Stabenow	Thomas	Warner
Stevens	Thune	Wyden
Sununu	Vitter	
Talent	Voinovich	

The conference report was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

CORRECTING THE ENROLLMENT OF H.R. 1268

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 31, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) to correct the enrollment of H.R. 1268.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to correct section 502 of title V of division B so that clause (ii) of section 106(d)(2)(B) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by such section 502, reads as follows:

''(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.''.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The 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.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SARBANES. Will the Senator yield?

Mr. SHELBY. I yield to my colleague from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that I be permitted to follow the Senator from Alabama, after he completes his statement.

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

Mr. SHELBY. Mr. President, I rise tonight to speak in support of the Federal Public Transportation Act of 2005. We know it as the Transportation bill. This bill was marked up in the committee on Banking, Housing, and Urban Affairs on March 17 and reported out with a unanimous vote.

I am proud of this legislation which was crafted on a bipartisan basis with cooperation from the distinguished Senator from Maryland, Mr. SARBANES, the committee's ranking member and former chairman.

The Federal Public Transportation Act of 2005 provides record growth for public transportation. The funding authorized in this bill will provide for significant improvements to and expansion of the Nation's transportation infrastructure. I am pleased to be working with my colleagues, Chairman INHOFE from the Environment and Public Works Committee, and Chairman STEVENS from the Commerce, Science and Transportation Committee.

I want to thank my friends from the Finance Committee, Senators GRASSLEY and BAUCUS, for working so diligently to identify additional money for public transportation. Thanks to their efforts the Banking Committee's transit title provides record growth for transportation, $53.8 billion overhis is an increase in the share of transit funding over TEA–21 and I am confident that this money will be helpful in meeting surface transportation needs across the country.

Public transportation services are often the only form of transportation available to many citizens. These services provide mobility to the millions of Americans who cannot, for various reasons, use an automobile. More than 80 million Americans cannot drive or do not have access to a car.

Further, senior citizens are the fastest growing segment of the U.S. population. Many of them require access to public transportation in order to maintain their independence and to access vital healthcare services.

Today, the American public transportation industry consists of nearly 6,000 transit systems in both urban and rural areas. These transportation agencies operate a diverse array of vehicles, including subways, buses, light rail, commuter railroads, ferries, vans, cable cars, aerial tramways, and taxis.

According to the Texas Transportation Institute's 2005 Urban Mobility Report, congestion costs over $63 billion, more than 3.7 billion hours of delay and 2.3 billion gallons of excess fuel annually. The average driver loses more than a week of work each year sitting in gridlock. The same report finds that without public transportation, there would be 1 billion more hours of delay. The report also finds that public transportation reduces the cost of congestion by about $20 billion per year.

Public transportation investments help create employment and sustain economic health. The Department of Transportation has estimated that for every $1 billion in Federal highway and transit investment, 47,500 jobs are created or sustained.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, and has temporarily been extended through May 31, 2005. The delay in providing a long-term authorization has had a significant impact on State and local governments which have been unable to develop long-term programs for funding. Public transportation represents an important part of the Nation's transportation infrastructure, which by its nature, requires long-term planning and project development. Delays in funding have resulted in project delays which ultimately increase costs and postpone the benefits which projects are designed to produce. The impact is particularly significant in States with short construction seasons since planning must be done well in advance of contracting for construction. Therefore, the committee has responded and taken action to reauthorize the public transportation title of TEA–21 in order to continue the Federal Government's critical role in public transit programs.

This bill accomplishes three important policy goals. It creates funding flexibility, increases accountability, and improves the performance and efficiency of the transit programs in the United States.

The bill creates several new formulas to better address growing transit needs. A ''rural low density'' formula is created to allow for transit services in sparsely populated areas where employment centers and health care are great distances apart. A ''growing states'' formula is created to allow communities with populations projected to grow significantly in the coming years to put in place needed transportation infrastructure. A ''transit intensive cities'' formula is created to address the needs of small communities where the level of transit service exceeds what their population-based formula would provide for. Finally, our bill also creates a ''high density'' formula to provide additional funding for States with transit needs that are particularly great because they have transit systems in extremely urban areas with high utilization rates.

The bill increases the accountability within the transit program. It rewards transit agencies which deliver projects that are on time, on budget, and provide the benefits that they promised. Further, this bill allows communities to consider more cost-effective, flexible solutions to their transportation needs by opening up eligibility within the New Starts program to non-fixed guideway projects seeking less than $75 million in New Starts funds. With this change, other solutions can be fostered, such as bus rapid transit, which is more flexible than rail at a fraction of the cost.

Finally, the bill seeks to improve the performance and efficiency of transit

systems nationwide. It provides incentives for the coordination of human service transportation activities in order to eliminate duplication and overlap. It increases the focus on safety and security needs within transit systems to help insulate them against terrorist attacks. It also enhances the role of the private sector in providing public transportation in an effort to reduce cost and to improve service.

The Federal Public Transportation Act is very good legislation. The funding made available by this bill and the policy initiatives contained in the bill will dramatically improve the public transportation program to help Americans with their mobility needs in both urban and rural areas nationwide.

I commend this bill to the Senate and ask my colleagues for their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to join my able and distinguished colleague from Alabama, the chairman of the Senate Banking, Housing, and Urban Affairs Committee, in strong support of the Federal Public Transportation Act of 2005, which has been incorporated into the pending amendment which was offered yesterday by Senator INHOFE, the chairman of the Environment and Public Works Committee.

The Federal Public Transportation Act was reported out by the Banking Committee earlier this year, and, I might add, by a unanimous voice vote. Moreover, although the funding level provided in this bill is lower than in the one we passed last year, the program structure and policy decisions reflected in this bill are almost identical to those included in S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Act, SAFETEA, which passed the Senate last year with overwhelming bipartisan support.

At the very outset, I express my appreciation to Chairman SHELBY who worked tirelessly on the development of this legislation last year, reaching across the aisle in a cooperative manner to develop a transit bill that will begin to address the urgent needs faced by communities all across the country.

I also want to acknowledge the leadership of the Environment and Public Works Committee, Chairman INHOFE and Ranking Member JEFFORDS; and the Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS, for their efforts to move this very important bill forward.

As has already been observed in this debate, SAFETEA did not emerge from conference last year, regrettably, due in large part to the unwillingness of the administration to support the kind of significant investment needed to meet our pressing transit and highway needs. As a result, we have had to pass six short-term extensions of the previous transportation legislation, TEA–21. The uncertainty inherent in these short-term extensions hinders our State and local partners in their efforts to meet the daily challenges of maintaining our transportation infrastructure and planning for improvements.

I want to express my appreciation to a number of colleagues who worked to provide additional resources for transportation beyond what was reported out by the various committees earlier this year. A higher level of investment is essential if we are to keep up with the increasing demand along our entire transportation network.

I want to say a few words about the transit title, which was supported by every member of the Banking Committee. Over the last several years, the Banking Committee and its Housing and Transportation Subcommittee, under the leadership first of Senator REED of Rhode Island and then more recently of Senator ALLARD of Colorado, has held a series of hearings on the Federal transit program and its contribution to reducing congestion, strengthening our national economy, and improving our quality of life.

Over the course of those hearings, we heard testimony from dozens of witnesses, including Secretary of Transportation Norman Mineta, Federal Transit Administrator Jenna Dorn, representatives of transit agencies from around the country, mayors, business and labor leaders, environmentalists, economic development experts, and transit riders themselves. Virtually all of the witnesses agreed that the investment that had been made under TEA–21 contributed to a renaissance for transit in this country. In fact, transit ridership is up 23 percent since 1995, and is still increasing, even faster than the growth in highway use.

Transit plays a critical role in our efforts to combat congestion. My able colleague, the Chairman of the Committee, Senator SHELBY, made reference to a study released just this week by the Texas Transportation Institute, talking about the tremendous cost to the Nation in lost time and wasted fuel because of congestion—people simply stuck in traffic.

