changes and the redeployment of the Army's 4th Infantry Division to Fort Carson. Community leaders were united in their desire to see improvements and upgrades of the interchange of I-25 and Highway 16 at Fort Carson. The upgrade of this interchange is of vital importance to ensure that traffic flows freely into Fort Carson and along I-25.

I am pleased that we were able to secure \$5 million for that project, and that my Colorado colleague Senator ALLARD was able to secure an additional \$3 million for that project. Unfortunately, the final report of the transportation bill being passed today did not include the correct highway number for this project. The report wrongly lists Highway 12, rather than rightly listing highway 16. I will seek a correction of this in the technical corrections bill later this year.

This is an important bill, and I am happy to support it.

Mr. OBAMA. Mr. President, I am pleased that the conference report on H.R. 3, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, protects an important program administered by the Department of Transportation the Disadvantaged Business Enterprise Program also known as the DBE Program.

The DBE Program ensures that small businesses owned and controlled by socially and economically disadvantaged individuals are able to compete on a level playing field for federally funded highway and transit contracts.

I strongly endorse the DBE Program and am pleased that this program continues to enjoy bipartisan support.

Since the DBE Program was started in 1982, the field of highway contractors has grown more racially diverse. The DBE Program was expanded to include women in 1987, and that improvement to the program has opened the doors for women contractors to join what has traditionally been an all-male field. Despite the increased fairness and greater opportunity for minority and women contractors since the inception of DBE, there continues to be a strong need for the DBE Program.

Unfortunately, studies have shown that when DBE Programs end, many contractors simply revert to their old practices, denying contracts to small companies owned by minorities or the economically disadvantaged. It is clear

that the DBE Program is still needed to secure the gains made and encourage even greater opportunity for these small businesses, and I am pleased that the conferees have recognized that continuing need and have retained this program.

Federally funded highway and transit contracts are big business, and it is imperative that we give everyone the big guys and the little guys a fair opportunity to take part. The DBE is vital to increasing participation in our federally funded highway projects.

Ms. MIKULSKI. Mr. President, I rise in support of final passage of the transportation reauthorization bill. The road to final passage has been long and brutal, but I am pleased that we have finally reached this point. This is a good bill for Maryland and a good bill for our Nation.

The State of Maryland is the fifth most densely populated State in the Nation. Our highways and byways serve almost 54 billion vehicle miles of travel annually. Maryland has the second largest urban interstate traffic density and the sixth largest percentage of roads in urban areas in the United States. As part of the Northeast corridor, Maryland experiences an extremely high volume of through traffic, especially on roadways such as I-95. Maryland is also one of the few States in the Nation with two major metropolitan areas, Washington, DC, and Baltimore, and two major beltways with some of the highest traffic volumes in the country, within 30 miles of each other. In the Washington metropolitan area, we have the third longest average commute time in the Nation.

This bill will provide much needed relief to the stresses that our commuters experience every day by making critical investments to highway safety and expansion, improvements to our Metro system, and expansion of our transit systems.

Maryland will receive more funding for highways and mass transit under this bill than it does now. For highways, Maryland can expect to receive \$140 million more per year in Federal highway formula money, more than \$2.9 billion over the life of the bill. This funding will help make our roads safer, improve traffic conditions, and help promote economic development throughout the State. For our transit systems this bill provides more than \$900 million. This means critical funding to improve the capacity of the Washington Metro and expand and build capacity for transit systems throughout Maryland.

In closing, I would like to thank my colleague, Senator SARBANES, for all of his hard work on this bill, particularly for his steadfast dedication to the transit needs of Maryland and our Nation. Thanks to his efforts, this bill provides essential support to State and local governments to ensure greater access to safe and reliable transit services.

Mr. PRYOR. Mr. President, I rise in support of the highway bill conference

report. This legislation is 2 years overdue, and I am pleased that we are finally completing this very critical piece of legislation.

I would like to thank Senators INHOFE, BOND, JEFFORDS, BAUCUS, and their staffs for their very hard work on this bill and commend them for the bipartisan way in which they have proceeded.

I would also like to thank Senator LOTT and Senator INOUYE, the chairman and co chairman of the Commerce Subcommittee on Surface Transportation and Merchant Marine, for their work on the safety portions of this bill, as well as Senator STEVENS, the chair of the full Commerce Committee. I was proud to have worked on these very important motor carrier and passenger safety provisions.

I have addressed this body before with my concerns about the need for a highway bill.

In America over one-third of our major roads are both deteriorating and congested. In Arkansas, 47 percent of our roads are in poor or mediocre condition—almost half. Additionally, over one in four bridges are structurally deficient or functionally obsolete.

The U.S. Department of Transportation estimates that close to 42,800 persons died in car crashes in 2004. Over 2,000 Arkansans have died on our highways over the past several years. Too many families die on our highways—plain and simple.

The amount of freight expected to travel on our Nation's highways over the next 20 years is expected to double. Not only do we need to improve the existing system, we need to increase the capacity of the system.

This bill would decrease congestion on American roads and enable businesses to transport their materials across the United States safely. It would also spur economic development and create many jobs for hard-working Americans.

The U.S. Department of Transportation estimates that for every \$1 billion of investment in our highways, we create 47,500 jobs annually. This bill provides a record amount of investment in our Nation's highways and interstates, over \$286 billion.

But we still have much work to do. We must continue to make investments in infrastructure, and we must work toward finding creative solutions to our transportation problems. After all, good schools, good health care, and good jobs don't mean much if you can't get there.

I am pleased this bill provides funding increases that could be used to make substantial progress on important economic development projects in my State and around the country. With passage of this bill, Arkansas would be able to make progress on many critical projects such as the Northeast Arkansas Connector, the Caraway Bridge Overpass, the Interstate 430/630 Interchange Modification, the Perry Road Overpass, and the Hot Springs East-

West Arterial, just to name a few. These projects will greatly enhance the capacity and safety of Arkansas roadways.

This bill also enables Arkansas to make significant progress on our two large corridors, I-49 and I-69, that, if completed, would help generate economic expansion, add jobs, and provide isolated areas with transportation options. I am pleased this bill provides \$75 million for the I-69 Corridor, including the Great River Bridge which serves as a "Bridge Across the Delta." It provides \$72 million for the I-69 Connector, which will enable the northern part of the State to access I-69. I am also pleased that this bill provides \$37 million for the I-49 Bella Vista Bypass and several other projects that will reduce congestion and allow for further economic development in northwest Arkansas, one of the top 10 fastest growing areas in America.

This is a wise investment that will pay for itself by fostering interstate commerce, bolstering tourism, and creating jobs.

Mr. President, this is a good bill. It is a long overdue bill. It is a bipartisan bill. My constituents support it, I support it, and I urge my colleagues to support it.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, today we are passing a significant bill for the people of this country. It will create hundreds of thousands of jobs. It will reduce congestion on our highways. It will move goods more efficiently. And it will improve local transit systems.

I was pleased to have been a part of putting this bill together as a member of the Environment and Public Works Committee and as a conferee on this legislation.

This is a good bill for the State of California. In total, California will receive \$21.6 billion in highway and transit funding over the next 5 years. That is an average of \$1.175 billion more per year for California than the last highway bill in 1998. And it will create an estimated 800,000 jobs in my State.

When I arrived in the Senate in 1993, California was getting about 83 cents on the dollar in highway funds. I am pleased to report that with this bill California's rate of return will reach 92 percent. Not what it should be—but a significant improvement.

This bill also includes over \$1 billion in special projects for California, including over \$130 million for the I-405 HOV lanes in the Los Angeles area and \$58 million for the Golden Gate bridge seismic retrofit—an extremely important project in helping to preserve one of America's most notable landmarks.

Let me tell you why increased funding is so crucial for California.

According to the Texas Transportation Institute, Los Angeles and the San Francisco-Oakland region are ranked No. 1 and 2 for the worst roadway congestion in this country. California has two more cities in the top five, with San Jose ranked fourth and

San Diego ranked fifth. The inland empire of San Bernardino and Riverside Counties is ranked 12th and Sacramento is ranked 13th.

What does this congestion translate to? Delays—in the Los Angeles area, 136 hours per year, on average per driver, in peak hours. Drivers in the San Francisco and Oakland area experience 92 hours of delays, and San Jose drivers endure 74 hours of delays. Inland empire drivers are delayed 64 hours, and San Diego drivers are delayed 51 hours a year. This is time people could spend with their families, reading a book, or any number of other things; instead, they are stuck in traffic.

Congestion will not get better over time. California's population is expected to increase from 35 million people today to 50 million people by 2020. We need to make significant improvements in our transportation system. This bill will help fund the roads that will help ease congestion.

And it will also fund transit systems that will enable more people to get off the roads and onto buses, trains, and subways.

Transit ridership is up growing rapidly in California. The number of miles traveled annually by transit passengers grew by 20 percent between 1997 and 2001. The number of annual passenger trips was up 14 percent. In the San Francisco Bay Bridge corridor, 38 percent of all trips are on transit. And 30 percent of all trips into central Los Angeles are on transit.

This is why I am pleased that California will receive \$4.6 billion in guaranteed transit funding over the next 5 years.

To mention a few specific examples of projects in California, this bill funds the Metro Gold Line eastside extension in Los Angeles, the Mission Valley east extension in San Diego, the Muni Third Street light rail in San Francisco, and the South Corridor light rail extension in Sacramento.

Another issue that I spent a lot of time working on involves grade crossings. Over 40 percent of all the Nation's imported goods come through California ports. The majority enter through the ports of LA and Long Beach. Many of the goods are then put on trams, leave Los Angeles, and travel through Riverside and San Bernardino Counties. This causes terrible local congestion.

To help that problem, this bill funds over \$150 million for the Alameda corridor east for grade separations.

In addition to congestion, grade crossings create significant safety problems. This bill includes my provision for a study of grade crossing safety. The study would direct the Secretary of Transportation, in consultation with State and local government officials, to conduct a study of the impact of grade crossings both on accidents and on the ability of emergency responders to perform public safety and security duties. This would include the ability of police, fire, ambulances, and

other emergency vehicles to cross the railroad tracks during emergencies.

Finally, this legislation recognizes that we can both improve our transportation system and improve our environment at the same time.

For example, I worked to ensure that fuel-efficient hybrid cars can be allowed on HOV lanes. This will provide incentives for people to purchase fuel-efficient vehicles, and will allow the State of California to implement a law passed last year.

In addition, this bill promotes bike and pedestrian paths. Funding is provided for the Virginia Corridor Rails to Trails plan, which will convert a Union Pacific railroad right of way into a bicycle and pedestrian trail in Modesto. Also, Marin County will receive \$25 million to develop a network of bike and pedestrian paths.

This bill has been several years in the making. It has been the subject of intense—and sometimes tough—negotiations. But in the end, I am glad I had the opportunity to help craft a bill that will do so much to improve the lives of Californians, create so many jobs in California, and make such significant improvements to our transportation system.

I encourage all of my colleagues to support the bill.

Mrs. MURRAY. Mr. President. I would like to briefly explain the scope of the Transit New Start project listed as "Seattle Monorail Project Post-Green Line Extensions." The project authorization does not authorize any Federal funding for the 14-mile Green Line approved by Seattle voters in November 2002. The 14-mile Green Line was approved by voters using entirely local funds. The authorization in this bill is for a possible second monorail line or an extension of the Green Line following construction of the 14-mile line.

Mr. KOHL. Mr. President, I proudly rise in support of the transportation bill that Congress passed today. It has been 3 years in the making, and I must admit there were times when I thought this moment would never come.

I could not be more pleased to vote for this transportation bill. When the Senate passed this legislation in May, I feared that Wisconsin would suffer under an unfair, 5-year bill. Today, Congress passed legislation that is significantly different. This legislation treats my State equitably. Over the next five years, Wisconsin will receive an average rate of return of \$1.06. Wisconsin taxpayers are getting their fair share under this bill, and that deserves everyone's support.

