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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, You have been good to us beyond our deserving, surrounding us with light and music, beauty and friendships. Thank You for Your eternal love and for the little miracles You give us each day. Lord, You give us sunrises and sunsets. You provide us with air to breathe and heartbeats. We hear Your love in the roar of the oceans. We see Your sovereignty in the flight of the eagle.

You protect us from dangers, seen and unseen. You cause the weapons of our enemies to fail. Help us to show our gratitude by moving beyond rhetoric to deeds.

Empower our Senators to trust You to guide their steps. Bless them as they seek to transform dark yesterdays into bright tomorrows. Give them peace for turbulent moments and anchors for life's storms. We pray this in Your serene Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 6, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate resumes consideration of S. 1072, the highway bill. As we announced last night, there will be no rollcall votes today. Chairman INHOFE will be on the floor this morning, and Senators are encouraged to come to the floor to speak on the bill. When we complete our business today, we will reconvene on Monday for more work on the highway bill. As I previously announced, we expect to complete this bill next week. I will be consulting with the chairman and the Democratic leader as to the specific schedule and will announce that later today.

### NEWS UPDATES

Mr. FRIST. Mr. President, I want to make a few comments on the news, and give a quick update on the events that have happened in my own mailroom earlier in the week.

First of all, just a few minutes ago, this morning, with regard to the employment situation, we have been given very good news. The unemployment rate is at 5.6 percent, which was little changed, but the nonfarm payroll em-

ployment increased by 112,000, with job gains in construction and several service-providing industries. Indeed, that is very good news. That is 112,000 new jobs in January.

If we look back to last August, we have seen a creation of 366,000 payroll jobs. These numbers are very good news. It demonstrates we have turned the corner. But, clearly, we have a lot more work to do as we go forward. So there is very good news today on the job front; the trends are in the positive, right direction. But, again, we have a lot more work to do.

The economy is doing well. I say that very quickly, and say we have a lot more work to do in job creation. But, again, that figure of 112,000 is very good news.

Mr. President, on another front but timely in terms of the news itself, I am delighted to report we are ahead of schedule in getting Senators back into their offices here on the Capitol grounds. As everyone knows, in response to the attack on my office with what is a deadly poison by the name of ricin, we immediately focused on the safety and welfare of the staff throughout the Capitol complex. Through a very comprehensive plan, a comprehensive response, even though I know it has not been handled just perfectly, and there are a lot of frustrations, I am delighted to report nobody has been hurt, everybody is safe, and that includes people here in my office, in the Dirksen building, the Senate office buildings, the Capitol complex, and, indeed, the postal system in this country.

All testing has been negative, with the exception of the testing right around where the discovery was made. The Russell Senate office building has been opened now for 2 days. The Hart Senate office building opened yesterday. The Dirksen office building we will be making announcements about over the course of the day.

On a third issue, Mr. President, I am delighted to see the response to the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Medicare legislation we passed has been very positive in a number of ways. According to press reports, over 100 companies, agencies, and organizations have filed or are filing applications to participate in that prescription drug card that will be available to all seniors this summer.

To me, that demonstrates a real interest and a fierce sign of competition and a lot of people participating in addressing the issue of health care, health care costs, prescription drugs, and making prescription drugs more available to our seniors. This is a strong indication there will be a very positive and broad interest that this full benefit, once it is available, will be taken advantage of.

Also, earlier in the week we saw Medicare HMOs are, in response to this bill, slashing their premiums, making these premiums come down, therefore lowering that burden that falls on the senior in terms of out-of-pocket costs. At the same time, they are increasing their benefits in response to this bill, and expanding their service to more and more seniors, with the opportunity for more and more seniors to participate in integrated health care plans.

This is a real stark contrast to what we had seen in the past where there were shrinking choices. Now there are going to be expanding choices. We are already seeing that take place.

We began this Congress making the promise we would bring about strengthening the Medicare system and expanding the choices within the Medicare system and lowering the burden in terms of out-of-pocket expenditures and costs to individual seniors, and we have delivered on that promise. We made the promise that seniors would have access to better health care, and we have delivered on that promise by providing preventive care and prescription drugs for the first time really in Medicare today.

So the plan is working. The new discount cards will be available for our seniors later on this spring.

