In an effort to heighten the level of international attention—attention to those brave souls' efforts—and in an effort to continue to create greater common cause among the groups of people on the island, the Cuban dissidents are organizing this assembly to promote civil society in Cuba. Over 300 civil society groups are expected to be represented at the meeting. The goal of the assembly is to discuss how they will play a role in the transition after the end of the Castro regime. This end is approaching. The clock is ticking. We must be ready, both on the island and around the world, to ensure that Cubans have the opportunity to freely and fairly choose their successor government.

Senator MARTINEZ, my colleague from Florida, and I, along with 20 colleagues, are encouraging the Senate to support this resolution, and in supporting this resolution, therefore, to support this assembly, its participants, and all civil society on the island, and to do it in a bipartisan fashion.

This resolution is an effort to bring international attention to the assembly and to all members of civil society on the island of Cuba. These are brave individuals who deserve our support every day, not only on these memorable and momentous occasions but every day in respect for what they have endured as their liberty has been taken away from them.

We want that liberty to return. Our thoughts and prayers will be with all these individuals.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

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

The assistant legislative clerk read as follows:

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

Pending:

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

Allen/Ensign amendment No. 611 (to amendment No. 605), to modify the eligibility requirements for States to receive a grant under section 405 of title 49, United States Code.

Sessions Modified amendment No. 646 (to amendment No. 605), to reduce funding for certain programs.

Reid (for Lautenberg) amendment No. 619 (to amendment No. 605), to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol under aggravated circumstances.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am very happy we finally got to this point. We are operating under unanimous consent at this time.

We will have for the next 45 minutes a discussion and then a vote on the Allen amendment at 12 o'clock. We will have this 45-minute period of time to talk about the highway bill, and hopefully we can confine arguments to that, with the exception of 5 minutes for Senator LANDRIEU right before the vote takes place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 611

Mr. ALLEN. Mr. President, I thank my colleague from Oklahoma. I am glad we are going to be voting on my amendment around noon. I had thought it was going to be 11:30, but it is now noon.

Let me share with my colleagues the rationale behind amendment No. 611 to the underlying bill.

I first thank my colleague, Senator ENSIGN of Nevada, for cosponsoring this amendment. The purpose of my amendment is to make sure that safety belt incentive grants are awarded based on a State's seatbelt use rate, not based upon a prescriptive mandate from the Federal Government that would make the States enact a primary seatbelt law to receive their Federal funds.

The way this bill came out of committee, in effect, for the States to get their money, they have to enact a primary enforcement seatbelt law. Seatbelt laws generally, whether you have a law such as 29 States do, which is secondary enforcement, or in some cases not even secondary enforcement laws, or some States have primary enforcement laws, this is an issue under the purview of the people in the States.

This is not an issue for the Federal Government to get involved. This is not an issue of civil rights. It is not an issue of interstate commerce. It is not in the Constitution. There is no way Thomas Jefferson and James Madison would ever envision the Federal Government worrying about such matters. I know they did not have automobiles in those days, but they were not coming up with worries about what kind of saddles they had or making sure folks on horseback laced up their saddles correctly with a buck and strap or whether there were seatbelts on buggies.

The underlying bill clearly tramples on the jurisdiction that has long been held by the people in the States. I don't believe ''nanny'' mandates such as this initiative should come from Government. But if they must, the government should be that of the State legislature and not the Congress. State legislators provide a much closer representation of the views and beliefs of their respective constituencies in our country.

I am a firm believer that the laws of a particular State reflect the philosophy and principles under which the citizens of that State should be governed. The people in the States do not need fancy Federales telling them what to do. Moreover, I doubt a single Senator ran for this office of Senator promising to enact primary seatbelt laws, trampling on the laws of their States.

This chart shows a minority of States, 21 States, the States in red, have primary safety belt laws; 29 States do not, the States in white on the chart, and New Hampshire. I surmise this issue has been considered by every one of the State legislatures in all our 50 States. In 29 of those States, primary enforcement of seatbelt laws was rejected.

Why were they rejected? Each State may have their own reasons. Some may believe it is more important for law enforcement to worry about drunk drivers or impaired drivers rather than craning their necks trying to figure out what is in someone's lap as they are driving otherwise safely down the road. There are others that may have concerns about driving while black, a concern of racial profiling. Regardless of the reasons, 29 States have rejected primary seatbelt laws.

Given that a majority of the States has declined such laws, it seems inappropriate for the Federal Government to devise a grant program that essentially compels the States to enact primary enforcement laws, and if they do not, they lose Federal gas tax dollars the people in these States paid into the Federal highway trust fund.

My amendment revises the Occupant Protection Incentive Grant Program to grant awards on 85-percent belt use rate—the national average is about 80 percent. Eighty-five percent would, of course, be a significant increase. People are safer wearing seatbelts. It is a good idea to wear seatbelts, but instead of compelling States to enact primary seatbelt laws, the grants should be awarded solely on seatbelt use attainment. The point is to get people to wear seatbelts, not to have prescriptive micromanagement from the Federal Government.

For me, it is difficult to understand the logic of an incentive program that provides Virginia, with its high safety belt use, far less funding than a State with far lower seatbelt use rate but with a primary seatbelt law. Yet that is entirely possible under this bill if the State with a lower seatbelt use rate has enacted a primary seatbelt law.

For example, a State could have 70-percent seatbelt usage and receive Federal funds under this grant program only because it has enacted a primary seatbelt law. However, another State could have 89-percent seatbelt usage rate but not qualify for this grant funding because it does not have a primary seatbelt law. That makes absolutely no sense unless one is an officious meddler who wants to dictate and meddle in the prerogatives of the people in the States.

If the goal is to attain higher safety belt usage rates, incentive grants

should be awarded based on a specific goal. In our amendment, it is 85 percent. This amendment is similar to one already included in the House version of this highway bill legislation. My proposal is a much more equitable way to provide incentives and reward States for increasing seatbelt use rates. It makes the proposed program fair by making requirements the same for all States, but does not compel States to enact primary seatbelt laws.

How do you get people to wear seatbelts if you do not have a law? As if everyone carries the code of their State around in the glove box or, for that matter, carries around the United States Code. There are a variety of ways. In some States with secondary enforcement, with higher usage rates than those with primary enforcement laws, there can be advertising, there can be incentives. There are a variety of programs creative people can devise as well as just common sense.

I wear a seatbelt. My kids wear seatbelts. Everyone ought to. But the point is, Should this Senate be telling the States to pass primary enforcement laws?

I urge all my colleagues to consider the laws of your State. If you are in one of the 29 States that does not have a primary seatbelt law, what in effect Senators are saying is, we do not trust you in South Carolina, Florida, Arkansas, Missouri, Arizona, or Montana to make these laws. I don't agree with this. Moreover, you are telling people from Alaska to Arizona to Florida and South Carolina, Virginia, and on up to New Hampshire and Maine, sure, you all are paying Federal gas tax revenues into the Federal Government highway trust fund from your gasoline purchases, but you are not going to be able to get this approximately $500 million portion back unless you pass a primary enforcement seatbelt law.

The people in the States should determine whether this Federal Government incentive plan should reward States that have high usage rates or whether it should be used to promote a certain meddling nanny philosophy.

I respectfully ask my colleagues to stand up for common sense, principled respect for the will of the people in the States. Stand up for the principle that the law ought to be fair to those across the country. If any of those States can reach 85-percent attainment rate, depending on how it gets calculated in the States, let them have access to these funds and grant them the broad authority, also, to use those funds for roads and adding on to roads, as well. Finally, rather than official Federal nannyism, stand up for trusting free people. They can make these decisions perfectly well, and have heated and vigorous debate in their State legislatures if necessary. We should not trespass on the will, desires, and views of the people of 29 States with this officious nannyism and the federales planting their finite wisdom over the will of the people in the States.