The Wisconsin delegation has worked tirelessly on improving this legislation over the past 3 years. I would especially like to thank Congressman PETRI, whose efforts as chairman of the Subcommittee on Highways, Transit and Pipelines helped ensure the fair treatment of Wisconsin. Throughout the process, Congressman PETRI worked with others in the delegation,

and this bill is truly the result of bipartisan cooperation. I would also like to thank the members of the Environment and Public Works Committee: Chairman INHOFE and Ranking Member Jeffords, along with Senators BOND and BAUCUS worked hard to ensure that the needs of all fifty States were met.

Three years in the making and this legislation is long overdue. This bill will mitigate the congestion that clogs our roadways, and it will enhance safety on highways throughout Wisconsin. It provides needed funding for such critical projects as the Marquette Interchange, the St. Croix River Crossing and the Sturgeon Bay Bridge. Commuters and visitors alike will see a direct benefit from this legislation, in addition to the thousands of jobs that the funding in this bill will create.

For 3 years, I have been consistent in my request for Congress to complete an equitable transportation authorization bill. I am proud to join my colleagues in supporting exactly that.

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Mr. KERRY. Mr. President, I would like to take a moment to reiterate my support for the Department of Transportation's Disadvantaged Business Enterprise, DBE Program. This program is an effective tool used by the Department of Transportation to make real the promises of our Founding Fathers and the fundamental values of our Nation: economic opportunity, equal opportunity, a chance to be able to share in the remarkable assets of our Nation.

The DBE Program is a much needed program. It is an essential tool in combating the continuing effects of discrimination in the highway construction industry and in creating a level playing field for all businesses. It accomplishes these goals in a completely constitutional way without establishing quotas and, whenever possible, enhancing contracting opportunities in race and gender neutral ways.

Let me explain how the DBE program works. In past debates, my colleagues in the Senate have criticized the program for lacking flexibility. This is simply not true. Mr. President, this is not a quota it expressly prohibits quotas. This program offers a set-aside of a specific amount of money, but there is no specific direction as to who gets that amount of money. There is no quota of numbers of women, no quotas of numbers of particular races. It is open to any disadvantaged business enterprise. And, while we set aside a very specific sum of money, the money is not allocated with specificity.

This program is intended to help level the playing field for businesses owned by individuals who have historically suffered discrimination in Federal contracting based on their gender, race or ethnicity, and who continue to suffer as a result of that discrimination. To ensure that these firms receive their fair share of Federal contracts, Congress set a national goal. I reaffirm

that it is appropriate in this country to set national goals for what we will do to try to break down the walls of discrimination, the barriers against equal opportunity, in order to give people an opportunity to share in the full breadth of the upside of the economy of our Nation. The goal for each agency, including the Department of Transportation, is negotiated on an annual basis, allowing the flexibility that is so desired.

In addition, the DBE Program is very flexible. It allows each State to respond to local conditions. In the implementation of the DBE Program, the Secretary of Transportation has the authority to increase, decrease or even waive the DBE goal where it is not possible to achieve the goal in a particular contract or for a given year.

Many opponents to this and other programs aimed at offering assistance to disadvantaged business owners often argue that it is inconsistent with the Supreme Court's decision in *Adarand v. Pena* which required that affirmative actions programs, such as this one, be "narrowly tailored" to serve the Government's "compelling interest." It is clear that rectifying past discrimination is a compelling Government interest. And, I believe that the flexibility I described above demonstrates that program is narrowly tailored to achieve that interest. In fact, it has been upheld by every court that has reviewed it.

It is the duty of Congress to use whatever means available to this body to enhance competition on federally funded projects by promoting equal opportunity and the full participation of all segments of the community in a marketplace environment that is free from the effects of past or present discrimination. The reality is that those effects, those inequalities and those injustices still exist. Justice Sandra Day O'Conner, who penned the Supreme Court's majority opinion in the *Adarand* decision, stated, "the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it."

Many of the firms that have been able to use the program, the women-owned firms or minority-owned businesses, literally would have been excluded from doing so altogether were it not for the DBE Program. Arguments against these programs often point to the possibility of firms being excluded for other reasons such as size, experience or specific qualifications necessary. However, the reality in America's history is that the individuals running these disadvantaged firms often do not meet these standards because they were prevented from doing so by a lack of access to capital, training, or even blatant discriminatory Government policies. As the Congress, and this body in particular, has upheld in numerous debates, the Federal Gov-

ernment has an affirmative obligation, both a statutory one and a moral one, to make certain that we are going to do something very specific to respond to that kind of discrimination.

Mr. President, time has shown that the DBE Program works. It is a program that meets constitutional muster. It is a program that has a rational, national compelling interest. I am happy to reiterate my support for this essential program that has served an enormous benefit to countless minority- and women-owned businesses in the country. Thank you, Mr. President.

Mr. KYL. Mr. President, I understand the need for a good highway and transit bill.

As debate on this bill has dragged on over the last year and a half, I have heard from many Arizonans in industry, as well as users of our surface transportation system detailing the pressing needs in our state.

But throughout that time, I have expressed concern that the reauthorization legislation that has been brought before this Chamber has had certain fundamental deficiencies.

The conference report before us today preserves two of the most objectionable defects: a grossly unfair formula for apportioning highway funds among the States and a staggering quantity of pork-barrel earmarks.

It is simply impossible to explain to my constituents why more than 9.5 cents out of every dollar in gas taxes they pay at the pump goes to subsidize road construction in other States.

And while it is true that this conference report makes the barest progress toward equity by ensuring that rate of return to high-growth States like Arizona will inch up to 92 cents on the dollar, I believe that much more progress could have been attained given that this bill expends some 30 percent more than its predecessor.

This conference report preserves Arizona's rock-bottom standing in the donor/done sweepstakes.

And it does so in a way that adds insult to injury, for even as Arizona and other high-growth states continue to heavily subsidize the others, and are only moved up to the higher rate of return in the bill's fourth year, others are raised up immediately.

Even as the sponsors of this legislation suggested that we ignore the extent to which Arizona highway users will be compelled to subsidize those in other States, but they ensured that their own apportionments were promptly and generously supplemented.

I must also object to the out-of-control earmarking in this conference report.

Earmarking is, of course, the insertion into the bill of projects selected not through a merit-based process, but through the influence of Members.

Consider: The 1982 highway bill contained 10 such projects. The 1991 bill had 538. The 1998 bill had 1,800. This bill

has somewhere in the neighborhood of 6,000. The list alone goes on for 250 pages.

Among those listed is the notorious "Bridge to Nowhere," the 200 foot high \$223 million bridge connecting Ketchikan, AK, to an island that is home to 50 people and is currently accessible to the mainland by a 10 minute ferry ride.

I hope that between now and the next time Congress takes up a highway bill, we will take a serious look at the flawed process that results in the diversion of funds from fast-growing States, as well as at the unsustainable rate at which earmarking has been proliferating.

But for now I can only note my disappointment in what we have produced, a bill the Wall Street Journal today describes as a monument to "extravagance"—and vote against this conference report.

I ask unanimous consent that the article from the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, July 29, 2005]
CAPITOL HILL BLOWOUT
HIGHWAYS, BIKE PATHS, ETHANOL, "BIOMASS"—
CONGRESS THROWS A SPENDING PARTY

President Bush had to twist a lot of arms to squeak his Central American Free Trade Agreement through Congress this week, but Republicans are about to make sure he pays for a whole lot more than their chiropractor bills. Having sacrificed to support free trade, the Members prepared for the August recess by throwing themselves a giant spending party.

Speaker Dennis Hastert had barely waited for dawn to break after the midnight Cafta vote before he directed the House to pass a \$286.4 billion highway bill. He expects Mr. Bush to sign this because it is "only" \$2.4 billion more than the President's 2005 veto limit, which is "only" \$28 billion more than his 2004 veto limit of \$256 billion, which was "only" a 17% increase over the previous six-year highway spending level. "Only" in Washington could spending so much money be considered an act of fiscal discipline.

The bill is all about "jobs, jobs, jobs," declared Mr. Hastert, and he's right if he's referring to the Members' re-election prospects. The House version alone contained 3,700 special earmarks, doled out liberally across state and party lines.

Democrat Jim Clyburn retained another \$25 million for his famous "Bridge to Nowhere," a project in rural South Carolina that has already sucked up \$34 million in federal funds. The California delegation secured \$1.4 billion for more than 479 projects, including \$2.5 million for freeway landscaping. And ranking Transportation Committee Democrat James Oberstar snatched more than \$14 million for Duluth, Minnesota, including \$3.2 million for an extension of the longest paved recreational path in the nation.

Next to this highway extravagance, the energy bill seems almost a bargain at an estimated \$66 billion or so. Minor highlights here include the repeal of a Depression-era law (Puhca) that will open up electricity sector investment; new reliability standards for the national power grid; more federal authority to settle siting disputes over much-needed natural gas terminals; and an inventory of offshore oil and gas resources that may someday encourage more exploration.

We can also say this for the bill: It doesn't pick energy winners or losers. Everyone who produces so much as a kilowatt hour is a winner in this subsidy-fest of tax credits and new federal mandates. There's \$550 million for forest biomass, \$100 million for hydroelectric production, and \$1.8 billion for "clean coal." There are subsidies for wind, solar, nuclear and (despite \$60 oil) even for oil and gas.

Most egregious is the gigantic transfer of wealth from car drivers to Midwest corn farmers (and Archer-Daniels-Midland) via a new 7.5-billion-gallon-a-year ethanol mandate, which will raise gas prices by as much as a dime a gallon on the East and West coasts. Oh, and don't forget the \$15 billion (a 155% increase) in federal home heating subsidies, \$100 million for "fuel cell" school buses, and \$6 million for a government program to encourage people to ride their bikes—presumably along Mr. Oberstar's newly paved trail.

All of this points up the bill's underlying mortal failing, which is that it abandons the lesson of the 1980s that the best way to ensure abundant energy supplies is to let the price system work. At least the House-Senate conferees dropped a Senate provision that would have mandated that 10% of all electricity come from "renewable" sources by 2020, regardless of supply and demand. Although in return for killing this, the House had to drop its liability protection for producers of MTBE, a gas additive that Congress itself mandated in 1990 but now wants to feed to the trial bar.

It's too much to hope that Mr. Bush will target one of these fiascoes with his first veto; any chance of a highway veto vanished when Mr. Hastert scheduled the bill immediately after Cafta. At least the Members are leaving town for August; too bad they plan to come back.

Mr. REED. Mr. President, I rise in strong support of the conference report on H.R. 3, which will reauthorize our Nation's surface transportation laws and provided significant and needed resources to maintain and improve our nation's roads, bridges, and transit systems.

For Rhode Island, this legislation is welcome news and will bring tremendous resources to address a number of high-priority highway and transit projects.

This conference report is the product of hard work and bipartisan cooperation, and I was pleased and proud to be named as a conferee on the transit title of this conference report. I believe the transit title of this bill continues the trend of TEA-21 of investing more in transit systems to the benefit of our economy and our environment.

I want to thank Chairman SHELBY and Sherry Little, Rich Steinman, and John East of his staff for their hard work and bipartisan spirit. I also want to commend my ranking member, Senator SARBANES, who has fought for transit since the first day he took office, as well as his staff, Sarah Kline and Aaron Klein, for their tireless work in helping my office and others. Lastly, I want to thank my subcommittee chairman, Senator ALLARD, and his able staff, Tewana Wilkerson, for their work on balancing the needs of old and new transit systems.

Mr. LEVIN. Mr. President, for over 2 years Congress has been trying to reau-

thorize the Federal surface transportation and safety programs that to keep commerce and traffic flowing smoothly across our Nation. The reauthorization bill is long overdue and I am pleased Congress will finally complete this process today. Funding for transportation infrastructure such as roads, bridges and border crossings is an important investment that increases the mobility of people and goods, enhances economic competitiveness, reduces traffic congestion, and improves air quality.

Improvements in transportation infrastructure are critical to all of our States, and the Federal highway money that States receive is critical for funding them. In addition, few Federal investments have as large and immediate an impact on job creation and economic growth as transportation infrastructure. The Department of Transportation estimates that every \$1 billion in new Federal investment creates more than 47,500 jobs.

