

Senate on February 26, 2004 at 2:30 p.m. to hold a closed business meeting.

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

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent to extend the privilege of the floor for the remainder of this second session of the 108th Congress to Reed O'Connor, a detailee from the Department of Justice to the majority staff of the Judiciary Committee.

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

MEASURE READ THE FIRST TIME—S. 2137

Mr. McCONNELL. I understand S. 2137, introduced earlier today by Senator DORGAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2137) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

Mr. McCONNELL. I ask its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION EQUITY ACT OF 2003

ROAD REPAIR AND CONSTRUCTION

Mr. CONRAD. Mr. President, it is my understanding that the chairman and ranking member of the Environment and Public Works Committee will shortly ask unanimous consent to correct certain errors in the enrollment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act, S. 1072. As the managers know, this unanimous consent agreement does not address two issues that are very important to me, and I would like to engage the managers of the highway bill in a colloquy on these matters.

First, the consent agreement does not cover my amendment to address an emergency road situation in the Devils Lake Basin of ND. During consideration of the highway bill, the chairman and ranking member of the Environment and Public Works Committee agreed to include a modified version of my amendment in a managers' amendment. The modified amendment would allow the State of North Dakota to use certain funds within its annual highway allocation to repair and reconstruct roads currently serving as dams and to receive reimbursement from the Emergency Relief program for that

work. Unfortunately, this language was inadvertently left out of the managers' amendment.

The amendment that was agreed to by the chairman and ranking member is not my preferred solution. I believe the sole responsibility for this emergency situation belongs to the Federal Highway Administration. Over the years, the Federal Highway Administration allowed these roads to be raised without first stabilizing them as dams. We now have a situation where 8 miles of roads are serving as dams and holding back water, yet the roads were not constructed as dams. If these roads were to fail, the Emergency Relief program would be activated to rebuild them. I believe the State of North Dakota should not have to divert its limited highway dollars to address this emergency situation created by the Federal Government and will continue to pursue a solution that does not require my state to take sole responsibility for this situation. But I want to stress that I greatly appreciate the help of both the chairman and ranking member in devising a compromise and agreeing to accept the modified amendment.

Mr. INHOFE. I understand the Senator's position. Unfortunately, we do not agree on his preferred solution which is why compromise language was developed and the amendment was modified. I will agree with the Senator that the modified amendment was indeed cleared by both the majority and minority sides of the committee. However, as the Senator notes, this modified amendment was inadvertently left out of the manager's package that was approved by the Senate. I commit to fixing this error at the earliest possible opportunity and will work in conference to protect the Senate position on this issue.

Mr. JEFFORDS. I fully agree with the chairman. The Senator's amendment should have been included in the managers' amendment, and I will work with you and the chairman to resolve this matter as the process moves forward.

Mr. CONRAD. I greatly appreciate the help and cooperation of the Senator from Oklahoma and the Senator from Vermont on this very important issue and their willingness to accept my amendment. Let me now turn to the second issue, that of making sure this legislation is fully paid for within the six year period for which programs are authorized in the highway bill.

During Finance Committee consideration of the tax title of the SAFETEA bill, I was joined by the chairman of the Budget Committee, Senator NICKLES, in insisting that the bill should be properly paid for over 6 years with no gimmicks. We filed an amendment to accomplish this, but I agreed to withhold from offering it in return for a commitment from the chairman and ranking member of the Finance Committee to work with me to find appropriate offsets before the SAFETEA bill was voted off the Senate floor.

During floor consideration of the SAFETEA bill, I filed an amendment that would have fulfilled the commitment made to committee members during the Finance markup. Chairman GRASSLEY and Senator BAUCUS worked with me to include my amendment in a managers' amendment. Unfortunately, because some items in my amendment were nongermane, only a portion of the amendment was ultimately accepted as part of the managers' amendment before the Senate voted on final passage of the SAFETEA bill.

It would be my preference to address that issue in the unanimous consent agreement that will be offered shortly, but I understand that is not possible at this time. However, it is my understanding that there will be another opportunity to fulfill the commitment to fully offset spending in the Senate's highway bill before it is sent to the House for consideration. As the bill now stands, approximately \$7.6 billion of spending over the next 6 years in the SAFETEA bill is not offset. I believe it is critical that this commitment be honored and that the remaining \$7.6 billion in outlays be offset within the next 6 years. I am eager to continue working with the chairmen and ranking members of both the Finance and Environment and Public Works Committees to address my concerns.

Mr. GRASSLEY. I support the amendments offered by my colleagues from North Dakota and Oklahoma. I was disappointed that, despite our best efforts, we were unable to clear the full text of the Conrad-Nickles amendment. But for an objection that was unrelated to the purpose of the Conrad-Nickles amendment, the highway bill would contain the full agreement between Senators BAUCUS, NICKLES, CONRAD, and me. I want to assure them that I fully intend to make good on the promise made in the committee markup. As the legislative process moves forward, I pledge that I will continue working to address their concerns.

Mr. BAUCUS. I concur with the statement of the chairman of the Finance Committee, and I, too, pledge to continue working to address the concerns of my colleagues from Oklahoma and North Dakota.

Mr. INHOFE. I agree with my colleagues that we ought to fully offset the spending that will occur over the next 6 years as a result of the authorizations in the SAFETEA bill. I am committed to working with my colleagues to see that this goal is achieved.

Mr. JEFFORDS. I thank Senator CONRAD and Senator NICKLES for their continued efforts on this issue. I, too, want to lend my commitment and support to fully paying for the SAFETEA bill before the Senate completes action on the legislation.

Mr. CONRAD. I thank the managers for those commitments. With those assurances, I will not object to the unanimous consent request to make technical corrections in the Senate-passed bill.