I ask my colleagues to vote in favor of the Allen amendment.

AMENDMENT NO. 761, AS MODIFIED

Mr. INHOFE. Mr. President, yesterday when we passed our substitute amendment, which was No. 761, there were some technical inaccuracies in obligations and limitations for the 5 fiscal years. I ask unanimous consent to make those technical corrections to the amendment 761. This has been agreed to by both sides.

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

The amendment (No. 761) was agreed to, as follows:

Strike section 3103(b) and insert the following:

(b) MASS TRANSIT CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2005, $7,646,336,000;
(2) for fiscal year 2006, $8,900,000,000;
(3) for fiscal year 2007, $9,267,464,000;
(4) for fiscal year 2008, $10,050,700,000; and
(5) for fiscal year 2009, $10,685,500,000.

Mr. INHOFE. Mr. President, I know there are a lot of Members interested in the Allen amendment. We are close to final passage. We may have a couple of amendments after we return at 2 o'clock, at which time we will want to debate those. We will be limited to 2 minutes on each side for those amendments. I encourage Members who want to be heard on those amendments that we will be considering after 2 o'clock, this is the time to do it. This is the only time Members will have.

Mr. JEFFORDS. Mr. President, as we stand on the verge of passing the highway bill, I once again praise Chairman INHOFE for his leadership. We would not be at this point without the chairman's persistence and hard work. And I personally thank you and Senators BAUCUS and BOND for their excellent efforts.

Mr. INHOFE. Will the Senator yield?

Mr. JEFFORDS. I yield.

Mr. INHOFE. Mr. President, this has been an effort that has been bipartisan all the way around. It has been 3 years in the making. For all of us to get along this well for 3 years—I hope it does not end after this is over.

I compliment you and Senator BAUCUS, along with Senator BOND, and the Democrats and Republicans on the Environment and Public Works Committee who are so cooperative.

Mr. JEFFORDS. We have proved it can be done.

The highway bill before the Senate is important for the Nation.

It will authorize funds for Federal-aid highways, highway safety programs, and transit programs through fiscal year 2009.

This bill will make our roads safer. This bill will reduce traffic congestion. This bill supports mass transit.

This bill will create jobs. This bill will have an impact on every town, every city, and every State.

The legislation includes a provision by Senators GRASSLEY and BAUCUS that boosts funding in this bill by $11.2 billion or about 4 percent over what the White House has requested.

That funding makes all the difference in allowing us to draft a funding formula that ensures that all States benefit in this legislation.

That funding helps level the playing field for many States that feel they are being treated unfairly at the White House prescribed funding level of $284 billion.

I urge President Bush to reconsider his veto threat against this legislation.

It is a good bill that helps every Sate and will impact every American.

There are no differences between the House and Senate versions of this bill that cannot be overcome with good, honest negotiation, and compromise.

But we should not enter those negotiations with a proverbial ''gun at our head'' with the threat of a veto.

The White House should not enter the negotiations with a ''my way or the highway'' approach.

There is a storm brewing in the Senate of mammoth proportions.

It is a storm I hope we can avoid for the sake of this great institution.

I urge the President and the Republican leadership in the Senate to change the course of this storm.

This bill, and others like it, are too important to get caught in the political hurricane on the horizon.

Despite the gloomy forecast, I remain hopeful we can maintain the momentum we have made on the highway bill and reach a final agreement quickly and fairly.

SMART GROWTH

This highway bill, although not a perfect bill, is a step forward in the smart growth arena.

We have included some modest provisions in this bill to encourage smart growth, like safer routes for our children to get to school, encouraging more physical activity through walking and biking for all Americans, measures to improve traffic congestion, funding for stormwater, and just plain smart planning.

The Safe Routes to Schools Program helps ensure our children are safer as they walk to and from school.

By improving sidewalks and crosswalks for both pedestrians and bicyclists, we are providing a healthier alternative to riding the bus or using a car. We are encouraging students to get out there and walk or ride their bike to school.

In the 1960s, over 60 percent of our children walked or rode their bikes to school. Today, it is less than 10 percent.

According to the National Institutes of Health, the number of children who are overweight has doubled in the last two to three decades; currently one child in five is overweight. Increasing the opportunities for children to walk or ride their bikes to school can help combat the obesity problem.

I would Iike to see more funding for this important program.

Even we, as adults, need to increase our physical activity. The provision for bicycle and pedestrian safety grants will promote the benefits of walking and bicycling, and how to stay safe while doing so.

According to the National Highway Traffic Safety Administration, bicycling and walking currently account for nearly 13 percent of traffic fatalities, that is over 5,000 a year. Yet States are spending less than 2 percent of their Federal safety funds on bicycle or pedestrian projects.

The biking and walking programs also help minimize traffic congestion, a common problem of urban sprawl.

The increasing amount of time that Americans spend in their cars in traffic has encouraged manufacturers to supply larger, more comfortable trucks and cars. These huge, gas-guzzling cars and trucks are a symptom of a failure to make our homes and workplaces more accessible to other forms of transportation.

Other provisions that incorporate smart planning, multi-agency coordination, and encourage public input early in the planning process, help ensure that the improvements meet the specific needs of the area. Improved planning also addresses local concerns and makes for more efficient enhancements to the community, without costly mistakes.

Even the Highway Stormwater Discharge Mitigation Program provides much needed assistance to our States and local communities by helping them deal with the impacts of highway stormwater discharges.

This important legislation increases our investment in our regional transportation agencies so they can consider the choices that will build stronger and more sustainable regions and local communities.

And, that is what smart growth is all about. Making smart, educated decisions on how to handle the growth of our communities.

Such planning promotes growth that improves the economy, revitalizes neighborhoods, protects farmland and environmentally sensitive areas, and improves public health.

Smart growth offers a range of transportation options, provides parks and play areas for our children, and provides accessible options for those with disabilities. All of these use energy more efficiently and are good for the environment.

Many of the provisions in this bill help ensure that we develop transportation projects in smarter ways.

I hope the conference committee produces an agreement that respects these important resources, be it our historic and cultural assets and parks and protected open spaces.

Since the 1960s, I have been involved in the smart growth debate. As Vermont's attorney general, I drafted what became the first, and is still today, the most comprehensive, State level environmental review regulation in the United States, known in Vermont as Act 250. In 1999, I established the Senate smart growth task force. Today, I serve as cochair, along with my colleague, Senator LEVIN, on the Senate's bipartisan, multiregional task force for smart growth.

A number of you also serve with us to ensure that we assist those at the State and local levels with the growth of their communities. If you are not already a member, I encourage you to join our task force today to broaden the efforts in the Senate.

Land use and development affects each and every one us, regardless of party affiliation. And with energy prices on the rise, transportation and land use planning are critical tools for conserving energy and promoting more fiscally sound development practices.

The task force needs your help to incorporate smart growth principles into the budget and appropriation processes, to build better relationships with our State and local partners, and work with the administration to support State and local efforts to plan for growth.

Our Nation has only recently begun to recognize that sprawl is unhealthy—whether it is contributing to obesity in America or multiplying the number of roads that are dangerous and unfriendly to pedestrians or harming the habitat of endangered species.

Smart growth is about providing transportation choices, including transit, pedestrian walkways, bicycle lanes and paths, and of course, highways and roadways.

This highway bill is a move in the right direction. While funding is limited for these programs, I am encouraged to see provisions like these are moving forward.

In these times of high gasoline prices, Vermonters and all Americans want to know what Congress is doing to reduce our dependence upon foreign oil.

Constituents who are paying steep prices at the pump want to know that we are working to promote technologies that use gasoline more efficiently.