Mr. President, on a related issue, I want to comment on a silent epidemic that is in this country and that affects a lot of people who are listening to me right now—my colleagues and others who are watching through the various media. It has to do with an epidemic that a lot of people don't recognize that is occurring that can affect your health care and my health care and that of our colleagues and our families. It can be brought to focus by a single question that I want to ask every American; that is, are you positively sure that you don't have high blood pressure right now? If you can't answer that question yes or no, then you need to find out. Are you positively sure that you don't have high blood pressure?

High blood pressure is hypertension. If you can't answer that question, just listen to me for a couple minutes on this important issue. The American Heart Association calls hypertension,

or high blood pressure, "the silent killer." We call it hypertension, and it is high blood pressure just like the pressure in a tire. If you are pumping up a tire with too much air, a bicycle tire or an automobile tire, it gets higher and higher. And literally, when they put that blood pressure cup on your arm and they measure to get those two numbers, the one and the slash and then the other number, it tells you how much pressure is in your body.

The higher the pressure in your body, once it gets out of a certain range, the more likely you are to die, whether that be from heart disease, because it causes hardening of the arteries, or a stroke. It is as simple as that.

When a person's blood pressure is too high, the heart is having to pump too hard. The heart is a pump. You have the rest of the body and the resistance of the blood vessels themselves. If it gets too high, it is like too much pressure in a tire. Or you can think of taking a thin coffee stirring straw and you are trying to blow through that as hard as you possibly can and the pressure that builds up strains the heart, which is a pump, and the blood pressure. If that pressure builds up over a period of time, because it is that way all throughout the course of the day—heartbeat after heartbeat, day after day—it damages everything that is downstream from the heart and the blood vessels—the brain and all of the organs. That is my physiology lesson.

The point is, it is widespread. This is not just a few people. There are about 50 million people in the country today who have high blood pressure. Remember, if you have high blood pressure, you are going to have heart disease or a stroke or myocardial infarction, coronary artery disease, or atherosclerotic heart disease.

The interesting thing about that is that a third of those 50 million people don't know they have it. That is why I am taking time on the Senate floor to address it. Because if it is 50 million and a third of them don't know they have it, all you have to do is put a blood pressure cup on your arm and then we have treatment for it. We can save thousands of lives if people will just act.

I also want to relate that to what I just mentioned about Medicare itself. As legislation comes through this body, it is important for us to think like that, to take every opportunity to improve the legislation, if it can be as direct as that in terms of saving lives.

With the Medicare prescription drug bill this body passed, that the President signed in December, for the first time in the history of this great Medicare Program, once you hit 65, that blood pressure cup and that physical exam becomes part of the program. That is amazing to me.

Traditionally, people who came into Medicare didn't get that physical exam because it was not provided in the program. It is today. It was not 2 months ago. Thus, if you had hypertension

throughout your life and you hadn't gone to the doctor because you hadn't been in a motor vehicle accident or you didn't like doctors, when you got to be 65 and on Medicare, at 70 and 75, and you have hypertension, it is never diagnosed. But in this Medicare bill, we included an entry physical exam so you make the diagnosis. That is step No. 1.

Also in this Medicare bill for the first time in the history of Medicare—a wonderful program, 40 years we have had this fantastic program; I just told you diagnosis is there for the first time—there is the treatment. Never before in the history of Medicare have prescription drugs, which is the way you treat most hypertension today, been available through the Medicare Program itself. Yet that benefit, that better health care, because we passed this prescription drug bill and Medicare bill, is available.

So those two things: Diagnosis is going to be made. Remember, 16 million people in the country don't know they have it. So we are going to make the diagnosis. And then after the diagnosis, we don't leave people high and dry. We give them help. We don't give them all their prescription drugs. We never promised we would give them all their prescription drugs, and we shouldn't give them all their prescription drugs. We probably can't afford it. But we have helped every senior who has hypertension who didn't have access to prescription drugs to get prescription drugs. We have helped every single one and low income. We have really helped.

We see why this Medicare bill was important. People argue \$400 billion is too much, or it is too little. Everybody is getting it from both sides. The point is, for the first time we have preventive care, we have early detection, and we increase the likelihood that a senior can get treatment for this life-threatening disease.

I should also mention that African Americans, of that 50 million people with hypertension, are disproportionately affected. So they have this additional benefit both in terms of diagnosis and treatment. Look at hypertension and high blood pressure today. African Americans are disproportionately affected.