We heard testimony at our hearings about many other important benefits of transit as well. For example, the U.S. Chamber of Commerce testified that $1 billion of capital investment in transit creates almost 50,000 jobs. Moreover, the economic development benefits of transit are becoming more and more apparent as new systems come into service. For example, we heard testimony from one of the county commissioners in Dallas that over $1 billion had been invested in private development along Dallas's existing and future light rail lines, raising nearby property values and supporting thousands of jobs.

We heard from a representative of BellSouth that his company had decided to relocate almost 10,000 employees from scattered sites in suburban Atlanta to three downtown buildings near the MARTA rail stations because, as he put it, transit ''saves employees time. It saves employees money. It saves wear and tear on the employees' spirit.''

Transit benefits the economy in other ways as well. For example, transit investments in one community can have repercussions in many areas around the country. The president of the American Public Transportation Association, Bill Millar, who has testified before the Senate on a number of occasions, pointed out that when one locality builds a rail system or develops its bus system, the manufacturing or the assembly of those rail cars and buses may well be done in a different jurisdiction. So one has to keep in mind when considering the economic benefits of transit, it is not only the area that is upgrading its transit system that benefits. That area will invariably spend its money on a whole range of supplies and services which are produced elsewhere in the country. As Mr. Millar said:

> While the Federal money would appear to be going one place, the impact of that money tends to go very far and wide.

Of course, transit is about more than our economic life. It is also about our quality of life. During our hearings, we heard a great deal about the importance of transit to our senior citizens, our young people, the disabled, and others who rely on transit for their daily mobility needs. Several of our witnesses observed that the increased investment in transit and paratransit services under the previous bill provided the crucial link between home and a job, school, or a doctor's office, for millions of people who otherwise might not have been able to participate fully in the life of their community. Further, we saw after 9/11 how transit can be an important lifeline in other respects, as well. We had very moving testimony during our hearings about the efforts made by transit operators on that day to move tens of thousands of people quickly and safely out of our city centers.

As a result of transit's many benefits, the demand for transit is continuing to increase all across the Nation. Small towns, rural areas, suburban jurisdictions, and large cities, are all struggling to keep up with the need to provide safe and reliable transit service for their citizens. The Department of Transportation has estimated that very significant sums will be needed to maintain the condition and performance of transit systems across the country.

The transit title authorizes $53.8 billion in transit investment. I am frank to say I believe that the transit needs of the nation would justify even more, but I am pleased to say that under this bill transit will see a significant increase in funding over TEA–21. A strong transit program is essential to our efforts to improve our citizens' mobility and strengthen our national economy.

I want to take just a moment or two to highlight some of the most important features of the amendment before us with respect to transit.

The amendment provides for growth in both the urban and rural formula program, with added emphasis placed on the rural program. The committee was sensitive to the needs of the rural areas of our country, and the rural program will see significant growth in order to help States with large rural areas provide the services their residents need.

The bill also provides increased funding in the Fixed Guideway Modernization Program. This funding is very important to helping cities with older rail systems, which in some cases were built almost a century ago, make the investments needed to preserve those highly successful systems, which literally move millions of people every working day.

The New Starts program, which helps communities make their first major investment in transit as well as expand existing systems, also grows under this bill. The New Starts program will enable communities to address their mobility and development needs with transit investment and to gain the benefits of transit that exist elsewhere in the country.

Furthermore, the amendment maintains the existing 80 percent Federal match on new starts transit projects, and thus continues the parity that has existed between the local match requirement for highway and transit projects. This is a very important factor in ensuring that the investment decision at the local level is not weighted in one direction or the other because of a more favorable local match requirement. Mayor McCory of Charlotte, NC, made this point in one of our hearings when he observed that:

> There's a strong need to keep the program 80–20, as we do for other forms of transportation, including roads. That does send a strong message that transit is as important as our road network.

The bill makes a significant change in the new starts program by allowing new starts funding to be used for the first time to fund transit projects that do not operate along a fixed guideway, as long as the project is seeking less than $75 million in Federal funds. There are only a few examples of such projects currently operating in the Nation, and I hope to work with the Federal Transit Administration to ensure that the FTA develops an appropriate quantitative methodology for evaluating the costs and benefits of such projects, particularly as they relate to land use and economic development impacts.

As we begin to experiment with different forms of transit service, we must be careful not to adversely impact FTA's highly competitive and successful process for moving projects through the New Starts Program.

While the bill preserves the general structure of TEA–21, several new formulas are included to target transit funds more directly to those States and cities with extraordinary transportation needs. The bill includes a new growth and density formula. The growth portion will distribute funds to all States based on their expected future population, and the density portion will provide funding to those States whose populations are above a certain density threshold.

The bill also includes an incentive tier to reward small transit-intensive cities, those cities with a population between 50,000 and 200,000 which provide higher than average amounts of transit service. The funds distributed under these new formulas will help communities address their unique transportation needs.

The bill includes a requirement that metropolitan planning organizations development a public participation plan to ensure that public transportation employees, affected community members, users of public transportation, freight shippers, private sector providers—all the interested parties concerned about the transportation infrastructure—have an opportunity to participate in the transportation plan approval process.

Transportation investments are among the most important decisions made at the local level. I firmly believe all interested parties should have an opportunity to contribute to this process. Our transportation infrastructure is central to making our economy and, indeed, our society work day to day. That is why this is such a critical and important piece of legislation.

Finally, I am pleased that the legislation includes a new Transit in Parks Program to help national parks and other public lands find alternative transportation solutions to the traffic problems they are now facing. This is a program the administration supports. It has very strong bipartisan support in the Senate. It is an effort to address the problem of overcrowding that has come with increased visitation to our national parks and other public lands. In some cases people must wait in long lines to get into a national park, or they get to the entrance and find they are turned back because the park's roads and parking lots are at capacity.

TEA–21 required the Department of Transportation to conduct a study of alternative transportation needs in our national parks and other public lands, and that study confirmed that the parks are ready and willing to develop transit alternatives. This legislation will help the parks make investments in traditional public transit, such as shuttle buses or trolleys, or other types of public transportation appropriate to the park setting, such as waterborne transportation or bicycle and pedestrian facilities.

In closing, let me note that there are a number of other provisions in the legislation that modify previous aspects of the transit programs, but for the most part the committee's intention was not to enact major changes to a program that has worked well.

The committee put a great deal of effort into developing a package that would recognize the various types of transit needs across the Nation. Of course, as with any program with limited resources, no one gets as much as they would like. But given the framework within which the committee had to work, I think we have responded fairly and rationally to the needs that have been expressed to us. All in all, I think this is a balanced package, which I am pleased to commend to my colleagues.

This bill provides essential support to our local and State partners in their efforts to combat congestion and pollution and to ensure that their citizens can access safe and reliable transit services. It is no exaggeration to say this is essential legislation for the future strength and vitality of our economy and of our society, and I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, and I will not object, I would like to have the Senator add to his unanimous consent request that following his remarks we return to the bill H.R. 3, as amended, for consideration of amendments.

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

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to discuss a transportation bill that has been several years and several congressional sessions in the making. For a very long time now, Senator BAUCUS and I have worked with the various authorizing committees to prudently fund the highway and transit programs. Of course, this has not been an easy process. But last year, we found a way to fund the programs in a way that enabled every State of the Union to bring home more money for needed transportation, particularly for highways. Let me repeat that because it is important. Every Member of the Senate, including those who complained about our funding mechanism, did better under our plan last year.

This year we face a different set of challenges. There are conflicts that arose in last year's conference that are still with us. The conflicts spring from three principles that have proven very difficult to reconcile. I will lay out those conflicts.

The first principle is to get a highway bill that is an improvement over current policy. That is where overwhelming majorities are in both the

House and the Senate. We need adequate funding for our transportation infrastructure. We need to do our best to meet the job, economic development, and transportation needs of the country. The authorizers say improved policy requires more trust fund money.

The second principle from conference is deficit reduction. President Bush has rightly put deficit reduction as a key objective in general and applied it to the highway program in particular. Toward that end, the administration has pegged spending at $284 billion in spending over the applicable period.