Unfortunately, the formula that distributes Federal highway funds to States is antiquated and inequitable and has discriminated against Michigan and other states for 50 years since the interstate system was first legislated. Historically, about 20 states, including Michigan, have been "donor" States, sending more gas tax dollars to the Highway Trust Fund in Washington than are returned in transportation infrastructure spending. The remaining 30 States, known as "donee" States, have received more transportation funding than they paid into the Highway Trust Fund.

This unfair practice began in 1956 when small states and large Western states banded together to develop a formula for distributing Federal highway dollars that advantaged themselves to the disadvantage of the remaining States. Once that formula was in place, they have tenaciously defended it.

At the beginning, there was some legitimacy to the concept that large, low-population, and predominately Western states needed more funding than they contributed to the system. It was necessary in order to build a national interstate highway system. However, with the national interstate system completed, the formulas used to determine how much a state will receive from the Highway Trust are simply unfair.

Each time the highway bill has been reauthorized, I, along with my colleagues from other donor States, have fought to correct this inequity in highway funding. Over the years, through these battles, some progress has been made. For instance, in 1978, Michigan was getting around 75 cents back on our Federal gas tax dollar. The 1991 bill brought us up to approximately 80 cents per dollar, and the 1998 bill guaranteed a 90.5-cent minimum return for each State. This bill will bring us to 92 cents per dollar by fiscal year 2008.

During the past 2 years, in its effort to reauthorize TEA-21, the Senate has

twice passed bills that would have been better for Michigan and other donor States in terms of rate of return than is today's Conference Report. The first Senate-passed bill died in conference due to President Bush's veto threat and his unwillingness to accept the funding levels in either the House or Senate bill. This year's Senate-passed bill was modified in the conference with the House of Representatives.

The bill before us has less overall funding than either of the previous Senate passed bills and does not go as far as it should go in closing the funding equity gap for donor States. Although I am disappointed we did not do as well as we proved could be done in the two Senate bills, this Conference Report still allows Michigan to make a little progress toward achieving equity. Michigan will go from a current 90.5 percent minimum rate of return on its gas-tax contributions to the Highway Trust Fund to 91.5 percent in fiscal year 2007 and to 92 percent in fiscal years 2008 and 2009.

This bill will provide more than \$1.123 billion annually to fund transportation projects in Michigan, \$239 million more per year than the prior 6 year highway bill, and will create 61,500 new jobs across the State.

Furthermore, the bill provides funding for a number of critical highway related projects in Michigan. I am delighted to have helped to secure significant additional funding for Michigan roads and highway related projects which will help make up for the fact that we are a donor State.

For example, the bill provides \$40.8 million to reconstruct and widen I-94 in Kalamazoo. The bill also provides \$29 million for the Detroit Riverfront Conservancy to establish a West Riverfront walkway and greenway along the Detroit River from Riverfront Towers to the Ambassador Bridge. It provides \$12 million for the construction of a new at-grade crossing and I-75 interchange in Gaylord to reconnect Milbocker and McCoy Roads and a new overpass to reconnect Van Tyle to South Wisconsin Road. It also provides \$13.28 million to repave a portion of H-53 in Alger County.

The legislation we will pass today represents some progress in the ongoing fight for equity for donor states. I will continue to fight in the future, as I have in the past, until we are able to achieve full equity for Michigan. I recognize, however, that we have succeeded in reducing the inequity a little more in each reauthorization bill, and we do so in this bill as well. I therefore will support this bill.

Mr. DURBIN. Mr. President, today the Senate will overwhelmingly approve the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, SAFETEA-LU, H.R. 3. I support this important legislation as I have done when similar measures came before the Senate last year and again in May. I believe it is a

critical step toward funding our Nation's transportation infrastructure and creating much needed jobs.

This process was not perfect. It took 12 short term extensions and nearly 2 years to complete this bill. The Senate funding level began at \$318 billion 18 months ago and shrunk to \$295 billion in May. The House passed its version, TEA-LU, at \$284 billion. The President unfortunately, supported the lower House number. In fact, he threatened to veto any transportation bill that exceeded the \$284 billion funding level. I am glad he changed his mind.

Reauthorization of TEA-21 is one of the most important job and economic stimuli that the 109th Congress can pass. I am pleased that Congress has finally accomplished this elusive goal.

I would like to take this opportunity to discuss the benefits of this legislation for my home State of Illinois.

H.R. 3 would make the largest investment to date in our Nation's aging infrastructure, \$286.45 billion over the life of the bill. In short, SAFETEA would increase the State of Illinois' total Federal transportation dollars and provide greater flexibility. It would help improve the condition of Illinois' roads and bridges, properly fund mass transit in Chicago and downstate, alleviate traffic congestion, and address highway safety and the environment.

Illinois has the third largest Interstate system in the country; however, its roads and bridges are rated among the worst in the Nation. The State can expect to receive more than \$6.18 billion over the next 5 years from the highway formula contained in the Senate bill. That is a 33.34 percent increase or \$1.545 billion over the last transportation bill.

With these additional funds, the Illinois Department of Transportation will be able to move forward on major reconstruction and rehabilitation projects throughout the State.

My Illinois colleague, Senator OBAMA, and I were able to add more than \$215 million for projects through the State. And we worked closely with our House colleagues to support projects such as the Chicago railroad initiative CREATE and the new Mississippi River bridge in St. Clair County.

Mass transit funding is vitally important to the Chicago metropolitan area as well as to many downstate communities. It helps alleviate traffic congestion, lessen air emissions, and provides access for thousands of Illinoisans everyday. Illinois would receive about \$2.467 billion under SAFETEA-LU, a 128 percent increase from TEA-21.

The transit section authorizes CTA and Metra projects as well as provides funding for transit systems in Springfield, Rock Island, Ottawa, and Rockford.

This legislation also preserves some important environmental and enhancement programs, including the Congestion Mitigation and Air Quality

CMAQ, program. CMAQ's goal is to help States meet their air quality conformity requirements as prescribed by the Clean Air Act. This legislation would increase funding for CMAQ by 7.5 percent.

With regard to highway safety, Illinois is one of 20 States that has enacted a primary seat belt law. H.R. 3 would enable the State of Illinois and other states who have passed primary seat belt laws to obtain Federal funds to implement this program and further improve highway safety.

I know this legislation is not perfect. Congress should have stood up to the President and passed a bill with greater funding for highways and transit. Illinois' highway formula should be higher, and this bill should have been finished 2 years ago. But thankfully we have reached the end of this very long road. Thankfully, the State of Illinois will not miss another construction season.

I would like to take a minute to thank Senator OBAMA for his work on this bill. As a member of the Environment and Public Works Committee and a conferee, he was able to ensure Illinois received its fair share of highway and transit funding. I was pleased to work with him and my House colleagues to deliver a transportation bill that will move our State forward and address critical highway, bridge, and transit needs.

With the passage of this legislation, Congress has upheld its obligation to reauthorize and improve our Nation's important transportation programs. I am pleased to support SAFETEA-LU.

Mr. INOUYE. Mr. President, I rise to support the passage of the conference report for H.R. 3, SAFETEA-LU, the reauthorization of our Federal surface transportation programs. During my 42 years in the Senate, it has been the rare occasion when we pass a piece of legislation that is guaranteed to save lives. But the safety provisions authored by the Senate Commerce Committee in this transportation reauthorization bill will save thousands of lives, and prevent thousands of serious injuries, for generations.

I want to thank Chairman STEVENS, Chairman LOTT, Senators PRYOR, ROCKEFELLER, BURNS, DORGAN, LAUTENBERG, and BOXER of the Senate Commerce Committee for working so closely with me to develop a consensus, bipartisan safety bill in the Senate. Likewise, Chairman YOUNG, Chairman PETRI, Chairman BARTON, and Ranking Members OBERSTAR, DEFAZIO, and DINGELL from the House Transportation and Infrastructure and Energy and Commerce Committees for their efforts in merging our bills into a truly landmark conference report.

In crafting our bill and conference report, we have incorporated many of the administration's recommendations and provisions from our similar effort that passed the Senate last year covering auto, truck, rail safety, and hazardous materials transportation safety. The

bill also strengthens consumer protections for those who entrust their belongings to a moving company, provides more robust, predictable funding for boating safety and sport fish restoration programs, and provides additional financing options.

In the 1970s, we required that seatbelts be standard equipment in all automobiles. We then followed in the 1980s with airbags and other safety features. Now a new generation of technology has opened the door to even greater automobile safety. With Chairman STEVENS and Senator LOTT, we undertook a bipartisan mission in the Commerce Committee to use these new technologies to reduce injuries and save lives of automobile drivers and passengers.

The development of electronic stability control by America's brilliant engineers is the most promising vehicle safety technology of our generation. Rollovers represent one-third of all traffic safety fatalities, so our safety bill requires that electronic stability control become standard equipment on all passenger cars and trucks in 5 years. It is also cost effective since it uses existing anti-lock brakes to correct the course of a vehicle before a potential rollover.

During a rollover, we need to keep occupants inside the car where they are better protected. Therefore, the bill also requires stronger doors and door locks. The third critical change is to mandate stronger roofs that are less likely to crush occupants during a rollover.

This highway safety bill goes even further: side-impact crash standards that likely will result in side-curtain airbags in every automobile; new rules to make 15-passenger vans subject to the same safety tests as automobiles; a prohibition on sales of new 15-passenger vans to schools for use in carrying children; and new power-window switches that will reduce strangulation deaths and injuries to children.

Cumulatively, these improved vehicle safety standards will save thousands of lives.

We also dramatically increase funding for programs to reduce drunk driving and increase seatbelt use. I am especially proud that our bill gives States large incentives to crack down on hard-core drunk drivers, those who have the audacity to drive drunk again after a prior conviction. We also provide \$29 million annually for national advertising and safety enforcement campaigns, which research data shows has had a significant effect on saving lives. In other words, everyone will see more commercials during the holidays about drunk driving and seatbelt use, and there will be more police on patrol during those times.

There is a final issue that is very important to me, highway safety on Indian lands. While the rate of highway deaths and injuries has declined across the Nation, the death and injury rate on Indian lands has actually increased.

Since 1982, 65 percent of fatal crashes that occurred on Indian lands were alcohol related. That compares to the national alcohol-related death rate of 47 percent of all fatal crashes.

The percentage of fatal crashes on Indian reservations that involves a single vehicle is 26 percent higher than in the rest of the Nation. These single-vehicle accidents are the most preventable, and where we can save the most lives per dollar spent on traffic safety outreach and enforcement.

Therefore, from the funding pool for the basic safety grant in this bill, we more than doubled the proportion of basic safety grant money sent to the Bureau of Indian Affairs. BIA distributes this money to Indian tribes that apply for funds to reduce drunk driving, increase seatbelt use, and enact other safety strategies. This was a provision in the original Senate bill, and we convinced our colleagues on the conference committee to include it in the final report. This extra funding will make a tremendous difference in the lives of our Native Americans, whose families suffer the tragedy of highway deaths more severely than any other part of our country.

To improve the safety of trucks and buses operating on our Nation's roads, we have reauthorized the Federal Motor Carrier Safety Administration's safety programs FMCSA and strengthened their efforts to improve truck safety through strong enforcement and cooperation with the trucking industry. The conference report also reauthorizes the Motor Carrier Safety Assistance Program, MCSAP, for the years 2006 through 2009 at an average annual funding level nearing \$200 million, more than double the TEA 21 level, and consistent with the administration's proposal.

The conference report also provides \$128 million over the life of the reauthorization to improve States' Commercial Driver's License programs and modernize the Commercial Driver's License Information System, CDLIS. The conference report updates the medical program for commercial drivers by establishing a Medical Review Board to recommend standards for the physical examinations of commercial drivers and a registry for qualified medical examiners to ensure medical examiners have received proper training.

The conference report also improves the maintenance and safety of intermodal truck chassis and the current Single State Registration System for truck registration, SSRS, with a new system that requires truckers to only register in one State, while preserving State revenues collected through the current system.