I am gratified for this major advance in the Medicare bill. There are lots of things in the Medicare bill such as this that we didn't talk very much about on the floor of the Senate, but because we made reforms like that to Medicare, lives will be saved. More Americans are going to get the care that they deserve, and more Americans are going to get the treatments they need. That is what is in this bill. Hypertension is a good example. More lives will be saved.

Let me go back to the question I asked: do you know what your blood pressure is? What is it? I know what my number is. I am a physician. I think about it all the time. But you need to be able to know. Is it high or low? No. 2, if you haven't had it

checked recently, go have it checked. It is as simple as having a blood pressure cup put on your arm. Thirdly, if you are over the age of 65, because of the President's Medicare bill, you are going to receive more help to get the prescription drugs you need if you need them to help save your life. Are you positively sure you don't have high blood pressure?

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I have some remarks I wish to make. I know Senator DORGAN has an important meeting at 10. I will withhold my comments so that he may be recognized first.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from North Dakota.

#### CREATION OF JOBS WITH S. 1072

Mr. DORGAN. Mr. President, I thank my colleague, Senator DASCHLE. I say to Senator FRIST, blood pressures rise from time to time actually on the floor of the Senate, depending on what we are doing. Mine relates to the issue of when we treat serious things too lightly or light things too seriously.

Speaking of that, most of us agree that a serious matter that ought to be treated seriously is the highway bill. This week was a disappointment because we had the difficulty of getting into our office buildings and the ricin issue here on Capitol Hill.

I know both the Republican leader and the Democratic leader share this view. This highway bill is critically important.

I recall a political campaign in an election that was waged a couple of campaigns ago where they had a sign on the wall that said, "It is the economy, stupid." That was their sign, just to remind them every day to focus like a laser on the economy.

With respect to this country's economy and jobs, at a time when more than 2½ million people lost their jobs in recent years and 8 to 10 million people are now looking for a job this morning, there isn't anything that we can do that is, in my judgment, more urgent than passing this highway bill. Why? Because this is a job generator. Instantly, people go back to work.

It means that contractors are out there with new contracts. They are hiring people. Everyone in this Chamber knows that the one formula for producing jobs now, immediately, is to pass this highway bill.

It has been a disappointment to me this week that we have had some—

was described in the National Journal or Congressional Quarterly as a small group of Republicans—who have decided to hold this bill up and stop it. That would not be in this country's interest.

We must get this done. I appreciate the strength of the majority leader and the strength of the Democratic leader, as well, to stay with it. I would say to Senator FRIST that I believe there is a broad, bipartisan consensus in this Chamber to produce a highway bill that helps us invest in the improvements necessary in roads and bridges across the country. Over 30 percent of them are in disrepair. But more important than that, in my judgment, is the ability to be a job generator, to expand this economy and put people back to work is job one.

There is not much more of importance we can do this year. I don't know of a more important bill this year that will be related to American jobs than this bill. So it is my hope that, even though there is some obstruction going on by a few in the Chamber on the other side, we stay here, stick with it, work late if necessary, and get this bill done. It is that important for this country. Frankly, I think there is a broad, bipartisan consensus on that point. When we have that, let's stick with it and do it, even if there are some in this Chamber who have decided they want to hold it up.

I thank my colleague from South Dakota, Senator DASCHLE, for giving me the time. I am about to go chair a hearing. It also relates to jobs. This jobs issue is so critically important. People got out of bed this morning in this country asking themselves: Where can I find a job? There are millions and millions of them. It is a big deal, a big issue. It is a serious matter for this country.

The bill we are considering now has the opportunity to allow us to address this in a very significant way, and we cannot and should not miss this opportunity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

#### JOB CREATION

Mr. DASCHLE. Mr. President, I thank the Senator from North Dakota for his comments this morning. I share his view about the importance of this highway bill, in particular.

I wish to say a few things about both the highway bill as well as the budget this morning. We just received our report again this month about the economy and the jobs created. I think the good news is that we did see the creation of 112,000 new jobs in January. I think that is a positive development. The bad news is that it falls short of what was needed to keep us on a path to ensure that jobs are not lost during the President's first term.