In conference, the House brought forward a third principle. They made it clear that they would not accept the use of general fund offsets to prevent deficit increases because of the highway bill.

Over the last several years it has been frustrating to see some Members advance all these principles without acknowledging the inherent conflict. They say: Senator GRASSLEY, we need more money for my State for roads or transit. At the same time, these same Members would say: Senator GRASSLEY, why are you paying for it in this way or that way?

So to any complainers, I issue the challenge that I issued last year: If you complain about the additional money that the Finance Committee has found for your State, explain to me how you would do it differently. Would you forgo that money for your State? If you have an alternative, explain to me how you would find the votes for your method of financing. I issued that challenge last year, and somehow I didn't get any takers. I expect complaints again this year despite the smaller numbers involved and don't expect anyone to take me up on the challenge.

Whether folks want to admit it, as we begin floor debate and conference on this bill, it will become increasingly apparent that these three principles conflict. As one who has tried and continues to try to enact a highway bill into law, I have worked very hard to grow trust fund revenues in a way that doesn't increase the deficit or require general fund offsets. While we were able to devise a floor amendment that grows the trust fund without increasing the deficit, we were not able to do so without the use of any general fund offsets. We did get 40 percent of the way there using additional fuel fraud compliance measures. We are filling in most of the $5 billion gap with a small version of the refund proposal which the administration included in its fiscal year 2006 budget.

Finance Committee investigations reveal that many of the refunds are based in fraud, and these steps will contribute to our efforts to close the tax gap. A very small amount of that gap is also bridged by changes to gas guzzler tax administration. We are still awaiting progress on additional fuel fraud measures and loophole closures and plan to fill in the $5 billion gap in conference. In the meantime, we are using other general fund offsets to do that.

Almost none of these general fund offsets are new, as nearly all were included in the Senate-passed JOBS bill last year. Two notable provisions have been added. One of those provisions is intended to improve the administration of the Internal Revenue Service's offer-in-compromise program. The second involves a leasing tax shelter abuse in the transportation sector that we refer to by the acronym SILOs. These were the schemes that allowed big corporations to claim tax deductions for bridges, pipelines, and subways that are paid for with taxpayer dollars but with no risk for the leasing company.

Congress passed the JOBS bill last fall and outlawed these SILOs but not without concessions to the interests of shelter promoters. Under that bill, SILO shelter promoters got more than a year to get their deals-in-process approved by the Department of Transportation. And, of course, I believe that is an outrage. We exerted great effort in Congress to shut down this abuse, but the transition relief in the JOBS bill is a sop to shelter promoters and an insult to American taxpayers. This amendment will end that abuse now, not a year from now.

In committee, we marked up in alignment with the President's $284 billion figure. That was the deal the authorizing committees and this committee made with Leader FRIST to get the bill to the floor. In our Finance Committee markup, I indicated my intent to work on the floor with Senator BAUCUS, the Senate leadership, and authorizers to grow the trust fund revenues in a manner that does not negatively impact the deficit. I believe we have incorporated a Finance Committee amendment that does just that.

I also understand and agree with the House position that we should not mix general fund offsets and trust fund resources. To that end, I want the Senate to know that I commit to working further so that no general fund offsets are required to maintain a sufficient trust fund for the conference agreement.

At the markup, I also asked and I continue to ask the administration to shift its focus away from the top-line $284 billion number and toward the principle of deficit reduction. The bill before the Senate, including our recently added amendment to grow trust fund receipts, is paid for in its entirety principally by cracking down abuse and closing loopholes. In fact, this bill, as currently drafted, actually contributes positively and substantially towards deficit reduction.

I reemphasize that an exclusive focus on the top-line spending number viewed outside of a deficit reduction context will only lead to a repeat of last fall's conference gridlock. Gridlock in conference won't resolve the gridlock on our Nation's highways. So I ask all the key players at each end of Pennsylvania Avenue to focus on main street and work toward a fiscally responsible highway bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to make one comment. We are on the bill, and I compliment Senators GRASSLEY and BAUCUS for the great work they have done. We have put together a good bill, and it is necessary to go out to the proper committee, the Finance Committee, to see what we can do to enhance this bill and make it a little bit more robust. They have done a great job, and I compliment them on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very pleased to join in offering the substitute amendment to this bill. This bill is called SAFETEA. It culminates many months of hard work. I commend the chairman, Chairman INHOFE, and Senator BOND, chairman of the transportation subcommittee, and especially the chairman and ranking member of the full committee, Senator GRASSLEY and Senator JEFFORDS, for their hard work.

I especially thank my good friend, Senator GRASSLEY. He is a good man. He is good to work with. He is pragmatic, practical, he cares, he wants good solutions, and he wants to advance the ball. The people of Iowa are very lucky to have him as their Senator. Senator HARKIN is another great Senator from Iowa, but I particularly enjoy working with Senator GRASSLEY. We have a strong working relationship and it means a lot to me personally.

This legislation is critical for Montana and also for the country as a whole. I cannot think of any other legislation that would have such a substantial effect on our Nation's economy. The current transportation program expired in September 2003. Since then, regrettably, Congress has had to enact extensions. We could not come up with a solid 6-year bill. We have had six extensions to the highway program—the most extensions in the history of the program.

Frankly, in addition to all of the substantive good provisions of the bill, it is very important to enact a full 5-year bill rather than going down the road with more and more extensions. The current extension expires at the end of this month, about 3 weeks from now. If we fail to meet the deadline, the program lapses and States will no longer receive their funds. We should not let that happen. We can and should do our work right away. We have already seen an entire construction season go by without a long-term bill. In Montana, we have a very short construction season. Winter weather prevents us from working on our roads all year long. We cannot afford any more delays.

Because Congress has not acted, States are letting fewer bids; it is that simple. Because Congress has not acted, contractors, suppliers, and other construction businesses have less business. Transportation projects are very complex. Any bumps along the way only compound them over time.

Another extension is not a solution. We need to act; we need to act right away. We should act on this bill and head to conference. By approving the substitute amendment and adding funding to the bill, we can speed the process to complete the conference.

While I supported reporting this bill out of the Environment and Public Works Committee because of a commitment made by others to the Republican leader, it was with the firm understanding I would offer an amendment to make substantial improvements to this bill, working in conjunction with other Senators.

That is why we are here today offering this important amendment, which is part of the underlying bill, to increase the authorization and spending levels in this bill.

Chairman GRASSLEY and I have been working for 3 years to develop the financing for the Transportation bill. It is not a simple task. I am pleased to say the chairman and I have proposed a package that does several things.

First, we shore up the highway trust fund to ensure solvency during the life of this bill by providing over $7 billion in additional receipts during the authorization period.

Second, using these receipts, we increase investments in this Nation's infrastructure by $8.9 billion for the highway program and $2.3 billion for the transit program.

Third, we fully pay for the additional highway spending in this amendment. Repeating that, we fully pay for highway spending in this amendment. We do so in a responsible manner.

Let me take a couple moments to comment on the misperceptions and, frankly, outright distortions that I have heard about this amendment.

First, we do not raise gas taxes in this amendment. I will repeat that. We do not raise gasoline taxes.

We can increase resources to the highway trust fund without raising taxes. It is that simple. Don't be fooled by the hysteria of some who flatout oppose more funding for transportation and will say almost anything to defeat our efforts.

I have also heard people say this amendment transfers general fund money to the highway trust fund. That, too, mischaracterizes our proposal.

The other day, Secretary of Transportation Mineta made a very interesting statement. When he described our amendment to raise the investment in transportation, he said: ''There is a dark cloud looming on the horizon.''

But when his own Department estimated the unmet transportation needs in this country, the Transportation Department said there are more than $325 billion in unmet needs. That figure grows each and every day that we forego maintenance of the transportation system.

This amendment is no dark cloud. Rather, adopting this amendment will part the clouds that others have created over this bill and allow the sun to shine on this bill.

Let me lay out the facts.

The President's 2006 budget submission increased the funding proposed for this bill. While I believe that those levels are still artificially low, I want to acknowledge that effort.