I would like to talk about some of the provisions of the highway bill and the managers' amendment that have the potential to do just that.

The bill provides additional incentives to use hybrid vehicles on our Nation's highways and the managers' amendment builds on those provisions.

While I think these provisions represent a good initial starting point for important discussions to come in the conference on this bill, I think more can and should be done through this legislation to encourage hybrid use, and to expand their benefits for consumers and the environment.

Some argue that we do not need to do any more to promote hybrid purchasing and use by consumers.

They suggest that the price of gasoline itself has been a strong driver of hybrid purchases. Certainly, in part, that is the case.

At the end of April, the Associated Press reported that the hybrid market has grown by 960 percent since 2000.

New hybrid vehicle registrations totaled more than 8,300 in 2004, an 81 percent increase over the year before.

Even though hybrids still represent less than 1 percent of the 17 million new vehicles sold in 2004, major automakers are planning to introduce about a dozen new hybrids during the next 3 years.

I have personally joined the thousands of Americans, and several other members of this body, in becoming a hybrid owner.

I purchased a Ford Escape hybrid last year.

Simply allowing gas prices to increase is not the best way to promote hybrid use. That is a poor policy solution.

We should also provide significant non-financial incentives to stimulate demand for these vehicles.

One important incentive in the bill before us is to allow these vehicles access to the high occupancy vehicle lanes, or HOV lanes, on our highways.

We will be saving our commuters time, in addition to reducing gasoline use.

In doing so, we need to carefully consider and maintain the other societal benefits of HOV lanes.

Those benefits include: encouraging transit and shared car use, and promoting dedicated alternative fuel vehicles.

Mr. President, our last highway law, TEA–21, gave States the authority to allow what is called a high occupancy vehicle lane, or HOV lane.

Many commuting Americans are familiar with these lanes, and thousands commute into the District of Columbia every day using them.

I want to give my colleagues some of the history behind allowing less polluting vehicles in HOV lanes.

Under TEA–21, if a vehicle was certified under Federal regulations as an ''inherently low-emission vehicle'' it could be used in the HOV lane with only one occupant.

The law authorized States to implement this policy through September 30, 2003, and granted each State the right to revoke this policy if it increased HOV lane congestion.

EPA established the low-emission vehicle standards.

They did so in order to recognize that certain types of fuel and vehicle technologies have low emissions and to encourage their use.

Only vehicles without evaporative fuel emissions meet EPA standards.

Consequently, a vehicle that bums any quantity of gasoline or diesel cannot meet the standards.

That includes hybrid vehicles that operate on a combination of gasoline or diesel and electric batteries.

Vehicles that operate entirely on alternative fuels with no evaporative emissions, such as compressed natural gas, liquified natural gas, or purely

electric vehicles, are the only ones that are able to meet the standards.

We should promote the use of those vehicles.

However, such vehicles are a very small percentage of the on-road fleet, and, as a consequence, few motorists have been able to take advantage of the HOV lane benefit provided in TEA–21.

Since the passage of TEA–21, there has been growing interest among motorists, the vehicle industry, and some States in renewing the HOV lane benefit and expanding it to hybrid vehicles, which are more widely available.

The bill before us includes provisions that would renew and expand the HOV lane exemption for low-emission vehicles.

Specifically, the managers' amendment would allow ''low emission and energy-efficient vehicles'' access to HOV lanes.

The bill would make that access permanent.

A vehicle would qualify as a ''low emission and energy-efficient vehicle'' if it meets EPA's ''Tier II'' emission standards that were phased in beginning in model year 2004.

In addition, EPA would have to certify that the vehicle gets at least 50 percent better fuel economy than a gasoline vehicle in the city or that it is a ''dedicated alternative-fueled vehicle'' as defined in the Energy Policy Act of 1992.

Current hybrid vehicles are clean enough to comply with the new tier II standards. Some hybrids also meet the threshold for fuel economy ratings in the bill.

This change would result in expanding access to HOV lanes to include hybrid vehicles.

I reassure my colleagues who may be concerned that congestion in HOV lanes might arise as a result of the policy change contained in this bill.

The bill before the Senate requires States that allow hybrids on HOV lanes to establish a program for qualifying and labeling such vehicles, and monitoring and evaluating their use in HOV lanes.

States also would be required to develop policies and procedures for limiting the single-occupancy operation of hybrids if their use led to increased traffic congestion.

While there are benefits to this language, I hope that my colleagues consider strengthening the language.

We should be mindful when we allow single occupant vehicles in the HOV lanes, even if they are hybrids.

The managers' amendment simply implements the tier II emissions standards that were effective last year.

Hybrids easily meet these standards today, so this language has no practical impact.

If it is the determination of Congress to allow hybrids to use the HOV lanes, we should be promoting the most fuel-efficient and cleanest hybrid vehicles on the road. I would like to go further.

This bill takes a good step toward promoting single occupant HOV access for hybrid vehicles.

We make sure that there are only dedicated alternative fuel vehicles in HOV lanes, those that run on 100 percent alternative fuels.

But we need to make sure that we don't overburden our HOV lanes. And we need to make sure that our goals of lowering pollution that we set in our last highway law are maintained.

It is my hope that we do so in the conference on this bill.

Mr. INHOFE. Mr. President, shortly we will be voting on final passage of H.R. 3, the highway bill. Of course, we have talked about how long this has been in the making. We are finally to that point. The product is a good product. There are some who still today are not happy with the way the formula has treated their States.

There is nothing more difficult than dealing with a formula. This is a formula that deals with so many different factors. We have donor States, donee States, large States, small States, passthrough States, we have States with unusually high delegate rates. All these things are a consideration. During this debate we have discussed these at length the last 3 years.

A lot of people think we are spending too much. I put my conservative credentials up against any one of the 100 Members. I have been rated No. 1 as most conservative Member in this Senate. Yet there are two areas where we need to spend money: One is the national defense and infrastructure is the other one.

This is a life-and-death bill. We have to do something to save some lives. People who are saying we are spending too much on this, I think they forget that we have had two very great Senators in the Finance Committee, Senator GRASSLEY and Senator BAUCUS, who we went to and said: This is what we really need to have for America. Can you make sure it is paid for and make sure we can do it without a deficit? They assured us that we can.

I see Senator BAUCUS is here to speak. Of course, I repeat one more time how much I appreciate him and Senator GRASSLEY for the work they have done so that this is a bill that is paid for, this is a bill that is not going to add to the deficit, and I want to make sure that people understand that.

By the way, the work they did has been ratified by the Joint Tax Committee. That is the proper body. They have said yes, they can come up with—actually, the amendment is $11.2 billion more in contract authority—they said they can do it and it is not going to add to the deficit; it is not going to be deficit spending.

Before we run out of time, I do wish to thank some other people. I will let Senator JEFFORDS and Senator BAUCUS thank their staff, but I just want to say I wish the American people really knew the hours that are put in on something like this. I am talking about all night long and many hours. I start with Ruth Van Mark, who has been with me for 17 years now. I know there have been many sleepless nights working on this bill; Andrew Wheeler, James O'Keefe, Nathan Richmond, Greg Murrill, Marty Hall, Angie Giancarlo, John Shanahan, Rudy Kapichak, James Gentry, Alex Herrgott, Dave Lungren, Alex Marx, and many more who put in countless hours.

But also on Senator FRIST's staff, if you look back all during the consideration of this bill, we have had the help of Libby Jarvis, who is always there; Dave Schiappa has been there on a daily basis, Eric Ueland, Dan Dukes, Laura Dove; and the people from the Department of Transportation, who have been over here spending their hours on the Senate floor with us: Susan Binder, Edward Ross Crichton, who has done over 1,000 formula runs for us over the last 3 years. He will be glad when this thing is finally passed, I think; Dedra Goodman, Carolyn Edwards, Thomas Holian, Sue Anna Celini, and, of course, I thank the hard-working people of the legislative counsel because they have actually drafted this 1300-page bill and the hundreds of amendments. They include Carcie Chan, Heather Arpin, Michelle Johnson-Weider, Heather Burnham, and Gary Endicott.