Mr. President, 150,000 new jobs in January was the stated goal of the Ad-

ministration. The figure released today indicates a substantial shortfall; this is nearly 40,000 jobs short of their stated goal. Of course, it is dramatically short—two-thirds short—of what the goal would be to reverse this unemployment debacle we have witnessed for the last 3 years. 300,000 new private sector jobs would have to be created each month to erase the decline we have witnessed the past 36 months. So while we made some progress this month with 112,000 new jobs, we are falling far short of the Administration's stated goal of 150,000 and even further short of the 300,000 jobs necessary to reverse the unfortunate trend.

There is another disturbing problem that we have not been able to address, and the administration has not been able to address. This is the 42nd month in a row that we have actually seen a loss of manufacturing jobs. For 42 straight months manufacturing jobs have declined.

The jobs issue may be the single most critical issue as we look at the economy. There is a long, long way to go before we can say with any confidence that we have turned this economy around, that people who have jobs will keep them, and people who don't have jobs will get them.

I think most of us would receive today's news about jobs this month with that sense of disappointment, but also with the realization that 112,000 jobs is better than what we had in December when only a thousand jobs were added.

#### THE TRANSPORTATION BILL

Let me take a moment to talk about the transportation bill again this morning. I will not repeat my concerns about the delay and resulting loss of those jobs. I want to focus on the positive and, once again, compliment the managers of the bill who balanced divergent interests to bring us a finely crafted bill that certainly deserves our support. Chairman INHOFE and Senator JEFFORDS, Senator BOND and Senator REID deserve our praise for working in a bipartisan fashion, as do Banking Committee Chairman SHELBY and Senator SARBANES, and Finance Committee Chairman GRASSLEY and Senator BAUCUS. But I also especially thank the majority leader for scheduling the time it will take to get this bill done. When the leader and I met on Monday, I was impressed with his resolve and desire to bear down and get this critical work done for this country.

Our roads, our bridges, our transit system, our rail lines, and our ports all need assistance to ensure that our Nation has the first-class infrastructure needed to reinvigorate our economy and make our country strong and competitive. After having lost 3 million jobs over the last 3 years, there is nothing more important than passing this bill, which will provide hundreds of thousands of jobs.

Senator FRIST and Senator INHOFE suggested the other day that it might

create nearly 2 million good jobs in engineering, construction, and administration. So I know that many of us would like to have made more progress on the bill this week than we have so far. But things really do seem to be coming together.

The Banking Committee approved transit provisions for the bill the other day. We had a discussion about those provisions yesterday on the Senate floor. The Finance Committee reported a bipartisan bill earlier in the week, and we have discussed many of these provisions on the floor throughout this week.

We also have had several amendments debated and discussed. There is no question about it, there is a lot of work to be done. But the work we are doing to provide jobs and assure first-class infrastructure is among the most important work the Senate could be doing. In fact, I cannot think of anything more important for us to be working on at this time than this bill.

To be frank, it is a good feeling to see us working on such an important issue in such a cooperative and bipartisan fashion. I salute Senator FRIST and his team for recognizing the importance of this bill. As Senator FRIST said on Monday, we need to move swiftly to pass this bill, which he so aptly said has broad support in the Senate, as well as across the country.

I also want to be abundantly clear that the firm and steadfast desire of every Democratic Senator I have spoken to is to stay with this bill, to be cooperative, and resolve differences, to complete the bill and move it forward so we can get it to the President's desk as soon as possible.

#### THE PRESIDENT'S BUDGET

Mr. President, having talked about the highway bill, let me now move to the last matter I want to address this morning. The budget I have here was presented to us by the administration. It is the budget for fiscal years 2005 through 2009, containing 2,365 pages, and literally millions of numbers and figures.

This document cannot be taken seriously as a budget. As vast and extensive as this budget seems, the administration has actually omitted essential facts and data that will have enormous consequences for the fiscal future and our economy.

There is nothing in this budget—not a dime—to cover the costs of operations in Iraq and Afghanistan. What does that tell you? Well, it tells you one of two things: Either the President is going to announce within the next month or so a complete withdrawal of all troops and all American presence in Afghanistan and Iraq to coincide with his current budget proposal or he is hiding those numbers until a later date. In either case, this omission makes this budget totally meaningless when it comes to helping us understand the costs of the commitments we are making in two of the most important parts of the world today.