Two efforts by the Finance Committee made possible the President's increased funding in its February budget. The administration's reliance on these developments then makes its criticism of this amendment now ring hollow.

The first reason the President was able to increase his highway funding request was the Finance Committee's work last year on fuel fraud and the ethanol credit.

The President's budget proposal depends on the increased dollars from the fuel fraud provisions and the volumetric ethanol credit that Congress enacted as part of the JOBS Act last year.

Over the years, the Senate spent many hours debating the merits of ethanol incentives. I believe the incentives are good agricultural policy and good energy policy.

But whether you favor the incentives or not, last year, Congress broadly agreed that the highway trust fund should not bear the burden of that subsidy. The volumetric ethanol tax credit in the JOBS bill eliminated that problem, and we do so here again today.

The Finance Committee also developed proposals to reduce fuel tax evasion. We tightened the rules for fuel transfers and increased penalties for noncompliance with the tax laws.

When Senator GRASSLEY and I first introduced the ethanol changes and fuel fraud provisions, we heard some of the same comments and criticisms we hear today.

Yet enactment of these provisions has added more than $17 billion to the highway trust fund for the years 2005 through 2009. The President and the House could not have funded their current $284 billion proposals without those dollars.

Second, the President's 2006 budget submission also included what some call ''the refund proposal.'' This provision relates to the amount currently refunded to States, cities, and schools that are exempt from paying the Federal gas tax.

States, cities, and schools do not pay the Federal fuel tax. They are exempt. That is appropriate. They should be. Right now, when a State, city, or school fills its vehicle with taxed fuel, the organization is entitled to get a refund of the Federal excise tax. They get that refund.

Currently, the general fund pays that refund. Then the highway trust fund repays the general fund. That doesn't make sense.

All we are saying in this amendment is that the highway trust fund should not have to reimburse the general fund for the amount of the refund. It is that simple. Those are vehicles traveling on the highways. We do not raise taxes on State and local governments, not one penny.

Vehicles used by State and local governments still cause the same wear and tear on our roads as vehicles owned by entities that pay Federal gas taxes. So the highway trust fund should not have to bear the burden of the exemption.

Some in the administration, and others, call this an ''accounting gimmick.'' That is flatly not the case. The administration uses the same refund mechanism to pay for the President's Transportation bill.

If it was not an ''accounting gimmick'' in February, when the President submitted his budget, then it is not an ''accounting gimmick'' for Congress to use the same mechanism now. It is not a gimmick anyway.

In addition to the elements contained in the President's budget, let me briefly describe the other provisions that increase receipts in the highway trust fund.

The amendment will increase collections of present-law fuel taxes. The amendment will improve tax compliance with respect to blend stocks used in gasoline.

The proposal prevents the blending of untaxed chemicals with gasoline by imposing the Federal excise tax when blendstocks are removed from the bulk system.

We make sure that kerosene used on the highways is taxed as diesel fuel, and we improve the rules for tax-free fuel purchases by requiring appropriate certification that an entity is exempt from the fuel taxes.

The amendment also dedicates the gas-guzzler tax to the highway trust fund. Today this transportation excise tax goes to the general fund. That does not make any sense. It belongs in the highway trust fund. After all, these are vehicles that travel on the highways. It belongs in the highway trust fund with the rest of the Federal excise taxes that are imposed on vehicles and fuels. This proposal does not take current dollars out of the general fund, but when the guzzler tax is paid in the future, it will go to the highway trust fund.

The amendment maintains the integrity of the highway trust fund. The highway program will be paid entirely by transportation excise taxes to the highway trust fund. But because more transportation taxes will now rightfully go to the highway trust fund, there will be a gap to fill in the general fund.

We make the general fund whole by including revenue-raisers that are not related to highways. These are good policy loophole closers. Everybody would want to vote for these regardless, just standing alone. They are the sort of provisions the Senate has passed before.

All in all, it is a win-win situation. This bill pays for highways legitimately and replenishes the general fund legitimately.

On April 27, the majority leader stood on the Senate floor and said this about the Transportation bill:

I am confident by working together we can get this done, and we can demonstrate reasonable fiscal restraint.

At the Finance Committee markup, I made that same statement that we would be responsible in this new funding amendment. We have done that. We have been responsible.

I commend my colleagues who voted for the Talent-Wyden amendment to this year's budget resolution. That amendment firmly stated that new receipts to the highway trust fund should be available and spent in this bill. Eighty-one of us supported that amendment. That is an overwhelming majority of the Senate supporting additional transportation funding in this bill, all paid for.

Mr. President, I say to my colleagues, this amendment provides the funding they voted for in the budget resolution. Each of the 81 Senators who supported the budget resolution amendment should support this new money.

Why are we working so hard to increase the funding in this bill? Let me explain why we have not just given in and gone along.

Every billion dollars in infrastructure investment creates nearly 47,500 jobs—every billion dollars. That is important. Over the life of the bill, we will sustain more than 2 million good-paying jobs.

Highway jobs are jobs that stay in the United States. You cannot export highway jobs. You cannot outsource highway jobs. They are not shipped overseas. This bill will affect all Americans whether they build the road or drive on the road.

Our economy could sure use a boost, and one certain way is to produce jobs through this bill. It is a jobs bill.

This bill is an economic engine for my State of Montana. The last Transportation bill, TEA–21, provided more than $1.2 billion in my State and helped sustain more than 11,000 jobs. With the increased funding in this substitute amendment, Montana and every other State in the country will receive a much needed increase in economic growth and development, all paid for.

This amendment will also allow us to make some modest changes to the formulas in the SAFETEA bill. We made changes for both donor and donee States. For the donee States, we have increased the guaranteed funding from 110 percent of TEA–21 levels up to 115 percent each year of the bill—each and every year. From a 110-percent increase to a 115-percent increase—that is for the donee States.

For the donor States, we have provided funding to bring every donor State to 91 cents on the dollar beginning in 2006, with an additional guarantee of 92 cents in 2009.

I know this is not what everybody wanted, but we have limited funds. We cannot do everything for everyone. I hope that as this debate continues, my colleagues will understand the very difficult task of drafting a national formula. We must work together. Prior transportation bills have never been partisan fights. It is very important. There is no such thing as a Republican road or a Democratic road; they are American roads.

I remember fondly working with Senator Daniel Patrick Moynihan on ISTEA in 1991. We had good debates on the future of transportation policy. He had such vision, and ISTEA reflected that vision.

In 1998, I worked closely with two dear friends developing TEA–21—the late Senator John Chafee of Rhode Island and Senator JOHN WARNER of Virginia. We worked side by side through many long nights and hours of discussions. Each of us brought a different perspective to the table. I represented the needs of rural and Western and Midwestern States, Senator Chafee represented the Northeastern States, and Senator WARNER represented the donor States, generally Southern States. Each of us recognized that with a national transportation program, we had to balance the needs of each constituency. I believe we put together a good product in TEA–21. Was it perfect? Of course not, but it moved our country forward. Did I get everything I wanted for my State? No. We did not get to write legislation in a vacuum. We had to work together.

The bill before us is balanced. We have worked hard to balance the needs of the various States, each with different interests but with a common purpose. We have worked hard to balance the needs of highways and transit. It is time for us to finish the job. We have substantial differences with the House. We need to get this bill to conference so we can iron those differences out.

Legislating is the art of compromise. I have been fortunate to represent the people of Montana in this Capitol for the last 30 years. In that time, I have worked on hundreds of pieces of legislation that have become law. To craft these measures, I have worked with Members on both sides of the aisle—with Members on my side and Members of the other side—because, after all, we all are Senators. I have not received everything I wanted. I have had to give a little bit. That is what we all do around here. We are a nation of 50 States with different needs. I hope my colleagues will continue to work with us on the Senate floor with that in mind. There are small States, there are large States, there are urban States, there are rural States, there are donor States, and there are donee States. We have done our very best to balance the various needs.

Our ability to address many of the outstanding issues depends on the added funding this amendment provides. We could not balance them without this added funding. Without additional funding in this bill, we cannot make further changes. It is that simple.