To improve the safety and security of the transportation of hazardous materials, the conference report reauthorizes the hazardous materials, HAZMAT, transportation safety programs at an average of \$30 million annually, now administered by the Pipeline and Hazardous Materials Safety

Administration, PHMSA, for the first time in over 10 years.

The conference report provides \$21,800,000 annually for community HAZMAT planning and training grants and allows States to use some of their planning money to training programs as needed. Additionally, the bill provides \$4 million annually for HAZMAT "train the trainer" grants, and allows these funds to be used to train HAZMAT employees directly.

The conference report also increases civil penalties to up to \$100,000 for HAZMAT violations that result in severe injury or death and raises the minimum penalties for violations related to training. The conference report requires Mexican and Canadian commercial motor vehicle operators transporting HAZMAT in the U.S. to undergo a background check similar to those for U.S. HAZMAT drivers.

Additionally, the conference report streamlines Federal responsibilities for ensuring the safety of food shipment by transferring primary responsibility of food transportation safety from the Department of Transportation to the Department of Health and Human Services, HHS, which would set practices to be followed by shippers, carriers, and others engaged in food transportation.

To provide greater protection to consumers entrusting their belongings to a moving company, the conference report allows a state authority that enforces State consumer protection laws and State attorney general to enforce Federal laws and regulations governing the transportation of household goods in interstate commerce. Additionally, the conference report imposes new penalties for fraudulent activities perpetrated by movers and imposes new registration requirements on household goods carriers to protect consumers.

This conference report also reauthorizes activities funded by two of the Nation's most effective "user-pay, user-benefit" programs—the sport fish restoration fund, administered by the Fish and Wildlife Service, and the recreational boating safety fund, administered by the U.S. Coast Guard. These programs constitute the "Wallop-Breaux" program, which is funded through the aquatic resources trust fund.

The reauthorization will allow continued funding of programs that benefit boating safety, sportfish, and wetland restoration, as well as Clean Vessel Act grants that help to keep our waterways clean. I am pleased to report that this provision is supported by a large coalition of recreational and boating groups who are members of the American League of Anglers and Boaters.

The changes made include: (1) renaming the trust fund the sport fish restoration and boating trust fund, and eliminating the separate boating safety account; (2) reauthorizing the marine sanitary devices pump-out program, the Boating Infrastructure Grant Program, and outreach pro-

grams; and (3) funding most of the programs on a percentage basis, which provides both simplicity and fairness. Conforming changes to the Internal Revenue Code are also included.

The growing popularity of recreational boating and fishing has created safety, environmental, and access needs that have been successfully addressed by the Recreational Boating Safety and Sport Fish Restoration Programs. The trust fund program reauthorizations and funding adjustments contained in the conference report are important for the safety of boaters, the continued enjoyment of fishermen, and improvement of our coastal areas and waterways.

Finally, the conference report streamlines the Federal Railroad Administration's Railroad Rehabilitation and Improvement Financing Loan Program and increases the amount of loans for railroad infrastructure improvements. The conference report creates a new program to fund the relocation of rail lines and other projects that help alleviate congestion, noise, and other impacts from railroads on communities and provides additional funds for highspeed rail planning and development efforts.

As the title of this bill implies, increasing the safety of our highways and surface transportation system is one of our Nation's top priorities, and I am proud to say that this conference report will bring us closer to the goal of having the safest transportation system in the world.

Mr. DOMENICI. Mr. President, I rise today in support of the highway bill conference report. I want to first applaud the chairman, my good friend Senator INHOFE, for all of his hard work on this important legislation. I also want to thank the ranking member of the EPW committee, Senator JEFFORDS, for his work on the bill.

The highway bill is one of the most important pieces of legislation that the Senate undertakes. This bill makes it possible to construct and repair vital transportation arteries that crisscross this great Nation. As our country grows we must be conscious of our transportation needs. Accordingly, this bill increases funding for road construction that will substantially reduce traffic delays that plague the country. Additionally, this bill substantially increases transit funding further reducing congestion and pollution caused by overpopulated highways.

This bill will provide roughly \$1.76 billion in funding for New Mexico over the next 5 years. The New Mexico projects that made it into this bill will be instrumental in continuing our push for economic development. The money for Double Eagle II Airport will play heavily in making this new facility a leader in aircraft manufacturing. Additionally, as our population continues to grow, the money for the extension of University Boulevard will allow this growing portion of Albuquerque direct access to other parts of the city.

This bill also contains vital funding for the southern portion of New Mexico. This bill contains \$5 million for reconstruction of NM-176. This road will be a key component in making the LES plant in Eunice a success. Finally, this bill provides \$7 million for reconstruction of the I-10/I-25 interchange and \$2 million for road work on I-10 itself.

This bill also increases funding for the Indian Roads Program. I have advocated for increased Indian roads funding for a number of years and while this increase only begins to address the need, it will help immensely in addressing the economic development problems facing Indian Country.

Once again, I would like to thank the Chairman and Ranking member of the EPW Committee and their staff for doing a great job in getting this bill completed.

Mr. BAUCUS. Mr. President, after nearly 3 years and countless temporary extensions, the Senate is about to pass a monumental transportation bill. We will provide over \$286 billion that will create thousands of jobs and keep our transportation infrastructure healthy.

Getting to this point truly has been a work of dedication and perseverance. First, I thank Senator INHOFE and Senator JEFFORDS, from the Environment and Public Works Committee, as well as Senator BOND, the chairman of the Subcommittee on Transportation and Infrastructure. They provided excellent leadership and cooperation.

I sincerely thank their staffs many of whom spent sleepless nights getting this done. In particular, I thank Ken Connolly, J.C. Sandberg, Malia Somerville, Alison Taylor, Jo-Ellen Darcy, Catharine Ransom, Chris Miller, Malcolm Woolf, Carolyn Dupree, Thomas Ashley, Cara Cookson, Andy Wheeler, Ruth Van Mark, James O'Keefe, Nathan Richmond, Alex Herrgott, Angie Giancarlo, Greg Murrill, Heideh Shahmoradi, Ellen Stein, John Stoddy. They played an important role developing the transit title in this bill.

I also thank my good friend Senator GRASSLEY, the chairman of the Finance Committee, for his commitment to the transportation program.

Let me take a moment and speak about the hard work of the Finance Committee staff. Getting the Tax Title done presented many challenges, not the least of which was getting it paid for. The House bill simply did not provide enough money for our highway infrastructure. The Finance Committee worked together tirelessly to find additional revenue to pay for it.

I want to thank some staff members in particular. I appreciate the cooperation we received from the Republican staff, especially Kolan Davis, Mark Prater, Elizabeth Paris, Christy Mistr, and Nick Wyatt.

I thank the staff of the Joint Committee on Taxation and Senate Legislative Counsel for their service.

I also thank my staff for their tireless effort and dedication, including Russ Sullivan, Patrick Heck, Bill

Dauster, Matt Jones, Ryan Abraham, and Wendy Carey. I also thank our dedicated fellows, Mary Baker, Jorlie Cruz, Cuong Huynh, Richard Litsey, Stuart Sirkin, and Brian Townsend.

I especially express my sincere gratitude to Kathy Ruffalo-Farnsworth. Her extraordinary efforts and contributions in keeping this bill together went over and above the call of duty. I hold her in the highest esteem and can't thank her enough for her counsel and professionalism.

Finally, I thank our hard-working law clerks and interns: Katherine Bitz, Drew Blewett, Adam Elkington, Julie Golder, Rob Grayson, Jacob Kuipers, Heather O'Loughlin, Andrea Porter, Ashley Sparano, Julie Straus, Danny Shervin and Paul Turner.

This legislation really was a team effort. I yield the floor.

Mr. HATCH. Mr. President, as a member of the Senate-House team that negotiated the final transportation funding package, I want to commend Majority Leader BILL FRIST for avoiding yet another stalemate and steering this legislation toward final passage. The comprehensive highway measure allocates \$286.5 billion over 5 years to support investment in our Nation's highways and transit systems. Miles traveled on Utah's roads has grown twice as fast as its population, but Federal funding has remained flat. Now, Utah can plan for long-term projects, which in the past have been interrupted by numerous temporary extensions.

With the passage of the Transportation bill, Utah will receive approximately \$1.8 billion to fund its multi-year highway and transit projects. This highway bill will allocate close to \$282 million each year to invest in Utah's highways over the next 5 years. This is the most Federal funding ever committed to Utah in a transportation bill and it is long overdue.

Utah is the crossroads of the West; every year millions of people visit the Beehive State to enjoy its natural beauty and to invest in its growing economy. The highway bill provides a tremendous amount of Federal assistance for road improvements and transit projects across the State, including: new I-15 interchanges in Ogden, Layton and Provo; light-rail lines to the airport and South Jordan; highway projects on US-6 in Carbon County and State Road 92 in Utah County; a railroad overpass in Kaysville; a pedestrian and bicycle access in Moab; a connector from I-15 to the Provo Municipal Airport; improvements for the Bear River Migratory Bird Refuge Access Road; the 3200 South Project in Nibley/Cache County; and building the Northern and Southern Corridors in St. George. There are, of course, many, many more projects throughout the State that will receive funding that I do not have time to name here but that are equally as important.

The Utah Transit Authority, UTA, plans to bring commuter rail to Utah to ease congestion and help Utah commuters. I am pleased with the \$200 million set-aside to begin construction on this important project, which plans to provide service from Ogden to Provo. This project will do so much to relieve congestion and give Utahns a fast, comfortable, and efficient choice for transportation. Utah will also receive \$30 million for its statewide bus and bus facilities for the purchase of buses, upgrading existing buses, and for improving maintenance facilities and storage yards.

At my urging as a Senate conferee to the Transportation bill, Utah State University was designated as a University Transportation Center. USU will receive approximately \$2 million over the next 5 years and will greatly improve the statewide knowledge base and transportation research being done in Utah.

Mr. President, a few months ago, executives of Wavetronix, a traffic-data collecting company based in Lindon, UT, asked for my help in amending the Intelligent Transportation Infrastructure Program, ITIP. Wavetronix sells sensors that detect speed and flow in highways for purposes of gathering information to determine real-time traffic data and would like to have access to ITIP funds. Unfortunately, since 1998, a Pennsylvania-based company, Traffic.com, has had total control over how and where to use Federal ITIP funds. Wavetronix and many others have been shut out from receiving ITIP funds because of the closed nature of the program. One large company should not have a monopoly on the funds provided for traffic data collection. We should benefit from innovative solutions coming from small businesses in Utah and other States, not funnel millions of dollars each year to a company that does not have to compete for—the money.

In May, I included in the Senate highway bill language that gives qualified companies, including Wavetronix, the ability to compete for ITIP funding. I am pleased that the conference report maintained the important language which provides a fair and level playing field for State DOTs and qualified private-sector companies wishing to access ITIP funds, without requiring them to work with Traffic.com. This is a significant victory for Wavetronix and other similarly situated small companies across the Nation.

Finally, I want Utahns to know that the delegation worked very hard to include language in this bill to resolve the Legacy Parkway issue and perhaps save Utah hundreds of millions of dollars—and it came right down to the wire. We took this action after we received reports that the negotiations involving the Utah State Legislature, UDOT, and the Sierra Club, although promising, could not be implemented in a timely fashion. So the delegation attempted to use this bill to bring this longstanding battle to a close in a way that respected the environmental concerns that have been expressed. We

worked day and night to design language that would allow this 14-mile highway addition and at the same time alleviate the horrendous traffic jams we have witnessed in northern Utah. In the end, the language was blocked. The people who have now cost the State of Utah what some estimate to be over \$300 million made it impossible, with the help of a very few allies in Congress, to get it through. In my estimation, this fight is not over. My goal is to save our State millions of additional dollars and get this highway done so the quality of life of those who work south and live north of the project will be improved.

Despite my disappointment that this provision was not included in the final bill, I still believe this bill is one of the most important pieces of legislation Congress will consider this year. This bill will help ensure the safety, efficiency, and mobility that every American expects from their transportation system.

I yield the floor.