Anyway, this has taken a lot of hours, a lot of years working on this. It is going to finally be a reality. I will just say we are going to have an amendment that will come up this afternoon, the Sessions amendment. I would suggest it is very important for people to understand that it would only cut contract authority, it has nothing do with spending more or less money. It is not going to have any effect on the deficit, and it is very important people understand that.

So it is a good bill, and I appreciate working with so many people on this so closely to make this come to the point where we are today.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I also join in thanking a lot of people who have worked very hard on this bill. Certainly the chairman of the committee, Senator INHOFE, deserves primary credit. It has been a long road, no fun. He has done a great job, and I commend him as well as the ranking Democrat of the committee, Senator JEFFORDS from Vermont. They worked very closely together. And that is what makes good legislation. This is not a partisan bill. This is a transportation bill. Of course, Senator BOND from Missouri has done yeoman's work, and I thank Senator GRASSLEY, chairman of the Finance Committee.

I wish to make a few comments as we prepare to vote on final passage. I think that vote will occur in several hours. I start by congratulating all those who have worked so hard on this

issue, and I thank some people back in my home State of Montana.

Jim Lynch is director of the Montana Department of Transportation. He is a terrific director, a very good man. I have known him for many years. He has his heart and soul in this work. I also thank members of his team: Sandy Straehl, Jim Currie, Jim Skinner, Dick Turner, and Mike Tierney, just to name a few. They are terrific people, and many of them were also helpful in TEA–21. They know highways. They know this bill. They know the program. Believe me, they do a good job in helping us.

The bill we will vote on in a few hours is a good bill It is a solid bill. It is one that will move the country forward over the next 5 years. Every State will benefit from this legislation, the so-called donor States, donee States, urban, rural, large and small, every State.

In my state of Montana, this bill will provide $2.1 billion over the next 5 years. This is an increase in highway funding over $500 million of historic levels of TEA–21. This means that more than 16,500 good-paying jobs will be sustained in Montana each and every year of this bill. In many respects, this is our economic development program, the highway program. It provides so many good-paying jobs as well as excellent transportation.

I am very proud of the funding levels we have achieved working alongside my good friend from Iowa, Senator GRASSLEY. I believe we developed a reasonable and fiscally responsible funding package. I am pleased that the Senate voted strongly to approve our efforts to increase the funding by $11 billion. The vote last week was 76 to 22 to waive the budget point of order, that is, in favor of that $11 billion. I hope the administration will take a long serious look at this. I hope they will reexamine their earlier opposition to increasing transportation investments. It is a good solid effort. The Senate has again publicly made its desires known with regard to funding levels. We did not go over the top. We could have gone with more, to 318, but we did not. We stayed under $300 billion—very responsible, very reasonable—and I hope the President will understand this is good legislation for the country, it helps our infrastructure, it is all paid for, and it is necessary to help America be competitive.

In a moment, we will vote on an amendment to reduce the funding in this bill by almost $11 billion. That is stripping away the funding that we worked so hard to identify and that the Senate voted to support.

I have here with me a stack of letters from a diverse group of organizations that strongly oppose the amendment being offered by the Senator from Alabama. I will not go through all of them, but it is really stunning, the number of organizations that have written us in opposition to the Sessions amendment. Every organization you can think of from the ACT—that is, the Association for Commuter Transportation—the Transportation Construction Coalition, the Surface Transportation Policy Project, signed by Anne Canby, who is the President; AASHTO, signed by John Horsley, executive director, and many environmental organizations as well have written in opposing the Sessions amendment: National Association of Counties, National League of Cities, United States Conference of Mayors. It is just a representative sample of the large number of letters that have been written.

Mr. President, I ask unanimous consent to have some of them printed in the RECORD.

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

MAY 16, 2005.

DEAR SENATOR: On behalf of the nation's local governments, we urge you to maintain your support for the Senate-approved $295 billion, six-year surface transportation bill by rejecting the cuts contained in Amendment #646 offered by Senator Jeff Sessions (AL) to H.R. 3.

The Sessions Amendment exacerbates state and local governments struggle with increasing congestion, crumbling and unsafe transportation infrastructure and federal clean air mandates. This occurs through the reduction of the Congestion Mitigation and Air Quality Improvement Program (CMAQ) by $4 billion, Transit Formula Grants and Research by $5 billion, Surface Transportation Enhancements by $1.1 billion, Transportation and Community and System Preservation Program by $100 million, Transportation Infrastructure Finance and Innovation Act by $100 million, and Federal Highway Administration by $400 million.

Under this amendment, the costs to meet the federal clean air mandate will be borne largely by local property tax payers. A $4 billion reduction in the CMAQ Program is an unfunded mandate for state and local governments. CMAQ is intended to help states and cities address the degraded air quality from cars and trucks. The 1990 Clean Air Act amendments require EPA to set National Ambient Air Quality Standards for pollutants considered harmful to public health and the environment. As a result, EPA has required that state and local governments achieve attainment status for an 8-hour ozone and a 2.5 micron Particulate Matter (PM 2.5) standard by 2008-2015.

We believe $295 billion will help address the pressing outstanding transportation infrastructure and federal clean air mandates of state and local government. We also believe this funding level will also expedite the passage of SAFETEA so that the Senate-House conference committee can begin its work as soon as possible. America's state and local elected officials urge you to oppose amendment #646 offered by Senator Jeff Sessions.

Thank you for your consideration to this matter.

Respectfully,

TOM COCHRAN,
Executive Director, U.S. Conference of Mayors.

DONALD J. BORUT,
Executive Director, National League of Cities.

LARRY E. NAAKE,
Executive Director, National Association of Counties.

ROBERT O'NEIL,
Executive Director, International City/County Management Association.

AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, May 16, 2005.

DEAR SENATOR: The Senate may soon vote on an amendment by Senator Jeff Sessions to the federal highway and transit program reauthorization bill, H.R. 3, that seeks to reduce the measure's total investment level by $10.1 billion. The bipartisan leaders of the Senate transportation committees have repeatedly said the investment levels in H.R. 3 are necessary to write a reauthorization bill that does not pit states or modes of transportation against one another. Consequently the American Road & Transportation Builders Association (ARTBA) urges you to oppose this amendment.

The funding reductions in the Sessions Amendment would come from the following programs:

$5,000,000,000 transit formula grants and research

$4,000,000,000 Congestion Mitigation and Air Quality Program

$1,100,000,000 Transportation Enhancement Program

$400,000,000 Federal Highway Administration expenses

$100,000,000 Transportation Infrastructure Finance and Innovation Act Program

$100,000,000 Transportation and Community and System Preservation Program

Some—but certainly not all—of the proposed investment reductions under the Sessions Amendment would come from non-infrastructure activities. Rather than reducing H.R. 3's overall investment levels, it would be more appropriate to transfer funds from the non-infrastructure expenditures to core federal construction and maintenance programs to ensure these funds are used to improve roadway safety and alleviate traffic congestion.

Last week, 76 senators voted to support the deficit-neutral financing proposal for H.R. 3. It's time to complete action on the TEA–21 reauthorization measure. Please oppose the Sessions Amendment and support final passage of H.R. 3.

Sincerely,

T. PETER RUANE,
President & CEO.

SIERRA CLUB,
May 16, 2005.

Re oppose Sessions Amendment #646 to SAFETEA (S. 732).