To my friends who have come to me over these past weeks asking for more money for their States, I simply say: Now is the time to stand and be counted. Now is the time to complete action on this bill and invest in our future. Let us not allow gridlock in Congress to cause gridlock on the main streets of America. Let us adopt this amendment and provide the funding our transportation system needs. Let us move this bill to help get our economy moving.

Mr. President, I again thank all those concerned. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I know there are a number of my colleagues waiting to speak this evening. I assure them I will take a minute and then yield the floor.

CLOTURE MOTION

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, James Inhofe, David Vitter, Thad Cochran, Norm Coleman, Jim DeMint, Richard Shelby, Orrin Hatch, Kit Bond, Chuck Grassley, Pete Domenici, Jim Talent, Richard G. Lugar, John Thune, Bob Bennett, George Allen, Mitch McConnell.

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, James Inhofe, David Vitter, Thad Cochran, Norm Coleman, Jim DeMint, Richard Shelby, Orrin Hatch, Kit Bond, Chuck Grassley, Pete Domenici, Jim Talent, Richard G. Lugar, John Thune, Bob Bennett, George Allen, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I say to all of our colleagues that votes on these cloture motions will occur on Thursday. Before we adjourn tonight, there will be additional information on the balance of the schedule for the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Montana for his comments and a very excellent explanation as to how the Finance Committee is coming up with some more money to try to make this a better bill.

Senator JEFFORDS and I have been trying to get people to come down with amendments for several days now. We are pleased that Senator Hutchinson and Senator NELSON of Nebraska have an amendment. It is one to which we have agreed, but there may be others who want to be heard on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 617 TO AMENDMENT NO. 605

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. NELSON of Nebraska, Mr. BURNS, Mr. SHELBY, Mr. PRYOR, and Mr. GRAHAM, proposes an amendment numbered 617.

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

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

The amendment is as follows:

(Purpose: To limit the number of facilities at which the Secretary may collect tolls in the State of Virginia)

On page 250, strike lines 17 through 19 and insert the following:

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATION.—The Secretary may permit the collection of tolls under this subsection on 1 facility in the State of Virginia.'';

Mrs. HUTCHISON. Mr. President, this is an amendment that is going to try to take away the right of States to put tolls on interstate highways that have already been paid for and built by the taxpayers of our country. Recently, there has been a renewed interest in expanding opportunities to toll our Nation's interstate highway system. The interstate system was conceived and built with Federal tax dollars, so tolling interstates amounts to double taxation.

Today, I, along with Senators NELSON of Nebraska, SHELBY, BURNS, AND PRYOR, offer an amendment which simply repeals a provision from the previous highway bill, TEA–21, the Interstate System Reconstruction and Rehabilitation Pilot Program, which is known as the interstate tolling program, which is fundamentally unfair to taxpayers.

I have said if local communities and States want to come together and build a toll road, they should be able to do it. In these situations, the taxpayers know what they are getting into. Many times a vote is required to issue bonds, but at any rate the taxpayers can hold the elected officials accountable. To allow unelected transportation officials to simply install a toll booth on facilities already paid for by Federal tax dollars is unacceptable.

Tolling existing highways will also increase the number of drivers on the free roads, resulting in greater congestion and more accidents. Studies show that drivers will choose to bypass the tolls by driving on local, small roads. We also know that tolls on existing interstates will produce substantial diversion of truck traffic to other roads, and our rural roads are not equipped to handle significant truck traffic.

In Ohio, traffic tripled on US–20 after toll increases on the Ohio Turnpike. Unfortunately, fatal accidents on US–20 are now 17 times more common than those on the turnpike. In response, Ohio's Department of Transportation decided to lower the tolls, even though the action did reduce the revenues for the State.

A recent study predicted that a 25-cent-per-mile toll on an interstate would cause nearly half the trucks to divert to other routes. This is an understandable economic decision for trucking companies considering that truckers' profit margins average 2 to 4 cents per mile and the rising price of gasoline has already affected profitability. Technology already exists to help truckers and other drivers evade tolls in a cost-effective manner. It does not make sense to invest in tolls that people will not pay.

Tolling interstates would reduce the safety of nearby local roads, degrade the quality of life in neighboring areas, and hurt the economy. Eighty percent of the Nation's goods travel by truck, and they will travel more slowly and expensively if tolls are imposed on interstates.

The Federal Government collects taxes to fund the Federal interstate highway system. The States should not have the right to come in and impose another tax via a toll. The idea of tolling Texas highways is more concerning to me because the Federal highway program has treated my home State pretty poorly. Texas is the single largest donor State over the program's 50 years of history. We have the most highway miles of any State and our drivers have contributed billions to other States to enable them to build their portion of the Federal highway network.

In this bill, we will get a 91-cent return. It is better than the previous 5 years, but I am going to continue to work for parity. I have always defended States rights, but the flexibility to toll interstates has a clear effect on interstate commerce and fundamental fairness. If Arkansas, for example, decided to toll I–40, all deliveries coming into or out of Texas on I–40 would be subject to that toll. In effect, Texas businesses and citizens would be taxed for using that highway. As a donor State, our taxes have already helped to finance it. So it is clear from the studies that tolling an interstate will shift traffic to other roads and potentially to other States.

These States would not share in the toll revenue but would bear the brunt of the costs for more accidents on their roads, more traffic, pollution, and added highway maintenance and expansion costs. I cannot support a program which could shift new traffic and related burdens to our State and others.

The underlying SAFETEA bill establishes a commission to explore alternative sources of transportation revenue. The commission should be allowed to complete its work before we start experimenting with tolls or any other alternative.

At the request of Senator WARNER, we have modified the amendment to limit the interstate tolling program to the Commonwealth of Virginia. The senior Senator from Virginia and the State's congressional delegation have been working with Virginia's Department of Transportation for more than 3 years on the I–81 project. Virginia is the only State with an active application pending before the U.S. Department of Transportation. While I disagree with implementing this program, I am willing to defer to Senator WARNER on the need to allow Virginia to finish its application and have therefore agreed to this modification.

I am going to defer to the Senator from Nebraska, who is one of the cosponsors of the bill. I hope we will be able to pass this amendment. It is very important that the taxpayers of America know they are going to have the opportunity to use this interstate system their tax dollars for 50 years have gone to build.

The purpose of having an interstate system was so we would have seamless transportation into all of our States and it is very important we keep those highways that have already been built free highways for the citizens who have already paid for them. I urge the support of my colleagues.

I defer to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Texas, Senator PRYOR, and others for supporting and cosponsoring this legislation, which I think is extremely important. There are several points that need to be made about it. One is to point out what it does not do. It does not prevent tolling. Tolling on new construction and on additional construction on existing highways will be continued to be permitted. What it does do, as a matter of fairness, is it stops the equivalent of double taxation on existing highways already paid for by the Federal gas tax and in many cases State gas tax dollars.

What this will avoid having is an additional tax now put on those highways in the name and in the form of a toll, perhaps a little less ominous sounding than a tax. If one looks at the net effect of putting a toll on an already

paid-for stretch of highway, it amounts to an additional tax, in this case double taxation.

The second point that is important to make about this bill is it is a matter of highway safety. All studies will indicate very clearly that if there is a choice between a toll road and a nontoll road, it is most likely that truckers and other drivers will seek to use that nontoll road. In many cases, that is not going to present a matter of safety, but in all too many cases it will redirect traffic and reroute traffic to older, smaller, and less capable roads of handling that additional traffic. That not only will be a burden for the roads and will deteriorate the roads at a faster rate than was originally planned in their construction, but it will also raise the amount of traffic in many cases on two-lane highways or smaller highways and will increase the safety factor. I think it is pretty clear that we would ordinarily not take away the right of a State to do this. But under these circumstances, where we are allowing tolling of existing lanes on the Interstate Highway System, that is bad policy and it is absolutely unfair.

This amendment does not affect the State's ability to finance new construction using tolls, as perhaps some thought. But it does affect the right to do it in the case of existing highways.