I don't understand how the Administration can leave out the funding for these operations at the same time it acknowledges we have tens of thousands of troops in these countries today and will have troops there for years and years to come.

CBO estimated the cost associated with our efforts in Iraq could reach \$200 billion, yet there is not one dime in this budget—I am only holding up a piece of the budget—not one dime in this budget, this entire budget, to cover the costs of our ongoing operations in Iraq and Afghanistan for the current fiscal year or the four years after that. The charade, the sham, the misleading character of this budget makes me want to send it right back.

Or consider the alternative minimum tax. By 2009, the last year of the administration's 5-year budget plan, 30 million Americans will see their taxes increased as a result of the alternative minimum tax. Most of us agree that we will need to fix this tax to prevent it from falling on middle-class Americans.

The CBO estimates that the President would need to request at least \$150 billion through 2009 and more than \$600 billion through 2014 to prevent this tax increase caused as more Americans fall subject to the alternative minimum tax. Yet, other than a 1-year temporary patch for 2005, this budget does not address that this recognized problem either.

Let me make sure people understand. On the spending side, perhaps the largest military operations we expect to carry out over the course of the next several years, expenditures to directly pay for the activities of tens of thousands of troops in Afghanistan and Iraq, there is not one dime in this budget.

On the tax side, a collective realization, a bipartisan realization that we are going to have to change the alternative minimum tax before it hits middle-class Americans hard, a problem that is estimated to cost \$150 billion over the course of the next 5 years alone, there is a one-year patch, after which the budget acts as if this problem doesn't exist.

Most egregiously, the budget stops after 5 years, just before the full cost of the President's tax breaks begins to be felt and just as the full cost of the baby boomer retirement begins to emerge. When you include the 5 years after the budget projections stop, the President's tax breaks will add trillions more to the national debt, an estimated \$2 trillion.

So the President omits specific and known expenditures, ones to which we know we are going to have to commit resources—\$200 billion, perhaps, in the case of our presence in Iraq and Afghanistan; \$150 billion for AMT; and \$2 trillion over the next 10 years for his tax cuts. Of course, if I had a \$521 billion deficit already written into this so-called budget, I wouldn't put these costs in either, but I also wouldn't

have called the document a budget. I would call it my wish list. I would call it my priorities. But you can't call this a budget.

It would be like a man and woman sitting at their kitchen table trying to make ends meet, and they say: You know that mortgage payment we have to make for the coming year, let's just not count that. And, oh, yes, the kids' college, that \$500 check each month we have to pay, let's not count that. Oh, and the car payment, we better not count that either. Let's leave off the mortgage, college, and a car payment, and you know what, bingo, the budget balances. But in this case, the budget doesn't even balance with those omissions. In this case, we still have a \$521 billion deficit.

We cannot predict every challenge our Nation will face in the coming years, but we do not need a crystal ball to know we have to commit resources to support our troops. We do not need a crystal ball to know that Congress will act to spare 30 million Americans from the alternative minimum tax. And we do not need a crystal ball to know that when you ask to make tax cuts permanent, the cost will be with us for a lot more than 5 years.

There is a credibility chasm, whether it is weapons of mass destruction, whether it is the budget, whether it is so many things that emanate these days from this administration, its credibility has eroded dramatically.

I can't imagine, for the life of me, a more irresponsible document than what we have been sent this week. If anyone—anyone—would do this in real life, they would be in bankruptcy court within a year. That is why we will see our national debt skyrocket from \$5.6 trillion when President Bush took office, to \$11 trillion by the end of the 5-year budget—just the 5-year budget he has proposed.

In the end, budgets are not about numbers, they are about choices. The first observation that is that these glaring omissions, these extraordinary misrepresentations have enormous implications not only for our fiscal future but also for this Administration's credibility. That is just the first piece of this.

The second piece is what this budget tells us about the choices the administration made as they were writing these numbers. When we look closely at this so-called budget, we learn something valuable about the administration's priorities and choices. We shouldn't be surprised.

They propose that the IRS cut back on enforcement of America's tax laws. Can you imagine, not only are we not going to provide some fairness in our tax system, but those who are given these tax breaks are also being sent the message: Maybe you don't even have to comply as much because we are going to drop enforcement, which means more corporate loopholes will be exploited and more will resort to tax cheating. What does that say?