DEAR SENATOR: The TEA–21 transportation reauthorization bill (''SAFETEA,'' S. 732) that sets policy and funding for highways and transit through the end of the decade contains critical provisions to improve transportation planning and development at the state and local level. We strongly urge you to reject an amendment by Senator Sessions that would substantialIy undermine these programs.

Specifically, the amendment would:

Cut $4 billion from Congestion Mitigation and Air Quality (CMAQ) improvement programs—provides funding for projects to reduce traffic congestion and improve air quality. Such a funding cut would greatly harm the ability of municipalities to comply with air quality requiremnts under the Clean Air Act.

Cut $5 billion from formula grants and research for transit—provides funding for security, planning, capital purchase and maintenance, facility repair and construction, and operating expenses where eligible. The program includes grants specifically targeted to

urbanized areas, to non-urbanized areas, and to transportation providers that address the special transportation needs of the elderly, low-income, and persons with disabilities.

Cut $1.1 billion from Surface Transportation Enhancement activities—provides funding for projects that add community or environmental value to transportation projects. This includes historic preservation, community development, and water pollution mitigation due to highway runoff. This is a crucial community building program widely acknowledged as the most popular TEA–21 program.

Cut $100 million from transportation and community and system preservation (TCSP) programs—provides funding for a comprehensive initiative to improve the relationships and synergy between transportation, community, and system development, and to identify useful private sector initiatives. This program has been a testing ground for many key local innovations, underpinning new directions in local and regional transportation planning.

Cut $100 million from projects being built under the Transportation Infrastructure and Finance and Innovation Act (TIFIA) of 1998—provides federal credit assistance to major transportation investments of critical national importance. The TIFIA credit program is designed to fill market gaps and utilize private sector investment.

America's mobility is critical to our economy and our national security. The transportation programs that would be cut by this amendment have a long history of successful implementation, and state and local transportation officials have come to rely on them to effectively manage transportation demand. We urge you to reject Senator Sessions' shortsighted amendment that substantially undermines the ability of local and state governments and communities to effectively solve transportation problems.

Sincerely,

DEBBIE SEASE,
Legislative Director.

ASSOCIATION FOR COMMUTER TRANSPORTATION,
Washington, DC.

Sen. JAMES INHOFE (R–OK),
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: I write to you today to ask your help in defeating an amendment to SAFETEA that has been offered by Senator Sessions (R–AL). The amendment, as I am sure you are aware, would reduce SAFETEA by $11.1 billion, but perhaps more importantly, would greatly reduce and in some cases eliminate core highway programs. In essence, the Sessions amendment undercuts the success of ISTEA and TEA–21 by drastically altering the make up of Federal-Aid Highway Assistance.

The U.S. Department of Transportation (DOT), in cooperation with the Texas Transportation Institute (TTI), recently released its annual report on congestion. While the report paints a grim picture, it also provides proof that we can reduce congestion by getting more out of our existing transportation system.

The annual report indicates that congestion is growing quicker than states and local governments are able to build the roadways and transit needed to handle increases in travel demand. The study finds that American's spent 3.7 billion hours and 2.3 billion gallons of fuel stuck in traffic congestion—producing a ''congestion invoice'' for the national economy of $63.1 billion in 2003. Congestion is not only a problem for those who live in the nation's largest metropolitan areas, but also for those in small to medium sized cities. No longer is congestion just a New York and Los Angeles problem, now it is Savannah's and Birmingham's as well.

The TTI report further quantifies the role efficient operating roads can have in reducing congestion. The report estimates that projects to improve the efficiency of existing capacity provided 336 million hours of delay reduction and $5.6 billion in congestion savings for the 85 urban areas studied with 2003 data. If these treatments were deployed on all the major roads in every area, an estimated 613 million hours of delay and more than $10.2 billion would be saved.''. The Sessions amendment would reduce, rather then enhance, a States ability to deploy these treatments.

For your consideration we have attached the recommendations that the TTI report makes. The Sessions amendment would cut those programs that aim to increase the efficiency of the transportation system. Thus we urge you to opppose the Sessions amendment and protect those programs that help get the most out of our transportation system.

Sincerely,

KEVIN SHANNON,
Executive Director.

MAY 16, 2005.

DEAR SENATOR: The 28 national associations and construction unions of the Transportation Construction Coalition (TCC) urge you to oppose an amendment to H.R. 3, the federal highway and transit program reauthorization bill, to be offered by Senator Jeff Sessions (R–AL) that would cut as much as $10.7 billion from the $295 billion authorized in the bill through FY2009. The amendment would undermine the Senate's overwhelming vote last week in support of an additional $11 billion for highways and transit over the next five years.

This additional funding is critical to help states maintain and improve their aging and congested highway system and improve safety. The additional funding is also necessary to provide an equitable return on user fee revenue collected in each state. Moreover, the proposed cut to the transit program represents nearly a year's worth of funding which would severely impact the ability of states and localities to provide public transportation services to their citizens, especially the elderly and disabled populations.

The Sessions amendment would cut the federal transit program by $5 billion and the Congestion Mitigation and Air Quality (CMAQ) program by $4 billion. In addition, under the Sessions amendment your state would lose National Highway System (NHS), Surface Transportation Program (STP), and Metropolitan Planning funds.

Attached are charts prepared by the Federal Highway Administration that illustrate how the Sessions amendment would affect the amount of highway funding your state would receive.

The TCC urges you to oppose the Sessions amendment.

Sincerely,

THE TRANSPORTATION CONSTRUCTION COALITION.

SURFACE TRANSPORTATION POLICY PROJECT,
Washington, DC, May 16, 2005.

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

Hon. JIM JEFFORDS
Ranking Minority Member, Senate Environment and Public Works Committee, Washington, DC.

Hon. KIT BOND,
Chair, Senate Subcommittee on Transportation and Infrastructure, Washington, DC.

Hon. MAX BAUCUS,
Ranking Minority Members, Senate Subcommittee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN INHOFE AND SENATORS BOND, JEFFORDS AND BAUCUS: On behalf of the STPP Coalition, I am writing to express our strong opposition to amendment #646 by Senator Jeff Sessions, proposing to reduce funding for many critical elements in the SAFETEA legislation before you.

The amendment threatens the basic structure of the current federal surface transportation program, disrupting program elements and policies first established in the 1991 ISTEA law. Among these is the effective reversal of a longstanding commitment under the Congestion Mitigation and Air Quality Improvement (CMAQ) program to assist local compliance efforts with applicable federal air quality standards. Now, with new and more rigorous standards for ozone and particulate matter coming on line, this amendment proposes dramatic reductions in CMAQ funding—by a total of $4 billion or more than 37 percent—that are certain to disrupt compliance air quality efforts in local areas where about one-half of the nation's population resides.

The amendment also threatens funding for transit programs, specifically commitments to transit research and transit formula grants. Ironically, this $5 billion reduction in transit funding in these investments not only eliminates the funding gains just approved by the full Senate last week but withdraws another $2.7 billion from the transit account. Undeniably, this amendment effectively reverses longstanding federal commitments to balanced funding between highway and transit programs. Importantly, the amendment also cuts the very successful Transportation Enhancements program by $1.1 billion and the TCSP program by $100 million, threatening both programs which now generate substantial benefits for taxpayers and their communities.

Taken together, this package represents an assault on continuing state and local efforts to deliver better transportation solutions and cheaper and more efficient travel options for the public and businesses, threatening public support for this transportation legislation. We urge your strongest opposition to the Sessions amendment.

Sincerely,

ANNE P. CANBY,
President.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, May 16, 2005.

Hon. MAX BAUCUS,
Ranking Minority Member, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MINORITY MEMBER BAUCUS: On behalf of the American Association of State Highway and Transportation Officials (AASHTO), which represents the State transportation agencies in the fifty States, the District of Columbia, and Puerto Rico, I am writing to express opposition to an amendment offered by Senator Jeff Sessions that

would reduce funding for certain highway and transit programs by $10.7 billion over the remaining five years of the bill.