Mr. FEINGOLD. Mr. President, today, Congress is finally completing work on a bill to reauthorize the Transportation Equity Act for the 21st century. This bill has been a long time coming and while it is 668 days overdue, for Wisconsin it may have been worth the wait. I am pleased that Wisconsin will now have a chance to address our State's vital transportation needs for the next year and plan its priorities for the next 5 years. I am even more pleased that this conference report builds on the precedent set under TEA-21, where Wisconsin, after decades of not getting our fair share, finally started to receive at least as much in highway funding as we pay to the Federal Government. During this summer travel season, the people of Wisconsin should be happy to know that their tax dollars will be used to improve Wisconsin's roads, bridges, trails, rails and transit system.

While the bill is not perfect, it goes a long way toward ending Wisconsin's decades-long legacy as a donor State. Historically, Wisconsin's taxpayers have received about 78 cents for every dollar we have paid into the highway trust fund. As a result, we have lost more than \$625 million between 1956 and when TEA-21 was passed in 1998. Under TEA-21, the previous 6-year highway authorization, Wisconsin received approximately 102 cents for every dollar it paid contributed to the highway trust fund through gasoline taxes. I was pleased to work with the Wisconsin delegation to finally turn around decades of our State getting the short end of the stick, and am happy that we are now able to build upon that success. The conference report guarantees Wisconsin an absolute dollar increase of over 30 percent, or about \$165 million per year, over the last bill and improves our rate of return to 106 cents per dollar paid in over the 5 years of the bill. This will help us make up for the decades where Wisconsin was in-

stead on the losing end of the highway funding equation.

I applaud the efforts of Wisconsin's delegation in achieving an even greater measure of fairness for Wisconsin's taxpayers. Throughout this over 2-year process, I have worked closely with Senator KOHL and the entire House delegation to get the best possible treatment for Wisconsin. The conference bill represents a great victory for Wisconsin, largely due to this bipartisan bicameral cooperation. I would like to give special thanks to those members of both bodies who have worked in the trenches as conferees to craft this bill, especially Congressman TOM PETRI, the chairman of the House Subcommittee on Highways, Transit and Pipelines. As one of the key conferees, he worked tirelessly over the past 2 years or more to come to this agreement and to ensure that Wisconsin was treated fairly.

While there are probably some projects in this large bill that may not be priorities for their States or local communities, but instead were proposed by special interests, I don't feel that this is the case for Wisconsin. I worked closely with the Wisconsin Department of Transportation when I made requests for funding of specific projects to ensure that they addressed Wisconsin's transportation priorities. I think this was probably true for the entire Wisconsin delegation as well, and I want to thank the State Department of Transportation for this valuable advice and support. The projects I requested were chosen to meet a range of State and local needs and span the entire State from our urban areas, with the Marquette Interchange in Milwaukee or East Washington Avenue in Madison, to suburban and rural areas like the Stillwater Bridge linking St. Croix County to Minnesota, or the Sturgeon Bay Bridge and State Highway 57 in Door County. These projects will create jobs in Wisconsin, allow for the more efficient movement of manufactured goods and agricultural products throughout the State, provide access to Wisconsin's natural wonders to residents and visitors, and in many cases make the roads safer for Wisconsin's families as they go about their daily lives.

Finally, while attention has been focused on money for highways and bridges, this bill also includes funds for important safety improvements, transit projects, recreational trails, boating programs and funds to give seniors and the disabled more mobility, to name a few. I was proud to support many of these programs that were ultimately included in the bill. Having fought to secure funds for recreational trails, senior transportation, and various transit projects from the statewide bus funding to the Dane County's Transport 2020 and the commuter rail extension through Kenosha, Racine and Milwaukee, I can attest that these are as important to many citizens in Wisconsin as the essential highways and bridges.

As I noted before, this bill is not perfect. I am concerned about some of the environmental provisions in the bill, particularly those with a potential impact on the Nation's air quality. The language modifies current transportation regulations dealing with long-range transportation planning and its impact on air quality. The current rules require that major new road projects must not contribute to violations of air quality standards over a 20-year period. The conference report instead mandates that Clean Air Act conformity will be considered over 10 years. The bill also contains environmental review streamlining provisions that include tight review deadlines and conflict resolutions provisions. I agree with these measures in principle, but I am concerned that the articulated deadlines may not be realistic.

On balance, my concerns about these provisions are not enough to cause me to oppose this bill that provides critical highway funds in a fair manner. I will vote for the bill.

Mr. DODD. Mr. President, I rise to discuss the conference report that accompanied the Safe, Accountable, Flexible, Efficient Transportation Equity Act reauthorization bill. The Senate adopted this measure earlier today and I voted in support of it.

I would like to begin by thanking the principal Senate authors of this important legislation: Senator INHOFE and Senator JEFFORDS of the Environment and Public Works Committee; Senator SHELBY and Senator SARBANES of the Banking Committee; Senator GRASSLEY and Senator BAUCUS of the Finance Committee; and Senator STEVENS and Senator INOUYE of the Commerce, Science and Transportation Committee. I commend them and their staffs for their hard work over these past 3 years in crafting this legislation.

I would also like to thank my colleagues who served on the conference committee during these past 2 months. Reconciling legislative differences with the other body over a bill of this large, complex and important nature is no easy task; I appreciate all of their hard work.

The conference report that passed the Senate funds our Nation's transportation infrastructure at \$286.4 billion between fiscal year 2005 and fiscal year 2009. This includes all of our Interstate highways, the National Highway System, secondary roadways, intercity passenger rail, local transit systems and transportation safety programs. Taken together, these elements form one of the most essential factors that determine the well-being of our country and our country's national economy: ensuring the safe and efficient passage of people and goods.

The conference report provided \$233.8 billion for our Nation's roadways. Included in this amount was \$25 billion for the maintenance and expansion of our Interstate highway system, \$30.5 billion for the maintenance and expansion of our larger National Highway

System, \$21.6 billion for the replacement of defunct or obsolete bridges, \$32.5 billion for discretionary projects under the Surface Transportation Program and \$5 billion for highway safety programs. Out of these funds the conference report provided my home State of Connecticut with nearly \$2 billion between fiscal year 2006 and fiscal year 2009—a 19 percent increase over the original authorization bill's amount. Included in these resources were on average \$51 million a year for Interstate highway maintenance, \$48 million a year for roads included in the National Highway System, \$91 million a year for bridge replacement, \$61 million a year for large and small-scale road improvement projects under the Surface Transportation Program and \$7 million a year for highway safety programs. Beyond these resources the bill provided over \$160 million for several dozen highway initiatives across Connecticut. All of these initiatives, from the reconstruction of I-95, municipal streets and bridges to multi-use recreational trails, stand to improve the quality of life in the communities and regions where they are taking place.

The conference report also provided \$52.6 billion for our Nation's transit systems. Out of these funds the report provided Connecticut—a State heavily-dependent on mass transit services—with nearly \$485 million between fiscal year 2006 and fiscal year 2009—a 33 percent increase over the original authorization bill's amount. In addition to these resources the report included nearly \$150 million for local transit agencies across Connecticut to improve their infrastructure and services, thereby working to alleviate congestion that continues to plague my State's roadways.

Overall I believe that the resources provided in this conference report will help improve our Nation's transportation infrastructure over the next 4 years. They will allow for critical maintenance and capital improvement projects to go forward on our roadways; they will allow for dangerous overpasses to be replaced; they will allow for transit systems to meet more efficiently the needs of their riders; and they will allow for a greater degree of safety on our roads and rails. Nevertheless, I would be remiss if I did not take a moment to discuss some of the shortcomings I see in this conference report—shortcomings that, in my view, threaten to undermine the very goals this legislation tried to accomplish.

First, I do not believe that the level of investment provided in this conference report is fully adequate to meet the growing needs of our transportation infrastructure. When the Senate originally debated this legislation, I was pleased to support a bipartisan measure that provided \$295 billion between fiscal year 2004 and fiscal year 2009. This funding level was considerably higher than the House level of \$283 billion and the Bush administration's original recommendation of \$256 billion.

Therefore, when the conference report was completed earlier this week, I was disappointed to learn that the conference committee provided \$286.4 billion—a figure only marginally higher than the House figure and significantly lower than the Senate figure. I have been told by the Connecticut Department of Transportation that this level of investment is barely adequate to keep pace with expected inflation over next 4 years and wholly inadequate to meet the growing crises facing our transportation systems both in Connecticut and across the country.

Second, I remain concerned over how the levels of guaranteed funding for highways and transit were determined in this conference report. Earlier this year, I strongly opposed a unilateral move by the Senate Environment and Public Works Committee to reduce transit's share in the Senate bill from the previously-negotiated ratio of 18.82 percent to 18.18 percent. Unfortunately, this new ratio prevailed in the Senate version of the bill. In conference it was raised to 18.57 percent. While this conference agreement is higher than the Senate version's ratio and higher than the ratio in the original authorization bill, it still underfunds transit activities by \$700 million compared to the original agreed-upon ratio in the Senate.

Highway and transit interests should not be working against each other. They should be working together. The best transportation systems in the world are those that feature a sound, safe, and efficient balance between various modes of transportation. Disrupting that balance by favoring one mode over another ultimately causes road congestion, unreliable transit service, and higher transportation costs—three problems that many parts of this country, including Connecticut, are experiencing today. If we are to overcome these problems and support a balanced, safe, and efficient transportation network in this country, then we must adequately and equally invest in all modes, whether they are highways, transit, airports, or seaways. We must recognize that each mode is an important and integral part of a larger transportation network.

From reviewing the funding allocations provided for both transit and highways in this bill, it concerns me that inadequate resources are going to areas of the country, such as Connecticut, where the transportation needs are the greatest. I find this rationale inconsistent with the way our national government usually addresses matters of national significance that affect particular regions of our country. When a drought plagues a certain part of this country, we always stand ready to provide drought relief to the affected States. When a hurricane slams into our coastline, we always stand ready to provide emergency disaster relief to the affected States. When farmers are experiencing financial difficulty, we always stand ready

to provide them with vital subsidies. And when forest fires burn mercilessly over hundreds of square miles, we always stand ready to provide emergency assistance to the affected States. Why then, when key components of our national transportation system are plagued by aging and obsolete infrastructure, do we not seem to stand ready to provide adequate assistance to the most affected States?

A transportation system in crisis is more than a transportation problem; it's an economic problem. Without a balanced, safe, and efficient transportation system, goods cannot be delivered to their destinations in a timely manner, services cannot be rendered efficiently, and people cannot get to their jobs conveniently. Over time, the environment worsens, the quality of life declines, and the region suffers as a whole.

Today, the transportation system serving Connecticut and the surrounding region is in need of assistance. In Connecticut alone, a rapidly aging infrastructure routinely causes significant disruptions to our transportation network—disruptions that have had a negative impact on the region and country as a whole.

The busiest commuter rail line in the country is located in Connecticut. It runs over 70 miles between New Haven and New York City—carrying over 33 million riders annually along our southwest coast. Last year, a combination of cold weather and rapidly aging rail cars—many of which are a decade or more beyond their operational lifetimes—caused one-third of the line's fleet to be taken out of service for emergency maintenance. In fact, about 37 percent of the fleet was taken out of service for most of last February—230 cars out of the 800-car fleet. Needless to say, this occurrence put an enormous strain on thousands of commuters who rely on the service daily to get to and from work, travel to and from school, and to see their families.

The nation's seventh busiest highway is also located in Connecticut. Our segment of Interstate 95 is a major artery for commercial vehicles and other interstate traffic. In March of 2004, an accident caused an overpass in Bridgeport to collapse. While there were thankfully no fatalities, the accident did force the closure of Interstate 95 for 4 days until a temporary overpass could be built. Needless to say, this closure created enormous burdens on the already beleaguered highway and transit systems in Connecticut, New York, and New England. It also created an adverse economic effect that was felt far beyond our region as people and goods were unable to reach their important destinations on time.

These are the types of incidents that speak to an acute transportation need in Connecticut and in our region of the country. These are the types of incidents that should be considered closely when vital transportation resources are being allocated in a reauthorization bill. It is my hope that Congress in

future years will take these considerations more into account when drafting transportation authorization measures. The problems facing my State and others will not go away on their own.