I urge my colleagues to support this amendment. We worked out the questions that have been raised with respect to the State of Virginia. We believe that has now been handled, and this legislation should pass as part of this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I understand there is no further debate on the amendment. I see the Senator from Texas wishing to urge the adoption of this amendment. We have no objection. It is a good amendment and I urge its passage.

The PRESIDING OFFICER. Is there further debate?

Mrs. HUTCHISON. I thank my colleague from Nebraska for being a cosponsor of the amendment. My colleague, Senator NELSON, signed on very early, as did Senator BURNS. I really appreciate that.

Mr. President, I urge the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 617) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent I may proceed as in morning business for the next 10 minutes.

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

(The remarks of Mr. BURNS and Mr. BAUCUS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the Safe Accountable, Flexible and Efficient Transportation Act of 2005 and the cloture motion that was filed this evening.

First, I commend Senators INHOFE, JEFFORDS, BOND, BAUCUS, GRASSLEY, SHELBY, SARBANES, STEVENS and INOUYE and their staffs for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environmental and Public Works Committee, I am pleased to have been a part of this effort.

In the last Congress, I was a conferee for the bill and we worked in a bipartisan fashion, but we were unable to get the bill across the finish line. To expedite the process this year, this bill is essentially the same language that the Senate passed the last time around with the support of 76 Senators. The only difference is the numbers have been adjusted to reflect a lower spending level.

I call on the President and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

We have serious needs to our aging infrastructure. The deterioration of our Nation's transportation system is impacting our economy, the environment, and the welfare of the American people. Passage of a transportation bill cannot be delayed any further due to these needs and the numerous jobs it creates. It is simply too important to our Nation in terms of its benefits to our economy and environment and to a safe and equitable transportation system.

A new substitute amendment was added to this bill yesterday which increases the total guaranteed Federal investment in highway and transit funds to $251 billion, about an $11 billion increase. I am pleased that the Finance Committee, under the leadership of Senators GRASSLEY and BAUCUS, was able to fully offset this increase so as not to increase the debt, as Senator GRASSLEY spoke so eloquently about it earlier today.

It is my understanding the bill remains budget neutral. I think it is important that everyone understand that. It is budget neutral because many of these offsets were included in the Senate-passed version of the JOBS bill last year. They passed the Senate but were taken out in the conference committee on the JOBS bill, so they are available to us as offsets in this bill.

Second, offsets are included in the bill which go after the proliferation of abusive tax shelters used by individuals and corporations and include increased criminal fines and penalties for those committing those abuses.

Additionally, these offsets include efforts to target fuel tax evasion schemes to ensure that additional money is available to properly fund the highway bill.

In 1998, the Transportation Equity Act for the 21st Century, TEA–21, was enacted, increasing the Federal investment in highways and transit by nearly 40 percent. This bill increases funding over TEA–21 by about 35 percent. Now, people will hear those numbers, and they will think: Wow, that is an enormous increase in spending. But listen to some of these facts.

While the total funding is still well below what I and several of my colleagues think is appropriate and necessary, I support this bill because it represents a compromise between the Senate-passed bill last Congress and the level the President has requested. I commend the managers of the bill for their hard work in finding this middle ground.

As I mentioned, this legislation is modest, given the need. It falls far short of the level that would improve and even maintain our Nation's highway system. Frankly, the bill that passed last Congress was not enough, either.

According to the Federal Highway Administration's 2002 Conditions and Performance Report, $106.9 billion is needed every year through 2020. It is needed to maintain and improve our highways and bridges. And just to maintain the system, $75.9 billion is needed annually through 2020.

This bill contains $199 billion in guaranteed funding for highways for 5 years. This is only an average of about $36.5 billion annually, which is $70.4 billion below what is needed to improve and $38.8 billion below what is needed to maintain the system. So this is not some gigantic porkbarrel ripoff legislation. It is a modest attempt to meet the needs we have in our country.

Additionally—and I will go into this more later—I would have liked donor States to get back more of each dollar they put in the highway trust fund. However, the inadequate funding pales in comparison to the need to pass a bill now. TEA–21 expired on September 30, 2003. That was 19 months ago, and we are still trying to get a bill done. This program has been operating under a total of six short-term extensions, and the next extension expires at the end of this month.

Our States and our workers cannot afford for us to simply pass another extension. We cannot pass another extension. State contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to enact a bill by the end of this month, States will not know what to expect in Federal funding, potentially delaying many projects.

According to a survey conducted by the American Association of State Highway Transportation Officials, another extension could mean the loss of over 90,000 jobs and $2.1 billion in project delays.

This is the most significant jobs bill we will pass this Congress. We have an opportunity with this bill not only to improve and repair our crumbling highways and bridges but to create good-paying jobs at the same time.

The transportation construction industry generates more than $200 billion in economic activity and helps sustain 2.5 million jobs in the United States each year. According to the U.S. Department of Transportation, every $1 billion invested in highway construction creates 47,500 jobs and generates more than $2 billion in economic activity. This economic activity includes $500 million in new orders for the manufacturing sector that is so desperately needed in my State.

AASHTO estimates that over the next 5 years, the highway portion of this bill would create about 518,000 jobs nationally and 23,000 jobs in the State of Ohio. Perhaps even more importantly, let me reiterate that the failure to pass this bill could cause the loss of 90,000 jobs across the country.

It is also estimated that every dollar invested in the Nation's highway system generates $5.70 in economic benefits, including reduced delays, improved safety, and reduced vehicle operating costs. This is a 6-to-1 return on investment. It has a synergistic effect on so many parts of our economy.

Ohio's ''just in time'' economy cannot afford any further delays in passing this bill, as transportation congestion seriously threatens our competitiveness. Our aging infrastructure is also impacting people in their pocketbooks. Nationwide, 162,000 bridges are structurally deficient or functionally obsolete, and 160,000 miles of highway pavement are in poor or mediocre condition. Americans pay $49 billion a year in extra vehicle repairs and operating costs due to road conditions. This is an average of $255 per driver in the United States of America.

Americans also pay due to increased congestion and poor road conditions. The average urban rush-hour driver spends almost 62 additional hours a year stuck in traffic—62 additional hours a year stuck in traffic. Vehicles caught in stop-and-go traffic emit far more emissions than they do without frequent acceleration and breaking. Traffic congestion is also responsible for 5.7 billion gallons of wasted gasoline every year. Wasted fuel and lost productivity due to traffic congestion costs the U.S. economy nearly $70 billion annually. So this issue of highway construction, repair, and maintenance has a dramatic impact on the quality of life of our fellow Americans.

It not only costs our economy and environment, but also lives. Nearly 43,000 people were killed on America's roads in 2003. Poor road conditions were a factor in one-third of those fatalities. In Ohio, 1,277 people were killed on roads in 2003, and the number increased to 1,285 in 2004. The Federal Government predicts highway fatalities will grow to nearly 52,000 by 2009, absent any new Federal investment in highway safety. Studies report that every $1 billion invested in road improvements since 1950 has helped prevent 1,400 premature deaths and nearly 50,000 injuries, as well as helped save over $2 billion in health care, insurance, lost wages, and productivity costs.

If we continue to ignore the upkeep and allow the deterioration of our infrastructure, we risk disruptions in commerce and reduced protection for public safety, health, and the environment.

This bill is extremely important to my State, which has one of the largest surface transportation networks in the country. There are 60 public transit systems serving 58 of Ohio's 88 counties. This is a statistic that I am sure my fellow Ohioans are not aware of. In 2003, these systems made approximately 135 million trips. Ohio has the Nation's fourth largest rural transportation program, the fifth largest bus fleet, the ninth most transit vehicle miles traveled, and the tenth highest overall ridership in the Nation.

The American Public Transportation Association estimates that for every $10 million spent, 310 jobs are created, and $30 million in business sales is generated. For transit, Ohio will receive $884 million, which is about $220 million more, or a 33-percent increase over TEA–21.