The Sessions amendment would completely reverse the funding increases, which were crafted by the Finance Committee and contained in your substitute amendment, by severely reducing funding for selected programs, including $5 billion from the transit formula program, $4 billion from the congestion mitigation and air quality program, $1.1 billion from the Transportation Enhancements Program, $400 million from FHWA's administrative expenses, $100 million from the Transportation Infrastructure Finance and Innovation Act Program; and $100 million from the Transportation and Community and System Preservation Program. We not only oppose the funding reduction altogether, but also believe that these programs, which enjoy broad support, should not be singled out in this manner.

We applaud the 76 Senators who voted to support the deficit-neutral financing proposal for H.R. 3. We urge you to oppose the Sessions Amendment, complete action on the hill and move to conference as quickly as possible.

Sincerely yours,

JOHN HORSLEY,
Executive Director.

Mr. BAUCUS. These groups are many. There are at least 28 national associations and construction unions that make up the Transportation Construction Coalition. I mentioned AASHTO. I didn't mention the Environmental Defense Fund and Sierra Club, which are also in opposition to the Sessions amendment. You don't see that many groups together, construction groups, unions, environmental groups, local governments, all standing together on the same amendment; that is, in opposition to an amendment, in this case the Sessions amendment. This is one such occasion.

I have heard it said that we should not increase funding for this bill because the House will not agree to it. I ask my colleagues, are we not a separate body? That can be turned around. The House should not pass something because we might not agree to it. They are a body, we are a body. We have just as much right as they to indicate what we should do.

As I have said in this Chamber many times, legislating is the art of compromise. It is time for the administration and the House to demonstrate a willingness to work with the Senate on this bill. We are now ready to go to conference. We have less than 2 weeks until the expiration of the current extension of these programs. We have to get moving. The only chance we have to get this bill done is if we act quickly, reach an agreement soon on the funding levels in this bill, that once we have reached an agreement on the funding levels, I think virtually everything else will fall into place.

I urge my colleagues in the House and in the Senate, also in the executive branch, to work with us, find an agreeable funding level for these programs. We cannot afford to argue for months about this issue. We have tough decisions to make, and the time is now to make them. We cannot afford to govern by extensions. States and local governments and the construction community are already feeling the pain from six extensions we have had to date. The time is now to roll up our sleeves, get to conference, and send a bill to the President. Then we can help the American people in doing so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Thank you, Mr. President.

I am pleased to be on the Senate floor today to talk about this long overdue Transportation reauthorization bill. We need to pass this bill, and we need to pass it this year. We have not had a transportation bill in more than 2 years for America. The delay has caused the State departments of transportation across America and in Colorado to operate under a series of short-term extensions. That is unacceptable while we deal with the major issues that are facing the country, including the issue of transportation. The delay in the passage of the new transportation bill has cost the country about 100,000 jobs and created real uncertainty for States that are trying to make construction decisions at a time when they are also trying to recover from a devastating fiscal crisis.

The passage of a new transportation bill is central. In fact, there is nothing like the passage of a new transportation bill to create those jobs and provide the much needed funding to jump-start the economic picture in Colorado and in many other places across our country. In fact, it is exactly the kind of business the American people expect us to be conducting.

This important legislation will create thousands of jobs in Colorado as well as across the country and support important transportation infrastructure needs on roads in our cities, in rural areas, on our transit systems, and our bridges. The legislation will also lay the groundwork to provide important high-priority projects across my State. These are essential projects that will simply not get completed without the passage of this legislation.

This legislation will reinvigorate our economy and make our Nation stronger. The first step toward this goal was with our vote to increase the funding level to $295 billion. I highly commend my colleagues, Senator GRASSLEY and Senator BAUCUS, for working to increase funding without adding to the national deficit. This additional funding will give an increase to my State of Colorado of about $156 million more than we receive under current law and about $26 million more than the House-passed transportation bill. That is $26 million more a year than the House-passed transportation bill.

Here is what this additional $26 million will do for my State of Colorado. It will allow the Colorado Department of Transportation to invest in important projects across our State such as our new transit initiative, TREX, as well as investments in U.S. Highway 160, Interstate 70, and Interstate 25. This is what the $26 million increase will not do, however. It doesn't add to our Nation's deficit. The additional funding is completely paid for. These are the types of choices I am proud to make for Colorado, and these are the choices we should all be making for America.

In Colorado, 30 percent of our major roads are congested, 43 percent of our roads are in poor or mediocre condition, and almost 20 percent of our bridges are structurally deficient. We need this increase in transportation dollars, and I will continue to work with my colleagues to ensure that the highest level of funding for our transportation infrastructure is maintained. Nonetheless, as many other States here, Colorado is a donor State. That is Washington-speak about those States that put more money into the highway user trust fund than what we get back.

There is a real issue of fairness I would like my colleagues to take a hard look at over the years ahead, fairness for the people of Colorado and all of the other States who pay the same gas tax as the rest of the country every time they fill up at the gas pump, and then at the end of the day we don't get back the same return when the Federal Government returns that money to the States. In Colorado today, for every dollar a Coloradan puts into the highway trust fund, our State receives about 90 cents back. Under the Senate proposal, in 2009, Colorado will receive 92 cents back. That is a move in the right direction, but that is still much less than what is equitable for Colorado and other donor States.

We need to pass this bill, and while the proposal being considered in the Senate certainly is a step in the right direction, it does not provide the level of investment that would address Colorado's growing transportation needs as well as the needs of donor States.

To correct this unfairness, we need to take some important steps. First, I am proud to support the increase in the overall funding of this bill without adding to the deficit. As I have said, this is a first step in the right direction. Secondly, we have to make sure we protect that increase in conference with the House. The President has indicated he will veto this larger investment, leaving Colorado with a level of funding that will not support the needs of our State. We must convince the President not to veto this additional money. Keep in mind the rising cost of steel and oil have also driven up the cost of construction, and the President's own Department of Transportation said the country needs a level of funding $100 billion more than the President has said he supports.

The third step we need to take is to correct the unfair formula that disadvantages States such as ours. I hope my colleagues will help us continue to look for ways to provide adequate investment that will give donor States

such as Colorado the rate of return we need and deserve.

Having a first-class transportation system is critical to the Nation and to Colorado. I look forward to the passage of this very important bill. I will continue to work to see that the most basic level of infrastructure funding is not only maintained but improved so we can have safe roadways and robust economic development throughout the State.

Finally, let me say this is the kind of legislation the Senate should be working on. Because at the end of the day, this is about doing the work the people of America care about. They want us to work on their behalf every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we are 12 minutes away from the vote that will be taken and then recessing until 2 o'clock and coming back and finishing probably two votes and then final passage. There won't be time to debate the point. There will be a couple minutes equally divided. The Senator from Arkansas wants to participate in that.

Since I will not be able to talk about the Sessions amendment, let me make a couple of points. I don't have a better friend in this body than Senator SESSIONS. He and I are both very conservative, always ranked that way. He has an amendment to cut the transportation bill by $10.7 billion and the intent is for $5 billion of that amount to be taken from mass transit and $5.7 billion to be taken from the highway program.

The interesting thing about this is the amendment would only cut contract authority, which is the upper limit of what may be spent on the program. There is no reduction in guaranteed spending. Everybody knows last year in our bill, there was $318 billion in contract authority and $303 billion in guaranteed spending. That is the figure you are concerned with. There is no reduction in guaranteed spending on the Sessions amendment. Guaranteed spending is the amount the bill requires to be spent on the program. So there is no change in actual spending or the deficit.