In closing I thank again the authors, managers and conferees of this legislation. I look forward to working with them and all of my colleagues on future initiatives that seek to ensure the long-term well-being of our Nation's transportation system.

Mr. DURBIN. Mr. President, I rise in support of the U.S. Department of Transportation's disadvantaged business enterprise, DBE, program contained within the surface transportation reauthorization bill. The DBE program is critical to providing equal opportunities to small businesses that are owned and controlled by minorities, women, and others in our Nation who have been socially and economically disadvantaged. I am pleased that Congress is committed to its reauthorization.

This important DBE program has been in existence since 1983. It was created to remedy the demonstrated history of discrimination that has existed in our Nation against minority-owned small businesses. The program was amended in 1987 to include women-owned small businesses. In 1998, Congress reauthorized the DBE program for both minorities and women, in light of an extensive record of hearings and evidence showing the effects of discrimination on the ability of disadvantaged businesses to compete on an equal basis.

Although we have made progress as a Nation in the treatment of minorities and women, the evidence shows that discrimination endures. The U.S. Department of Transportation has conducted 15 detailed disparity studies since 1998 showing ongoing discrimination against businesses owned by these groups. The studies show a statistically significant disparity between the availability of minority and women-owned businesses in government contracting, and their utilization. Courts have consistently held that such evidence is strong evidence of unlawful discrimination and of the need for the continuation of the DBE program.

There is also ample anecdotal evidence showing that discrimination in contracting still exists. Loretta Molter started her own business in Frankfort, IL, in 1987, and her business was recently named subcontractor of the year by the Illinois Department of Transportation. But in a letter that Ms. Molter wrote last year to the Women First National Legislative Committee, she stated: "Prime contractors tend to take advantage of small minority or women businesses. . . . If the goals were eliminated, general contractors would not use minority or women business owners. . . . There is a good ol' boy's network, be it on the golf course, on trips, or dinner/lunch meetings."

And consider the words of Takyung Lee, an Asian-American owner of a small trucking company in Wauconda, IL. Lee submitted a statement to the city of Chicago last year that discussed the disparate treatment faced by Asian Americans in the trucking business: "When we do get jobs, we are targeted and harassed. Our drivers are stopped and checked for identification when others are not. We have to show proof of health, welfare and pension payments when other companies get away with these and other violations. . . . It seems that some people think an Asian American does not belong in the construction business. I have worked hard to prove them wrong but face discrimination and unfairness every day. I wonder how much success I could have if I did not have to fight so hard against people who are prejudiced?"

It is unfortunate that Asian Americans, women, and other participants in the DBE program must ask themselves that painful question. We can hope for a day when we have a color-blind society and equality of opportunity, but that day is not yet here. The surface transportation reauthorization bill recognizes this reality and gives new life to a program that is trying to level the playing field for those who continue to be socially and economically disadvantaged in the 21st century.

Mr. GRASSLEY. Mr. President, today is our final step to positively reaffirm our commitment to a strong and dedicated highway program, the safety and soundness of its infrastructure, and the security of the Nation's transportation network.

But in the process of pursuing and completing those goals, conferees had to make many decisions. As chairman of the Finance Committee, at the outset, I committed to several fundamental principles during this conference.

First, that the bill be paid for. Whatever we added to the trust fund should not increase the deficit. If you look at the revenue table, prepared by Joint Tax, you will see that the new trust fund money raised by fuel fraud enforcement is raised in a deficit-neutral manner. The tax-writing committees were fiscally responsible in our efforts to grow the trust fund.

Second, highway taxes pay for highways. These are taxes that will be collected regardless of whether or not we have a highway bill. They can't be used for anything else. The tax provisions of the highway bill aggressively focus on collecting all of the taxes due and owed to the highway trust fund.

So we increase the size of the trust fund. Primarily, we do it by being tough on fraud. Some of this fraud is just plain old criminal activity—but we have reason to believe that billions of our highway tax dollars are being stolen for a more sinister purpose, that being the potential funding of terrorism. So we have the opportunity with this legislation to not only shut down these thieves but to rightfully

collect all of our highway taxes to fully fund this bill. Under the Senate bill, several billion dollars will be added to the highway trust fund merely by moving jet fuel to the rack. Unfortunately, we can't keep all of the untaxed jet fuel out of the diesel market unless all 50 States move all of their fuel tax collection to the rack. But we can collect billions that are currently stolen from both airport and highway trust funds.

The third principle was to provide the highway trust fund with sufficient resources to serve America's highway needs. The additional resources the Finance Committee produced for the authorizers, I believe, enabled this deal to happen. Add up last year's FSC-ETI conference report changes and the trust fund gained \$24 billion extra. This year we have added another roughly \$3 billion in additional receipts for the trust fund. Without these additional resources, we would have faced another case of legislative gridlock. Legislative gridlock wouldn't help the folks we represent who were facing gridlock on their roads.

I would also like to mention two policy initiatives that do not relate to the highway trust fund. The Senate carried into conference a package of excise tax reforms and a transportation bond proposal.

The legislation before us also includes a number of excise tax reforms. These are small items, but important to the affected taxpayers. For the most part, these provisions simplify various Federal excise taxes.

I will note that these excise tax reforms do lose some revenue. It is roughly \$1 billion over the 10-year period. When the highway bill came out of the Senate, these measures were offset with revenue raisers to make them deficit neutral. The House did not accept the group of revenue raisers we had allocated to these provisions. It should be noted that the budget resolution provides \$36 billion over 5 years for tax relief outside of reconciliation. So this relatively minor deficit impact is accounted for in the budget.

Finally, I am pleased we were able to reach agreement on the Talent-Wyden transportation infrastructure private activity bond proposal. Senators TALENT and WYDEN are to be commended for pursuing this innovative concept. There will now be \$15 billion in bond authority for transportation projects.

We did hear some sharp criticisms of the heavy-lifting the Finance Committee did to make this bill happen. We were told our offsets weren't real and that phony accounting occurred in the highway trust fund. I rebutted these charges during Senate floor debate. I said our principles would be honored in conference and they were. We got the job done.

In the end, that is what counts: doing the peoples' business. The conferees achieved an important policy objective. The highway trust fund more accurately reflects the resources it receives from the taxpayers who use our

Nation's roads. The resources will go into maintaining and improving America's highway system. All of this will be accomplished in a fiscally responsible manner. That is what the folks back home should expect. That is what we have done. That is what really matters. That is why the folks back home sent us here in the first place.

In conclusion, after great effort by many people, the Senate is poised to enacting legislation with the potential to impact all Americans in every State. Crumbling infrastructure and poor transportation choices impede our ability to live and do business, and today we are going to deliver legislation to the President's desk to start solving these problems. Our conference agreement utilizes more than \$285 billion to ensure all Americans have access to efficient and reliable transportation as they go about their professional and personal lives.

Among the many people whose hard work has made the difference, I must first thank the chairmen and ranking members of all the appropriating committees that have been involved in this process.

Credit must also go to all members of my staff, who spent many hours sifting through the nuts and bolts of this bill. Kolan Davis, Mark Prater, Elizabeth Paris, Christy Mistr, Sherry Kuntz, John Good, and Nick Wyatt showed great dedication to the tasks before them.

As is usually the case, the cooperation of Senator BAUCUS and his staff was imperative. I particularly want to thank Russ Sullivan, Patrick Heck, Bill Dauster, Kathy Ruffalo-Farnsworth, Matt Jones, and Ryan Abraham.

I also want to mention George K. Yin, the chief of staff of the Joint Committee on Taxation and his staff, especially the fuel fraud team of Tom Barthold, Deirdre James, Roger Colinvaux, and Allen Littman as well as the always invaluable assistance of Mark Mathiesen, Jim Fransen, and Mark McGunagle of Senate Legislative Counsel.

This conference agreement is infused with the spirit of bipartisan and bicameral cooperation. Hopefully, that spirit will be influential to the entire ongoing legislative process.

Mr. INHOFE. Madam President, today the Senate is taking the final step in a very long, and at times frustrating but overall rewarding process to address our national transportation needs. It has been 22 months since TEA-21 expired on September 30, 2003. The Federal-aid program has since been operating under a number of short-term extensions—a total of 11 to date. I urge the Senate to approve the conference report before us so that our States can start working on addressing their transportation needs.

Both sides of the aisle in the Senate and House embraced a spirit of bipartisanship and collaboration that has delivered a quality piece of legislation.

As in all legislative endeavors there has been much give and take. There are provisions in this bill for which I would have preferred another outcome, but on the whole, I believe we have produced a product that will continue the good work started in ISTEA and improved upon in TEA-21.

The conference report provides \$244 billion in guaranteed spending over the 2005–2009 period for our Nation's highways and mass transit systems. If you include 2004, the bill provides \$286.5 billion in guaranteed spending—an almost \$90 billion increase over TEA-21. Finally, the highway program is guaranteed \$193 billion over the 2005–2009 period.

We worked very hard with our House colleagues to balance the needs of donor and donee States. I will be the first to acknowledge that this balance—as with any compromise—is not perfect. My colleagues representing donee and donor States that receive lower rates of return or growth rates than they feel fair have made this fact very clear to me.

I am very sympathetic to the concerns of both donors and donees in this situation. Both have significant transportation needs that cannot be ignored. Addressing their concerns was even more difficult because we had very limited dollars to solve either group's issues.

SAFETEA-LU tries to split the difference. Donee States have an average rate of growth of 19 percent above their TEA-21 levels, and donor States will reach a 92 percent rate of return by 2008. Also, if there is a positive revenue aligned budget authority in 2007, it will be directed to improve donor States rate of return.

One concern of my donor State colleagues when we were on the floor was that not all donor States were treated equally—that concern has been addressed.

Over the 6 years under TEA-21, we made great progress in preserving and improving the overall physical condition and operation of our transportation system; however, more needs to be done. A safe, effective transportation system is the foundation of our economy. We are past due to fulfill an obligation to this country and the American people—the conference report before us does just that.

Finally, I would like to acknowledge all the staff time and effort that has gone into the bill. Specifically, I would like to single out my highway team: again, Ruth Van Mark and James O'Keeffe, Andrew Wheeler, Marty Hall, Nathan Richmond, Greg Murrill, Angie Giancarlo, Alex Herrgott, and Rudy Kapichak.

From Senator BOND's staff: Ellen Stein, Heideh Shahmoradi, John Stoody, and Julie Daman.

From Senator JEFFORD's staff: JC Sandberg, Malia Somerville, Ken Connolly, Cara Cookson, Chris Miller, and Jo-Ellen Darcy.

From Senator BAUCUS's staff: Kathy Ruffalo.

From Senator FRIST's staff: Libby Jarvis, Sharon Soderstrom, and Erik Ueland.

From the Federal Highway Administration: Today is Administrator Mary Peters last day before she heads back to Arizona. It is very appropriate that we finish the bill on her last day, because without the hard work of Mary and her staff at FHWA, we would not be here today.

On Mary's staff I want to especially thank Susan Binder, Carolyn Edwards and Ross Crichton, who over the last 3 years have done more than 1600 formula runs. We really appreciate all of your hard work.

Also, I want to personally thank the hard working attorneys in the Senate Legislative Counsel office. In particular, Darci Chan, Heather Arpin and Gary Endicott.

Finally, Rachel Milberg with CBO has done great work in assisting staff work through the complicated scoring process.

I am certain my colleagues share my strong desire to get a transportation reauthorization bill passed and urge them to support the bill before the Senate today.

Let me say I do have a great deal of respect for both of my colleagues from Arizona. However, I will put them on my doubtful list. But I would say this and I will be very brief. We only have 7½ minutes on each side. I want to make sure that Senator BOND, with whom I have worked as chairman of the Subcommittee of Transportation, and a few others get their time.