In terms of highways, Ohio has the Nation's seventh largest highway network, fifth highest volume of traffic, fourth largest interstate highway network, and the second largest inventory of bridges in the country.

Under TEA–21, Ohio received a 23-percent increase in highway funding. This bill will provide Ohio with $7.7 billion, which is about $1.91 billion more, or a 33-percent increase over TEA–21.

Throughout my career, I have been working to ensure that Ohio receives its fair share of highway funding. Through the 1990s, we moved from receiving less than 80 percent of our contributions to the highway trust fund to 90.5 percent under TEA–21.

This is, again, one of my top priorities for reauthorization.

Early this year, along with 19 cosponsors, Senator CARL LEVIN and I introduced legislation, the Highway Funding Equity Act of 2005, to increase donor States' minimum rate of return to 95 percent. It has been a pleasure to lead this effort on behalf of the SHARE—States' Highway Alliance for Real Equity—coalition in the Senate. This bill increases the guaranteed share for all donor States to 92 percent by 2009. While it is not the 95 percent we sought, I recognize that it is a compromise, and the Ohio Department of Transportation has told me it is sufficient.

First and foremost, ODOT has made it clear they need a bill with an increased level of investment signed into law as soon as possible. I hope all of my colleagues have the same kind of pressure being put on them by their respective DOT directors. The bill increases funding by 35 percent over TEA–21. In order to get it enacted before the extension at the end of the month expires, the bill must be passed this week.

Second, Ohio needs to no longer be penalized for consuming ethanol-blended fuel. That is one of the issues we worked on during the last several years. Because we are a high ethanol user and because of the fact that money didn't go into the highway trust fund, we were losing about $140 million a year. I cosponsored language last Congress, written by Senator GRASSLEY, to transfer 2.5 cents of the Federal tax on ethanol-blended fuel from the general fund of the Treasury to the highway account of the highway trust fund and to replace the 5.2 cents per gallon reduced tax rate for ethanol-blended fuel with a tax credit.

Fortunately, we were able to make these changes last Congress in the JOBS bill which means $400 million in increased funding for Ohio over the life of this bill.

Our Department of Transportation has informed me they need a 91-percent rate of return to meet Ohio's transportation goals over the life of this bill. Again, this bill takes us to 92 percent. Because of this, our Ohio Department of Transportation will be able to move forward with their Jobs and Progress Plan, a $5 billion, 10-year Ohio construction program dedicated to Ohio's most pressing congestion, safety, and rural access needs. This plan is possible because Ohio approved a State motor vehicle fuel tax increase in 2003 to provide half of the funding. This new construction program in Ohio will employ approximately 3,950 construction workers directly and another 9,850 indirect highway jobs. The citizens of Ohio should be proud of the fact that they reached into their pockets to increase their gas tax so Ohio will be a leader in this country in responding to its highway needs.

The Ohio Jobs in Progress Plan is going to help finance several major projects throughout the State, including a $350 million project to rebuild I–75 in Dayton, a $400 million project to begin rebuilding the central viaduct or, as we in Cleveland call it, ''dead man's curve,'' and a $600 million project to improve the I–70/I–71 split in Columbus. It also includes investments in high crash locations and the freight corridors such as U.S. 24 and U.S. 30 in northwest Ohio.

In addition, the bill provides funding for $202 million worth of projects that ODOT has ready to go but no funding. The 128 projects on the shelf range from major reconstruction to traffic signals.

Finally, I have a few comments about the environmental planning and project delivery provisions of this bill. As chairman of the Clean Air, Climate Change, and Nuclear Safety Subcommittee, and the past chairman of

the Transportation and Infrastructure Subcommittee, I understand full well the importance and significance of the overlap between highway planning and air quality.

As requested by Federal, State, and local officials, this bill makes important improvements to the conformity process by synchronizing planning and conformity timelines and requirements. It also modifies the Congestion Mitigation and Air Quality Improvement Program, called CMAQ, to include nonattainment areas for the new ozone and particulate matter standards. EPA has designated about 500 counties in this Nation as in nonattainment, including 33 counties in Ohio. These areas will need all the help they can get to attain the new standards, and the CMAQ Program will help to pay for those things that need to be done.

While these are two areas in which I believe we made progress, I believe we could have done more with the metropolitan and statewide planning and transportation project delivery provisions in this bill. As a former Governor, I was frustrated at how long it took to do a highway project from the beginning to the end. As Senator, I have wanted to do something meaningful on this issue since I was chairman of the Subcommittee on Transportation and Infrastructure. While I was chairman, I held a number of oversight hearings on the implementation of the streamlining provisions included in TEA–21. Although I have not introduced any amendments on this matter, I look forward to continuing to work with my colleagues on this issue as this bill moves forward. It takes too long to build a highway in the United States.

I do want to mention an area where I think we have made good progress. This is with the section 4(f) provisions of the bill. Last Congress, I proposed an amendment on this after working with a bipartisan and diverse group to develop a compromise such as the National Trust for Historic Preservation, the American Association of State Highway and Transportation Officials. I am pleased these provisions are included in this bill as the process has caused more delay in my State than any other planning or environmental review requirement. This is a requirement of Federal law in terms of where you can put a highway, in terms of areas that involve historical places or parks and so forth. As a result of that, it has slowed down our ability to move forward with highway construction.

As I mentioned, the 4(f) reforms are a true compromise—not far enough for some and perhaps too far for others. I have numerous examples of this cumbersome process. I will not go into them tonight.

I urge my colleagues who have concerns with these provisions to contact me so I can discuss the problem and how we reach a balanced solution.

I urge my colleagues to support the bill and the cloture motion filed on it. The current surface transportation authorization expires at the end of the month. We have to get this bill out of the Senate now. I urge my colleagues to work to achieve that, get it into conference, get it done, get it passed, get the President to sign it, and let's make sure that what APTA predicts doesn't happen, and that is, if we don't get this bill passed, we are going to lose 90,000 jobs.

Mrs. FEINSTEIN. Mr. President, I would like to take a few minutes today to talk about the Transportation reauthorization bill before us and why I believe it is necessary to pass a transportation bill before the authorization ends on May 31, 2005.

The Transportation reauthorization bill is a jobs bill. According to the U.S. Department of Transportation, each $1 billion in new infrastructure investment creates 47,500 new jobs: 26,500 of these are directly related to construction, engineering, contracting, and other on-site employees, and 21,000 are indirect jobs resulting from the spending associated with the investment.

Improving our transportation infrastructure is one of the critical things we can do to create jobs.

My State, California, needs a robust transportation bill to help clean the air, ease congestion on the roads, and create jobs. However, I do have some concerns about this bill.

As a representative of a donor State, I am extremely disappointed that so many States are still being asked to give more than they receive in Federal transportation dollars. I believe that this bill does not adequately address the problems of donor States like my State of California.

California currently has a 90.5 percent rate of return. In other words, for every dollar California sends to Washington, it gets back only 90 ½ cents for maintenance and improvement of our highways.

Transportation is the backbone of California's economy. Our seaports handle about half of all cargo that comes into the United States, and the State is also home to two of the nation's busiest ports—Los Angeles/Long Beach and Oakland.

Three-quarters of all goods shipped from California's ports are now transported by truck along California's roads.

We need our roads to be equipped to handle the flow of these goods and the truck traffic that comes with it.

Regrettably, these roads are in desperate need of repair. More than 70 percent of California's major local and State road miles are rated in poor or mediocre condition-compared with a national average of 28 percent—and 38 percent of the State's overpasses and bridges are structurally deficient or functionally obsolete.

As a result, California's 21 million motorists pay an average of $555 each, or a total of $12 billion, in extra vehicle operating costs annually. These costs include wasted fuel, pothole damage, and shortened vehicle lifespan.

At the same time, travel on California's roads nearly doubled between 1980 and 2000, while the population increased only 42 percent.

We are all familiar with pictures of California's gridlock—cars sitting on our freeways, moving at a snail's pace.

The facts bear out the images. Out of the top five congested urban areas in the Nation, California has three. Los Angeles is the most congested, followed by San Francisco-Oakland. San Diego is the fifth most congested area in the country.