The amendment also ignores the complexity of the formula. As a result, the amendment drops the contract authority of some donor States below the minimum rates of return identified in the bill. For example, Arizona's rate of return would drop below 90.3 percent in 2005 and 90.9 percent in 2006 as opposed to 92 percent. It is a huge difference. Keep in mind that is contract authority.

It is not just the donor States that are hurt by the amendment. Pennsylvania, an older State, for example, would lose $258 million in contract authority and drops from a 15-percent increase over TEA–21—that would be 7 years ago—down to 11 percent, undoing the gains they received at that time.

Finally, I remind everybody that Senators GRASSLEY and BAUCUS increased the amount of money. The Sessions amendment is supposedly going to take back that $11.2 billion increase. But when we passed that amendment, the Finance Committee—and it is their job; read the Senate rules, that is what the Finance Committee is supposed to be doing, go in there and find the money—they said: Yes, we know we can spend the additional $11.2 billion. It is not going to increase the deficit. And then they came along, and that fact was verified by the Joint Committee on Taxation. They are the ones who said what the Finance Committee said is right.

Senator SESSIONS and I are always in the top three most conservative Members when the ratings systems come out of all 100 Senators. I want people to know my view on the amendment. I know the Senator is well meaning, but it is one I will be opposing for those very reasons.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I understand there are 6 minutes remaining on this side.

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. I yield myself 3 of the 6 minutes.

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

Mr. SARBANES. Mr. President, I join my colleagues in very strong opposition to the Sessions amendment. It is a bad idea, both from the standpoint of process and policy. First, it would undo the carefully balanced package developed by the four committees of jurisdiction. Four committees have worked putting this package together: the Environment and Public Works Committee, the Finance Committee, the Banking Committee, and the Commerce Committee. All have been involved in this process. They have spent literally years laying the groundwork for this bill, working ever since passage of the last bill. When we went through the last session of congress, we could not get a bill passed. We have since had interim extensions which were of concern.

The chairman of the Environment and Public Works Committee and the ranking member have spent countless hours trying to put together a sensible and reasonable package, making tough decisions regarding funding allocations among the various programs. This amendment would begin the process of unraveling those committee decisions, both as they affect highways and transit. I warn my colleagues at the outset, this is a bad way to proceed on a complicated and important piece of legislation which is important to every single Member of this body—important to their Governors, important to their county officials, and right on down the line.

We know as a matter of policy there is tremendous stress on our transportation system. The costs we pay in congestion have been detailed by the Texas Transportation Institute. My own view is we need even more investment in our transportation system, and it is provided for in this bill.

I understand the practicalities of the situation in which we find ourselves. Failure to make the needed investment in transportation systems would constrain our economic competitiveness and leave us at a disadvantage in world competition.

There are very few bills that are so essential to the economic well-being of our country as this bill. This transportation infrastructure bill is critical to economic development and economic competitiveness in all 50 States. Failure to make the investment that is necessary will constitute a setback to our efforts to build a better and stronger economy.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. SARBANES. I thank the Senator from Montana.

The transportation industry is strongly opposed to this amendment. For example, to take one instance of a group we deal with, given the jurisdiction of our Banking Committee over mass transit, the American Public Transportation Association, which represents 1,500 transit agencies across the country, observes that the Sessions amendment would undo the bipartisan and widely supported efforts in the Senate in support of increased and balanced transportation infrastructure investment and should be strongly opposed.

I ask unanimous consent to print the letter to Chairman INHOFE in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Let me again underscore how vitally important the programs authorized in the underlying bill are for the economic and social health of our Nation. As with any large and complex piece of legislation, not everyone will be satisfied. I think this bill represents a reasonable approach to meeting our urgent transportation needs. The pending amendment would begin the process of unraveling that approach to which so much effort has been devoted by so many people.

I particularly rticularly thank Chairman INHOFE and Ranking Member JEFFORDS and Chairman GRASSLEY and Ranking Member BAUCUS for their involvement in trying to shape a good piece of legislation. I didn't agree with every decision that is in this package, but I see it as a significant forward step in dealing with a very important national priority. I hope my colleagues will reject the Sessions amendment and that we will then go on to approve the Inhofe substitute amendment and final passage of this bill.

I yield the floor.

EXHIBIT 1

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION,
Washington, DC, May 16, 2005.

Hon. JAMES M. INHOFE,
Chairman, Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN INHOFE: On behalf of the American Public Transportation Association (APTA) and its more than 1,500 member organizations, I write to express our strong opposition to the amendment Senator Sessions offered—#646—to H.R. 3. That amendment would sharply reduce funding of a number of programs in H.R. 3 by some $10.7 billion over six years.

It is critically important that H.R. 3 be passed by the Senate at the enhanced level of funding included in the Inhofe substitute amendment. The Inhofe substitute amendment is a balanced and carefully crafted measure that has strong bipartisan support from the leadership of the Senate Banking, Environment and Public Works, and Finance Committees. Transit and highway needs are critical and have been documented by the American Association of State Highway & Transportation Officials and Cambridge Systematics, Inc. The Inhofe substitute amendment addresses those needs in a balanced approach supported by a broad range of affected groups and coalitions. In contrast, the amendment offered by Senator Sessions would dramatically cut a number of programs across the board, including the transit formula program by $5 billion, the congestion mitigation and air quality program by $4 billion, and other programs that enjoy broad bipartisan support.

In short, the Sessions amendment would undo the bipartisan and widely supported efforts in the Senate in support of increased and balanced transportation infrastructure investment and should strongly be opposed.

If you have questions on this matter, please have your staff contact Rob Healy of APTA's Government Affairs Department at (202) 496–4811 or email *rhealy@apta.com.*

Sincerely yours,

WILLIAM W. MILLAR,
President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise to speak in opposition to the Allen amendment. We had this discussion last week, but we have a couple minutes each to sum up what is at stake.

The language in the Senate Commerce Committee bill guarantees funding if a State does one thing, and that is have or pass a primary seatbelt law. We need to give incentives for people to use their seatbelts. We need to give incentives to the States if they do that. This is about doing the thing that would have the greatest effect on saving lives of anything we could do in this legislation, and we should go forward with it.

Under the Allen amendment, a State has no certainty that any actions it takes to increase seatbelt use will result in an 85-percent or higher use rate. So that is a worthy goal, but very few States have been able to do that. We are trying to encourage more States to do better than they are. My own State only has a 63-percent seatbelt use, and I think we need to encourage more activity in the States. Only three States have ever reached the 85-percent use rate.

The language we have in the bill has near unanimous support nationwide among traffic safety organizations from USTA to the Automobile Manufacturers Association to the American Automobile Association, the American Academy of Pediatrics.

One thing I was impressed with when we had the hearings in the committee was the National Highway Safety Transportation Safety Administrator Jeff Runge, who is a doctor with expertise in this field. He said the Commerce highway safety bill will ''save more lives, and do it faster and cheaper than any other highway safety proposal Congress is likely to consider this decade.''

It would be a huge mistake to take away this incentive but in effect set a goal most States can't achieve and, therefore, we would not be able to save an estimated 1,200 or more lives a year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, in these few moments before the vote, I commend the chairman of our Senate Environment and Public Works Committee, Senator INHOFE, along with Senators JEFFORDS and BAUCUS, for a job well done. We can't forget Senator REID, whom we consider an emeritus member of the EPW Committee, who has helped a great deal.

Tremendous staff work has gone into this. I appreciate the great work of my staff: Allen Stein, John Stoody, Heideh Shahmoradi; Senator INHOFE's staff, Ruth Van Mark, James O'Keeffe, Andrew Wheeler, Nathan Richmond, Greg Murrill, Alex Herrgott, John Shanahan, Angie Giancarlo, and Rudy Kapichak; Senator JEFFORDS' staff, JC Sandberg, Allison Taylor, Malia Somerville, JoEllen Darcy, and Chris Miller; and Kathy Ruffalo with Senator BAUCUS. Kathy brings a great deal of expertise to this effort.