Working with Senator JEFFORDS and Senator BAUCUS and Senator BOND has been a great experience. We have worked very well together. This has been difficult. We have worked for 2 years on this bill. It is not easy. I would only say this: It is paid for. It didn't increase taxes. It is within the President's parameters.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I rise in strong support of the conference agreement on the transportation reauthorization measure. This legislation authorizes more than \$286 billion—more than an \$80 billion increase over TEA-21—in funding over the 6 years for maintaining and improving our Nation's and State's highways, bridges and transit systems. This is one of the most important pieces of legislation that we have considered this year and its enactment will help to restore the Federal commitment to our surface transportation infrastructure—the lifeblood for our economy as well as our quality of life.

As the ranking member on the Senate Banking, Housing and Urban Affairs Committee which crafted the transit portion of this legislation, I am proud that the agreement continues our commitment to a national transit

program and builds on the important achievements we made in the Intermodal Surface Transportation Efficiency Act, ISTEA, of 1991, and TEA-21, enacted in 1998.

I want to express my appreciation to Chairman SHELBY of the full committee for his efforts on the balanced budget amendment of the transit title and to Senators ALLARD and REED, the chairman and ranking member of the Housing and Transportation Subcommittee, for their hard work as well.

This legislation increase overall transit funding by 45 percent over the levels provided in the past 6 years to meet the growing needs for public transit infrastructure in all regions of the country. It provides the resources and planning tools to help ensure the continued development of an advanced, integrated transit system—a system that will cut air pollution, conserve fuel and reduce congestion on our roadways. This measure will go a long way to meeting the growing demand for transit in cities, towns, rural areas, and suburban jurisdictions across the country.

I am particularly pleased that the legislation includes two key provisions which I sponsored, the Transit in Parks Act, or TRIP, and an expansion of the commuter benefits program to encourage greater mass transit use by Federal employees in the National Capital Area. The new Federal transit grant initiative known as TRIP will support the development of alternative transportation services—everything from rail or clean fuel bus projects to pedestrian and bike paths, or park waterway access—within or adjacent to national parks and other public lands. It will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact.

The expansion of the commuter benefits program will allow thousands more federal employees to take advantage of a guaranteed tax-free financial incentive of up to \$105 per month, paid by their employer, towards the costs of transit commuting. It will give employees more choice in their commuting options and provide an additional incentive to move off our congested roadways and onto public transit. In addition, Federal agencies will be permitted to offer shuttle services for their employees to a public transit facility. This is particularly important to employees of the Food and Drug Administration who will be relocating to the new FDA headquarters at White Oak, MD.

Maryland's formula share of transit funding will grow by nearly \$275 million over the 6 years—from \$571 million to \$846 million. These funds are absolutely critical to Maryland's efforts to maintain and upgrade the Baltimore and Washington Metro systems, the

MARC commuter rail system serving Baltimore, Washington, D.C., Frederick and Brunswick, the Baltimore Light Rail system, and bus systems and para-transit systems for elderly and disabled people throughout Maryland.

This bill advances important existing and planned new transit projects in the Baltimore and Washington Metropolitan areas as well as in growing regions of our State. In the Washington area, it provides \$100 million to enable the Washington Metropolitan Area Transit Authority, WMATA to purchase 52 new rail cars to help alleviate the severe overcrowding that the Metrorail system is currently experiencing. The new cars will enable WMATA to lengthen trains from 6 cars to 8 cars on the Metrorail System, utilize more of its design capacity, and give the authority increased ability to assist in case of an emergency. It provides \$21 million to enable Montgomery County to complete the Silver Spring Transit Center—a major new transportation hub connecting MARC commuter trains, the Metrorail system, Ride-on and Metro buses and taxi services that is designed for integrated, mixed use private transit-oriented development. The Silver Spring Transit Center will not only enhance regional mobility, but will also help to promote smart growth and continue to strengthen the remarkable revitalization in Silver Spring's downtown business district. The measure also authorizes two new transit projects to help relieve traffic congestion and improve mobility in the region—the Bi-County Transitway, otherwise known as the Purple Line, connecting Bethesda to Silver Spring and extending to New Carrollton, and the Corridor Cities Transitway connecting the high-tech employment centers and mix-use developments in the I-270 corridor to the Washington Metro and MARC Commuter rail.

In the Baltimore area, the measure authorizes \$105.3 million for planning, environmental study, right of way, and initial construction of the Red and Green Line Transit projects as proposed in the Baltimore Region Transit System Plan. The Red Line—an East-West Transit Line that will extend for approximately 11 miles from the Social Security Administration Headquarters in Woodlawn to Fells Point—will provide service to areas in Baltimore currently not served by high quality transit. The Green Line would extend from the existing Metro system at the Johns Hopkins Hospital for approximately 5 miles northeast to Morgan State University. This authorization will guarantee that these projects continue to move forward in a timely fashion over the next 5 years. The measure also authorized the final \$12.5 million in Federal funds needed to complete the double tracking of the Baltimore Light Rail Project and provides \$5.2 million to enhance the Baltimore water taxi system.

And statewide, the bill authorizes continued funding for the MARC Ca-

pacity Expansion Program to enable the Maryland Department of Transportation to make needed capacity improvements, purchase new rolling stock, and enhance the MARC system. The bill also provides \$25 million in statewide bus and bus facility grants that benefit towns and cities throughout the State. The measure also includes a provision reauthorizing the National Transportation Center, NTC, at Morgan State University over the next 4 years. The NTC conducts important research, education and technology transfer activities that support workforce development of minorities and women, and addresses urban transportation problems. Morgan State will receive \$1 million each year to continue those activities.

For our Nation's roadways and bridges, this legislation authorizes nearly \$184 billion in funding to enable States and localities to make desperately needed repairs and improvements. The measure preserves the dedicated funding for the Congestion Mitigation and Air Quality, CMAQ, Program which helps States and local governments improve air quality in non-attainment areas under the Clean Air Act; the Transportation enhancement set-aside provisions which support bicycle and pedestrian facilities and other community based projects, as well as the other core programs—Interstate maintenance, National Highway System, Bridge and the Surface Transportation Program. Likewise, ISTEA's and TEA-21's basic principles of flexibility, intermodalism, strategic infrastructure investment, commitment to safety and inclusive decision-making processes are retained.

Maryland's share of highway funding will grow from an average of \$443 million a year to \$583 million a year or an average of \$140 million more each year than was provided under TEA-21 for a total of more than \$2.9 billion over 5 years. The measure provides funding for a number of important transportation improvement projects through all regions of our State. Senator MIKULSKI and I placed a high priority in this measure of ensuring that Maryland is "BRAC" ready as it prepares to handle an influx of new people in areas surrounding many of Maryland's military installations. In this regard, the measure provides \$12.5 million to make sorely needed access improvements to MD 175 in the vicinity of Fort Meade, nearly \$10 million for upgrading the US 40, MD 715 interchange at Aberdeen Proving Ground and the Edgewood Train Station, \$15 million for construction of MD Route 4 at Suitland Parkway—an important access way to Andrews Air Force Base—and \$6 million to design improvements to MD 210—a major regional commuting corridor that provides access to the Indian Head Naval Base in Charles County. The measure also provides \$12 million for planning and construction of the Southern Maryland Commuter Initiative, a program of improvements in

Southern Maryland to relieve congestion by enhancing peak-period transit services for commuters, including individuals commuting to military bases in Southern Maryland. And it provides over \$1.5 million for intermodal improvements at the Edgewood and Odenton MARC stations.

We also placed a premium on addressing those areas of Maryland that have experienced particularly severe congestion, bottlenecks or safety problems and provided more than \$31 million to upgrade MD Route 404 and US 113 on the Eastern Shore, nearly \$30 million to continue improvements to I-70 in Frederick and to initiate upgrades of US 220 South of Cumberland in Western Maryland, \$27 million for upgrades to MD 5 in Southern Maryland, and more than \$22 million for roadway, interchange and bridge improvements in the Baltimore metropolitan area.

We provided funds for several community-based projects around Maryland designed to expand travel choices and enhance the transportation experience of our citizens by improving the cultural, historic, aesthetic and environmental aspects of our transportation infrastructure, including funding to complete the Allegheny Highlands Trail in Western Maryland, the Fort McHenry and Assateague Visitors Centers, the Baltimore water-taxi system, and the roads and trails at Patuxent and Blackwater Refuges.

Before I close, I want to take a moment to note the hard work of the staff involved with this bill. This legislation has been years in the making and while it represents the efforts of many individuals there are several whom I would like to especially recognize. First, let me thank the staff of Banking Committee Chairman Shelby, particularly Sherry Little and John East, as well as Tewana Wilkerson of Senator ALLARD's staff, for their hard work and dedication to the transit program. Also, as I noted earlier, Senator REED has worked closely with me throughout this process and I want to thank Neil Campbell of his staff for his significant contributions to this bill. On my own staff, I want to recognize Sarah Kline, Aaron Klein, and Charlie Stek for their tireless work and for their commitment to helping the people of Maryland. Kate Mattice, on detail from the Federal Transit Administration to my office last year, also made an important contribution to this legislation. Finally, I would like to extend particular thanks to Richard Steinmann for the exceptional assistance he has provided to the Banking Committee over the past 2 years while he has been on detail from the Federal Transit Administration.

Like any other complex and comprehensive piece of legislation, this bill has its share of imperfections. I think it was unfortunate that the administration was unwilling to support a higher level of investment in these programs, and as a result the measure that emerged from the conference is

billions of dollars less than what the Senate passed a few months ago. And I am particularly disappointed that the measure does not contain the stormwater runoff mitigation provision that was approved by the Senate and is so important to helping States and localities meet water quality standards stemming from the stormwater impacts of Federal aid highways. But if we are to ensure not only the safe and efficient movement of people, goods and services, but also the future competitiveness and productivity of our economy, we must make these investments, and move forward with this legislation. I urge my colleagues to join me in approving this measure.

Mr. JEFFORDS. Madam President, as we prepare to give the final approval to the highway bill conference report I would like to thank Chairman INHOFE and Senators BOND and BAUCUS and all of the Senators and staff who have helped to move this bill forward.

The bill we are about to vote on is good for the Nation.

This bill will save lives by making our roads safer.

This bill will reduce traffic congestion by making our roads and bridges more efficient.

This bill will boost local economies by creating hundreds of thousands of jobs across the Nation.

It may have taken us 3 long years to get here, but the impact of this bill will be felt for decades to come.

This bill will affect every American in some way.

This bill provides the biggest investment in our roads, highways, bridges and transit systems in our nation's history.

Once again I thank Chairman INHOFE and all the members of the EPW Committee for their work.

Madam President, I would like to take one brief moment to thank the staff who have worked so hard to help craft this highway bill.

On my staff I would like to thank my staff director, Ken Connolly; J.C. Sandberg, Alison Taylor, Malia Somerville, Cara Cookson, Catherine Cyr Ransom, Chris Miller, Mary-Francis Repko, Geoff Brown and Jeff Munger.

From Senator BAUCUS's staff, Kathy Ruffalo-Farnsworth;

From Senator INHOFE's staff, Ruth Van Mark, Andy Wheeler and James O'Keefe;

And from Senator BOND's staff, Ellen Stein.

These Congressional staffers have made extraordinary personal sacrifices to move this massive legislation along for over 3 years, and I would like to express my personal gratitude for their efforts.

I yield the floor.

Madam President, I yield back the remainder of my time on this side. I yield the floor.

Mr. INHOFE. I thank Senator JEFFORDS for the great working relationship.

Mr. INHOFE. Madam President, it is my understanding we have 6 minutes. I

would like to yield 2 minutes each to three Senators, three of the hard workers on this bill. I did forget to mention Senator GRASSLEY, who was so helpful. I would like to recognize Senators BOND, LOTT, and SHELBY for 2 minutes each.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, it has been a long road to get here on SAFETEA, and I am pleased to be here. I thank Chairman INHOFE, Senators JEFFORDS and BAUCUS, with a special thank you to my staff: Ellen Stein, John Stoddy, and Heideh Shahmoradi; Senator INHOFE's staff, Senator JEFFORDS' staff, Senator BAUCUS's staff, the help of Senate legal counsel, employees of FHWA, who ran 1661 runs, Ross Crichton, Susan Binder, and Carolyn Edwards, and the staffs of the Banking, Finance, Commerce, and Budget Committees.