In LA County, 85 percent of freeway lane miles are congested, and Los Angeles motorists waste 177 hours a year per driver.

Traffic congestion in California costs motorists $20.7 billion annually in lost time and fuel. And with rising fuel costs, that total is only going to increase.

I am also concerned with the Senate bill's changes to the Congestion Management and Air Quality Improvement Program, or CMAQ. The CMAQ formula currently apportions funds to states based on the severity of ozone and carbon monoxide pollution. The Senate bill proposes to change the formula so that CMAQ awards to areas with ozone pollution, regardless of the severity of that pollution.

The Los Angeles Metropolitan Transit Authority—LAMTA—estimates that this ''one-size fits all'' approach could cost California as much as $160 million in CMAQ grants over 4 years.

This change is a huge problem for California. California has six non-attainment areas for air quality, and 70 percent of the State in the reformulated gasoline program because our air is so dirty.

In addition, according to a study by the American Lung Association in 2004, nine of the twenty smoggiest cities in the United States are located in my home State, California.

California needs the CMAQ funds to pay for highway enhancements to ease the flow of traffic and reduce the amount of time trucks and cars are idling and spewing pollution into the air.

California also relies heavily on public transportation, and the bill needs to adequately fund mass transit programs.

California has some of the largest regional transportation systems in the country including Bay Area Rapid Transit—BART, CalTrain—the rail service between San Francisco and San Jose, and Metrolink—Southern California's regional transit system.

These programs help reduce the number of cars on the road, which in turn, reduces air pollution, and decreases the amount of time my constituents have to spend commuting every day.

Californians are facing a serious dilemma. Without adequate Federal highway dollars, local communities will not be able to eliminate bottlenecks on highways and make necessary air quality improvements. As a result,

they will remain out of conformity with Federal air quality regulations, and will lose even more Federal highway dollars. This is a never-ending cycle and has failed to make any strides in helping reduce our air pollution.

That is why I support toll roads as an option to provide the needed revenue to make improvements to our roads. I am pleased that the Senate bill includes a toll road pilot program and hope that the program is flexible enough to allow the State to use the tolls to meet its goods movement infrastructure needs.

I would also ask the Environment and Public Works Committee to consider an amendment that would allow tolling revenue in extreme non-attainment areas to be used to mitigate air quality impacts that are imposed upon those communities by heavy duty trucks moving goods from California's ports to areas throughout the country.

I am also pleased that the bill will allow hybrid vehicles access to high occupancy vehicle—HOV—lanes. Without this authorization, California and other States, such as Arizona, Virginia, Colorado, and Georgia will lose their Federal highway dollars by implementing their own State laws to allow hybrids to access these lanes.

This provision would increase traffic mobility and also serves as an important incentive to get more hybrids on the road, an innovative solution to reduce our dependence on oil.

I would like to thank the Commerce Committee for including language in the bill that would require the Department of Transportation to conduct a study of predatory towing practices. Tow truck companies act without any local, State or Federal regulation. While most are good actors, there are a few that have taken advantage of the lack of regulation to prey on consumers. This has become a huge problem throughout California, and in other areas including Virginia and Arizona. This study will determine the impact of predatory towing practices and propose potential remedies to dealing with them.

While I have concerns about the fairness of the funding formulas, I also realize that without a transportation bill, California's communities will lack the money they need to plan major infrastructure projects. As a result, I plan to support this bill and hope that the conferees will keep in mind the needs of the donor States such as California.

Mr. HARKIN. Mr. President, I would like the RECORD to indicate that yesterday I was necessarily absent for the vote on the Talent amendment to the Highway bill, but had I been present I would have voted in favor of the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed in morning business.

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

JOHN BOLTON

Mr. SESSIONS. Mr. President, there have been a lot of complaints lately over John Bolton, the President's nominee to be United States Ambassador to the United Nations.

Mr. Bolton is an excellent choice for this position, as both his experience and leadership qualities prove. He graduated from Yale Law School, joined a prestigious firm, one of the country's great law firms, Covington & Burling. He worked there until 1981. He began his career in public service at the U.S. Agency for International Development, first as general counsel, then as assistant administrator for program and policy coordination. This was good training for him for his potential future role with the U.N.

From 1985 to 1989, he was an assistant attorney general in the U.S. Department of Justice. I got to know him at that time because I was a U.S. attorney in Alabama when he served in the Department of Justice in the prestigious office of legal counsel. From 1989 to 1993, he was again involved in international organizational issues when he served as Assistant Secretary of State for international organizational affairs. Mr. Bolton was confirmed by the Senate for both of those positions.

From 1993 to 1999, he was again in private practice, as a partner with the law firm of Lerner, Reed, Bolton, and McManus. In 2001, he became Under Secretary of State for Arms Control and International Security. I believe he was confirmed once again in that position by the Senate.

This was excellent experience for him. He dealt with issues relating to world security. Some say Mr. Bolton does not believe in the United Nations, multilateralism, and diplomacy. That statement is false.

The President of the United States recently stated in a television interview that he asked Bolton if he supported the U.N. before he, the President, agreed to nominate him. Mr. Bolton answered that he did. Despite what others have been alleging, the facts show—and Mr. Bolton has proven time and again—that he believes in the U.N. That is why he has been such an effective advocate for honest diplomacy and an effective U.N.

For example, he was a pioneer in helping to construct the G–8 global partnership to help keep secure dangerous technologies and materials, and to help stop the spread of dangerous weapons throughout the world. This global initiative will provide $20 billion through 2012 to achieve these goals of making the world a safer place, by working with other nations.

Mr. Bolton was the President's point man in designing the Proliferation Security Initiative, the PSI. Over 60 nations are now working together, coordinated by John Bolton, to share intelligence, and are taking action to stop the transfer of dangerous weapons throughout the world. He has even done pro bono work for the U.N. in Africa, giving of his time for free to help those in need.

He also worked closely and effectively with the U.N. when he served as Assistant Secretary of State in the State Department for International Organizations, from 1989 to 1992.

He has been instrumental in galvanizing U.N. agencies such as the IAEA, the International Atomic Energy Agency, to take concrete steps to actually make the world safer from weapons of mass destruction—not just to talk about it, but to do something about it. Isn't that effective multilateral leadership? I certainly think so.

He was the driving force in the U.N. Security Council Resolution 1540 to get countries to take meaningful steps to stop the spread of dangerous weapons.

He has clearly been instrumental in both diplomacy and multilateralism and has proven to be an advocate of a United Nations that fulfills its potential, its calling, to make the world safer, and to help people throughout the world develop to their fullest.

He will not, however, be an enabler of a dysfunctional U.N. John Bolton has supported reform within the U.N. to help make it a better organization. This reform effort should not be misconstrued as opposition to the U.N. but, rather, as constructive and effective criticism. When parents discipline their children, it is not because they don't support them or believe in them. In fact, it is exactly the opposite. Good parents set guidelines and high standards for their children to guide them in life and to make them more responsible adults. If you love your children, you want them to reach their highest and best potential. That is exactly what John Bolton has done with the U.N.

He has not come out against the U.N. He has not vehemently opposed the U.N., as some of my colleagues would have you believe. He has worked within the system to advocate reform in an effort to better the organization, to ensure that U.N. programs achieve their intended purpose.

Under Bolton's leadership at the United Nations, when he served as Assistant Secretary of State in the administration of the elder George Bush, the U.N. General Assembly repealed, by a vote of 111 to 25, a resolution that described Zionism as a form of racism. Resolution 3379 originally passed in 1975—72 votes for, 35 against—decreeing that Zionism was a form of racism. Sixty-seven percent of the nations at that time voted for it. It was widely recognized as a sad day for the U.N. Secretary of State Condoleezza Rice described Bolton as the ''principal architect'' of the 1991 reversal of that resolution. Bolton recently referred to resolution 3379 as ''the greatest stain on the U.N.'s reputation'' and called its reversal ''one highlight of my professional career.''

Thomas M. Boyd, a fine former official in the Department of Justice who