We urge passage of this bill. It doesn't go as far as most of us would like, but it certainly moves us in the right direction. We appreciate the great work of all who cooperated on it.

The PRESIDING OFFICER (Mr. BURR). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, after nearly 3 years and 6 temporary extensions, the Senate is on the verge of passing a monumental highway bill. We will provide over $295 billion that will create thousands of jobs and keep our transportation infrastructure healthy.

This legislation did not happen by itself—it took hard work and perseverance. First, I want to 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 I know their staff stayed up many a sleepless night.

For Senator INHOFE's staff, I want to thank Ruth Van Mark, James O'Keeffe, Nathan Richmond, Angie Giancarlo, Andy Wheeler, Marty Hall, Greg Murrill, Alex Herrgott, Rudy Kapichak, John Shanahan, Frank Fannon and Michele Nellenbach.

For Senator JEFFORDS' staff, I want to thank JC Sandberg, Ken Connolly, Alison Taylor, Jo-Ellen Darcy, Chris Miller, Margaret Wetherald, Mary Francis Repko, Malia Somerville, and Carolyn Dupree.

And for Senator BOND's staff, I want to thank Ellen Stein, John Stoody, and Heideh Shamoradi.

Senator SHELBY and Senator SARBANES also deserve recognition. They played an important role developing the transit title in this bill. I also want to 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. The House bill simply did not provide enough money for our highway infrastructure. The Finance Committee faced a difficult task. We needed to find additional revenue, but we also needed to pay for it. As is the rule on the Finance Committee, we worked in a bipartisan spirit to find an extra $7.8 billion for the highway trust fund, and all of it is paid for.

I also 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, Ed McClellan, Dean Zerbe, John O'Neill, 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, Kathy Ruffalo-Farnsworth, Matt Jones, Jon Selib, Anita Horn Rizek, Judy Miller, Melissa Mueller, Ryan Abraham, and Wendy Carey. I also thank our dedicated fellows, Mary Baker, Jodie Cruz, Cuong Huynh, Richard Litsey, Stuart Sirkin, and Brian Townsend.

Finally, I thank our hardworking interns: Rob Grayson, Emily Meeker and Waylon Mathern.

This legislation really was a team effort. I hope that we can keep working together as we move to conference and hopefully get this legislation done before the end of the month.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 611

The PRESIDING OFFICER. There are 2 minutes of debate evenly divided on the Allen amendment.

The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, let me know when 1 minute is left, please.

My amendment sets a goal of 85 percent usage of seatbelts, and if a State achieves that, whichever way they may

achieve it, they would get these incentive grants.

The PRESIDING OFFICER. The Senator is reminded that he only has 1 minute.

Mr. ALLEN. Thank you.

The purpose of my amendment is to not have the Federal Government as an officious nanny telling the States how to achieve seatbelt usage rates. Twenty-nine States don't have primary enforcement of seatbelt laws and 21 do. Seven States have 90 percent usage. Fifteen States have over 85 percent. The underlying proposal will actually reward States that have lower seatbelt usage only because they have primary enforcement seatbelt laws, while others that do not have primary enforcement seatbelt laws have a higher use rate.

I don't think the people in the States who have paid into the highway trust fund ought to be dictated to by officious Federal nannies; we should trust the people in the States to make these decisions as opposed to trespassing on those prerogatives.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. PRYOR. Mr. President, I wish to make four points.

First, I voice my opposition to the Allen amendment. NHTSA, in every study I have found, says the best way to reduce fatalities on the highways is for States to enact primary safety belt laws.

Secondly, this bill provides an incentive, not a penalty. That is something we need to remember and understand. This is maybe a departure from past policies, but the bill, as currently written, provides incentives, not penalties.

Third, years ago, the Department of Transportation set an attainment goal of 90 percent. This amendment would move us back to 85 percent. We are moving backward instead of moving toward our goal; we are backing off of the goal.

Fourth, it is not so much about equity or fairness, but it is about saving lives. When you look at the safety groups and listen to the studies and look at the statistics—whatever measure you want to make—this is about saving lives and States having primary safety belt laws.

I thank the chair.

The PRESIDING OFFICER. Under the previous order, all time under rule XII is yielded back.

The question is on agreeing to amendment No. 611 proposed by the Senator from Virginia, Mr. ALLEN.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 14, nays 86, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—14

Alexander	Ensign	Nelson (FL)
Allen	Feingold	Snowe
Baucus	Gregg	Sununu
Bond	Kyl	Vitter
Collins	Lugar	

NAYS—86

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

The amendment (No. 611) was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we are now going to the Sessions amendment.

Mr. SESSIONS. Mr. President, I understand there is a unanimous consent to have 2 minutes, 1 minute on each side. I prefer to have more. I ask unanimous consent we have 3 minutes on each side.

Mr. INHOFE. I object. Two minutes on each side.

Mr. SESSIONS. Two minutes.

Mr. INHOFE. Mr. President, I offer Senator LAUTENBERG a moment to make a statement. He has been working with us on his amendment. It has been withdrawn.

I certainly yield to Senator LAUTENBERG for no more than 5 minutes.

AMENDMENT NO. 619, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I appreciate the recognition. I will talk about my amendment No. 619 to crack down on our most dangerous, highest risk drunk drivers—repeat-offender, high-blood-alcohol-content drivers, drivers who have had so much to drink they have nearly double the legal limit of alcohol in their system.

I am proud to have the Senator from Ohio, Mr. DEWINE, as a cosponsor of this amendment. I ask unanimous consent Senator CORZINE be added as a cosponsor.

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

Mr. LAUTENBERG. Our amendment updates the current Federal repeat offender law so that it can be based on measures that have been proven to be effective in preventing drunk driving. It requires alcoholism assessments and treatment when necessary. It would require a 1-year license suspension with at least 45 days of no driving. The rest requires the use of an ignition interlock, a device that only lets the car operate when you blow into it and no alcohol is detected.

As for repeat offenders, it keeps current requirements for short-term jail time, closes a loophole for community service. The National Transportation Safety Board states that from 1983 through 1998 at least 137,000 people died in crashes nationwide involving higher risk drunk drivers. The research funded by the alcohol industry itself showed that 58 percent of alcohol-related deaths in 2000 involved drivers with BAC levels of .15 or above. That is outrageous. That person is totally without ability to function properly. This is consistent with government research that shows for drivers 35 and over, those with a .15 BAC or higher, they are 382 times more likely to be involved in a fatal crash than a sober driver.

It is important to note that our amendment does not create any new penalties for States. It merely updates the current program.

Our amendment does not affect a social drinker and is aimed squarely at higher risk drivers who are the core of the drunk-driving problem in this country. The National Transportation Safety Board, the Mothers Against Drunk Driving, and even groups funded by the alcohol industry, all agree we need to do more when it comes to repeat offenders and drivers with blood alcohol content levels twice the legal limit.

I understand the managers of the bill have agreed to accept the amendment as modified. I am grateful. I thank the managers, Senator INHOFE, Senator JEFFORDS, Senator BOND, and Senator BAUCUS, for working with Senator DEWINE and me. The amendment will make a meaningful difference in the number of lives we save each year from the epidemic of drunk driving.

In my early days in the Senate when President Reagan was in office, when Senator Dole was then-Secretary of Transportation, we put in a restriction on age and driving, age on alcohol and driving. We have saved 1,000 young people from dying on the highways every year for more than 20 years.

What a wonderful thing it is for a family not having to mourn the loss of a child, not having to see a policeman at the door in the dark of night.