I might inform my colleagues from Arizona, this includes highways and bridges, mass transit, safety, and other items. I thank particularly my colleague from Arizona for mentioning a bridge across the Mississippi River. We have the largest truck traffic in the Nation coming east and west on Highway 70, the eastern edge of Missouri. If they do not have a bridge, they do not get to Illinois. That is one point people from drier States perhaps do not understand.

This bill is one characterized by equity, by safety. Environmental issues are addressed by getting environmental input early on and giving them an opportunity to resolve the problems before money is wasted. It brings the stakeholders to the table earlier. Under the CMAQ provisions, we allow in six States the use of clean-burning biodiesel fuel.

My colleagues and staff have worked tremendously hard in moving this bill over the last 2½ years and I want to highlight some of the key elements of this bill that I am proud of.

H.R. 3 achieves several major goals:

First, equity—this bill carefully balances the needs of the donor States while recognizing the needs of the donee States.

There are many sections in this bill that I am proud of supporting, such as the fact that all donor States will receive an equitable increase to, at the minimum, a 92 percent rate of return by fiscal year 2008.

The average rate of growth among States is 30.32 percent and all States will grow at not less than 117 percent over what they received in TEA-21 starting in 2005 ramping up to 121 percent by 2009.

I, along with Chairman INHOFE, both Senators BAUCUS and JEFFORDS, and our partners on the House side have worked diligently in trying to ensure that the bill remain fair and equitable among all States.

There are many States that continue to fall under the \$1.00 rate of return, I am one of them. Due to the budgetary

constraints as well as balancing the needs of both the donor States with the needs of the donee States, we were unable to achieve any better.

Another key component of this bill is safety. This bill goes a long way to saving lives by providing funds to States to address safety needs at hazardous locations, sections, and elements.

Safety in this authorization is for the first time given a prominent position, being elevated to a core program.

Inadequate roads not only lead to congestion, they also kill people. We average more than three deaths a day in Missouri and I think that a large number of these deaths can be attributable to inadequate infrastructure.

Nearly 43,000 people were killed on our roads and highways last year alone. I am glad that the bill reflects the continued commitment to making not only investments in our infrastructure, but also to the general safety and welfare of our constituents.

I am hopeful that the level of funding provided toward the safety program and other core programs is a sufficient amount to address the growing needs of all states.

The passage of this bill comes at a very critical time, especially for my home State of Missouri. We have some of the worst roads in the Nation, with over 50 percent of its major roads in poor or mediocre condition, requiring immediate repair or reconstruction.

Environmental issues are also addressed, such as to ease the transition under the new air quality standards, the conformity process is better aligned with air quality planning, as well as streamlining the project delivery process by providing the necessary tools to reduce or eliminate unnecessary delays during the environmental review stage.

Another accomplishment of our package ensures transportation projects are built more quickly by bringing environmental stakeholders to the table sooner. Environmental issues will be raised earlier and the public will have better opportunities to shape projects. Projects more sensitive to environmental concerns will move through a more structured environmental review process more efficiently and with fewer delays.

This bill also ensures that transportation projects will not make air worse in areas with poor air quality, while giving local transportation planners more tools and elbow room to meet their Federal air quality responsibilities. Transportation planning will be on a regular 4-year cycle, require air quality checks for projects large enough to be regionally significant and reduce current barriers local official face in adopting projects that improve air quality.

Another accomplishment in the bill is allowing local areas to spend congestion, mitigation and air quality funds on the purchase of biodiesel fuel. Soybean based biodiesel provides another market for midwestern, including Mis-

souri, farmers. The clean burning fuel reduces smog forming ozone, soot and hazardous air pollutants. Homegrown biodiesel also decreases our dependence on foreign oil. It's a win for the environment, energy security and farmers.

Lastly, jobs. We have all heard the statistics and this bill undoubtedly will create jobs.

The comprehensive package here before the Senate today is the key to addressing our Nation's needs in infrastructure development and improvement. I am hopeful that other Members of the Senate agree and pass this bill so our State transportation departments can get back in the business of letting contracts.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I rise in support of the conference report.

I am in support of the conference report to accompany H.R. 3, the surface transportation reauthorization bill. This is a bill, that Senator SARBANES and I have been working on in the Banking Committee for over 3 years now, and I look forward to seeing it signed into law.

It has taken 12 extensions of TEA-21 to reach agreement on this bill. It is time to get this bill completed and furnish States with resources for needed transportation infrastructure and implement these important policy improvements.

The transportation bill has many important components which I am proud to stand here today and support. I am especially proud of Title 3, the Public Transportation Title. I extend my personal thanks to Senator SARBANES, the ranking member of the Banking Committee, for all the work he has done to help craft our committee's approach to strengthening public transportation, both in terms of funding and policy.

I would also like to thank Senator ALLARD and Senator REED, chairman and ranking member of the Subcommittee on Housing and Transportation, and Senator JOHNSON who also served as a conferee. This bill was truly a bipartisan, collaborative effort. I am very proud of what we have been able to accomplish.

In this bill, we have increased the ability of States to use money flexibly. We made new and innovative technology, like bus rapid transit, eligible for significant Federal investment for the first time. This is a promising new cost-effective approach to transportation that has real promise in this country. Also, we increased accountability for the Federal investment in public transportation through several new mechanisms. A contractor performance assessment report will provide real data on transit industry performance and will enable transit agencies to have an opportunity to assess the quality of cost and ridership estimates for their high-dollar investments.

I am a big believer in positive reinforcement and I included several provi-

sions in the bill to reward transit agencies for delivering projects that are on-time and on budget. One of those provisions will, for the first time, allow transit agencies an opportunity to keep a portion of their under-run in new starts projects or would give them the chance for a more generous share if they deliver the projects they promise to their communities.

Another accomplishment here of which I proud is the extent to which we have been able to extend the benefits of public transportation to some of the people who need it most, for example, in rural areas. For many years, the prevailing view—a wrong view in my mind—was that public transportation was only valuable in very urbanized cities.

In some rural parts of our country, long distances separate people from critical infrastructure. Many of these people are elderly or do not have access to a car. Connecting these people to critical infrastructure is one of the most valuable services public transportation can provide.

These are just a few of the several important advancements this bill makes over current law. This is a bill I am proud of and I want to acknowledge some people who have been critical to putting this bill together and making it a successful piece of legislation with broad bipartisan support.

Me and my staff were very lucky to have one of the best resources that the Banking Committee could have during this process. The Federal Transit Administration loaned the committee one of their finest people: Rich Steinmann. Rich is an extremely knowledgeable, competent professional and his experience is widely respected on both sides of the aisle and in both chambers of the Congress. We are indebted to him for his time and work on this bill. Additionally, I want to thank Sherry Little and John East of the Banking Committee staff. I think everyone would agree that this was a tough process on members and staff alike. Finally, I want to thank some additional staff who had a critical role in putting this challenging bill together: Sarah Kline, Aaron Klein, Tewana Wilkerson, and Neil Campbell. Thank you for your work on this.

I am proud of this bill and I look forward to seeing it signed into law.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, as a member of the conference, I thank the leadership and the job they have done. The process has not been easy. It has been long and not always pretty, but we produced a bill with more jobs, safety, and opportunity for all American people. I am very proud of it.

I yield the remainder of my time to the chairman to dispense as he sees fit.

Mr. INHOFE. I yield back the remainder of my time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. The next vote is on the highway conference reported bill, the last of the evening, the 11th rollcall of the day and the last vote before the August break. I thank all of our colleagues for their patience and efforts. We have been very busy, very productive the last several weeks. We can all, in a bipartisan way, be proud of what we have accomplished.

We will return for business on Tuesday, September 6th, with a vote that day sometime around 5:30. That is Tuesday, September 6th. I wish everyone a safe break.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), and the Senator from New Hampshire (Mr. SUNUNU).

Further, if present and voting, the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. ROBERTS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—91

Akaka	Dodd	Martinez
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Brownback	Grassley	Reid
Bunning	Hagel	Rockefeller
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Coburn	Kennedy	Stabenow
Cochran	Kerry	Stevens
Coleman	Kohl	Talent
Collins	Landrieu	Thomas
Conrad	Lautenberg	Thune
Corzine	Leahy	Vitter
Craig	Levin	Voinovich
Crapo	Lieberman	Warner
Dayton	Lincoln	Wyden
DeMint	Lott	
DeWine	Lugar	

NAYS—4

Cornyn	Kyl	
Gregg	McCain	
		NOT VOTING—5
Boxer	Roberts	Sununu
Feinstein	Smith	

The conference report was agreed to.

EXTENSION OF ADMINISTRATIVE EXPENSES FOR THE HIGHWAY BILL

Mr. DOMENICI. Madam President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3512, which was received from the House.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3512) to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3512) was read the third time and passed.

Mr. DOMENICI. Mr. President, are we in morning business?

The PRESIDING OFFICER (Mr. ALLARD). No, we are not.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak for 5 minutes.

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

The Senator is recognized for 5 minutes.

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

Mr. DOMENICI. Yes.

Mr. ALEXANDER. Would it be possible to get 3 or 4 minutes following the Senator's remarks before the discussion begins?

Mr. DOMENICI. I think it is a matter of whether the Senate confers.

Mr. President, I ask unanimous consent that following my 5 minutes, the junior Senator from Tennessee be given 4 minutes to speak.

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

The Senator from New Mexico is recognized.

SENATE ACCOMPLISHMENTS

Mr. DOMENICI. Madam President, I rise today before we leave on this recess to tell the Senate and those interested in how we do the people's business, what a successful 6 months we have had in the Senate. I have been here a long time. I believe this first 6 months has been like a great marathon runner. We started off slow and crossed the finish line a winner.

About 4 hours ago, we passed the first comprehensive Energy bill in about 14 years. We have been trying for 6 years, and now it is done. The Senate did that in a bipartisan way, and we worked with the House and got a great policy for our Nation.

A few moments ago, we passed a comprehensive Transportation bill for all of our States and our people, and regardless of what is said about it, in meticulous detail it is a terrific jobs package and infrastructure building bill for America.

In addition, I submit that we have also accomplished some things we never were able to do: we enacted a bankruptcy reform act. I know people wonder why that is important, but we will not talk about why. Let's just say credit is the lifeblood of our Nation. If something is wrong with the credit system, you have to fix it. We have been waiting around to fix the bankruptcy law, which is an integral part of the credit system, for at least 5 years. We passed the bill about three times in the Senate and, yes, in this particular 6 months, we did that. We sent it to the House and it is a law.

The budget resolution, I did them for years—let's be honest, for 31 years. This new Senator produced, under our leader's leadership, the fifth fastest budget resolution, and he got it in on time.

The emergency supplemental was as big as many appropriations bills, gigantic—for Iraq, the tsunami, and we provided real help for the borders of our country. Five-hundred new Border Patrol people were in that bill, along with other things.

We included, since then, in an Interior appropriations bill, which also passed, veterans funding of \$1.5 billion.

Let me go on with the list. After the emergency supplemental, we did six judges who had been filibustered for months upon months.

We did CAFTA. That is the last of a long list of American free-trade agreements. This one, for a change, went our way. It was taking off tariffs that were imposed mostly on us, instead of the other way around.

Now, 5 of the 12 appropriations bills have passed. All of the appropriations bills have been reported out of committee, except one. I didn't check the history, but I think that is close to a record.

We confirmed the Secretaries of State, Justice and Homeland Security. We confirmed the Director of National Intelligence. That is the equivalent of another Cabinet seat.

We also passed the Legislative Branch appropriations bill. We did, a while ago, a very important piece of legislation, gun liability reform. People wonder what that has to do with—as we say out in the country—the price of eggs. I will tell you, it is important legislation, too. It conformed liability, as far as the liability of those who manufacture, which is growing out of proportion to our regular negligence laws, and put that under some kind of reasonable control as far as the liability of manufacturers, those who build firearms. If these gun manufacturers went out of business, we would have had to get guns produced overseas, and that would not have been good.