When we also cut back the COPS Program as this budget does, at the same time we cut back funding to enforce our tax laws, what does that say about the desire, the determination on the part of this administration to go after those who break the law, whether it is by failing to pay their fair share of taxes or doing something illegal in our neighborhood?

The cutback in enforcement funding also means higher taxes for honest American taxpayers and larger debts passed on to our children and grandchildren. That is the choice the White House has made. The administration proposes that hundreds of billions of dollars be given to the biggest corporations and wealthiest among us. This means a more uncertain future for Social Security because \$2 trillion will need to be taken out of the Social Security trust fund.

This also was a choice the administration has made. They insist that even in the face of massive deficits, a job crisis, and our ongoing activities in Iraq and Afghanistan, we must continue their failed policies of tax cuts first, last, and always.

Another sad illustration of its poor choices, in addition to record deficits and debt, 2.4 million children are going to be left behind because of underfunded education priorities; 210,000 more veterans will not receive the health care they need; 1,200 fewer cops will be on our streets. What an amazing turnaround.

Less than 3 years ago, we were praising the cops of New York and Washington for their incredible response to 9/11, and now we tell many of them they are out of a job because we are not going to fund the programs that put them there in the first place. Thousands of firefighters and emergency personnel also praised less than 3 years ago will be fired as a result of the cuts in this so-called budget. These are the choices the White House has made. The President has chosen to provide huge windfalls for millionaires and giant corporations, and huge cutbacks for the programs that matter most to American families. Families who make and follow budgets should look at the administration's budget and be aghast, not just for the sleight-of-hand tricks that hide its true cost, but for the fact that the President has abandoned their priorities and their concerns. If this budget passes, Americans face a future with poorer schools, higher crime, and less secure retirements.

We have to do better than this. We must provide Americans with a budget that honors their choices, their priorities, and prepares our Nation to meet challenges of our future. And we must be as forthcoming and responsible with taxpayers' dollars as they are with their own family budgets sitting at that kitchen table.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Nevada.

Mr. REID. Through the Chair, I say to the distinguished Democratic lead-

er, as someone who has worked on this highway bill to get it to the point where it is now, I very much appreciate the team work that has been shown with the majority and Democratic leaders. They have both spoken out strongly in favor of this legislation. That means a lot to Senator INHOFE, Senator BOND, Senator JEFFORDS, and to me, the two chairmen of the committee and subcommittee, and the two ranking members, who have worked to get this bill to the point where it is.

So I want to say again how much we appreciate the Democratic leader and the majority leader coming to the floor often and talking about the importance of this bill and especially acknowledging the fact that 90 percent of this bill is paid for through the trust fund, and a small percentage of it is through other taxes, no new taxes. So I thank the minority leader very much for his help.

Mr. DASCHLE. Mr. President, I appreciate very much the compliments of the distinguished assistant Democratic leader. He has worked diligently with the chairman of the Environment and Public Works Committee, coordinated the efforts, and while this week could have been more productive, I do think at the committee level it was all that we could have hoped for on a bipartisan basis. The Finance Committee did its work. On a bipartisan basis, the Banking Committee has done its work. After the divisive and partisan battles we have had on energy, Medicare, and on so many things as we closed the first session of this Congress, it is somewhat refreshing to see the bipartisan nature of our work on this bill.

Senator FRIST has made it abundantly clear it is his desire, and I would say I share it just as strongly, that we finish next week. I would love to see this bill completed by this time next week. I think if we work hard, accommodate each other's desire to entertain amendments, debate these amendments, have votes on the amendments, there is no reason we cannot finish this bill a week from today, prior to the Presidents' Day recess. That would certainly be my hope.

Again, I appreciate the leadership provided, especially by the Senator from Nevada, in reaching that goal.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could just ask one more question. I know how busy the leader is, but as I was reading my news clips today, and as I was listening to the distinguished majority leader talk about what a great bill this Medicare bill is and how that now people, if they are 65 years old, can have a high blood pressure cup placed on their arm and in a few seconds find out what their blood pressure is, I do not think that is very expensive. I, frankly, say that most people who go to doctors have that done automatically anyway. I apologize for this, but it will take only about 3 minutes. I want to read an article that was in Nevada's second largest

newspaper, the Reno Gazette-Journal. This is what appeared in my news clips today: "Seniors Blast Medicare Prescription Plan." I am not making any of this up.

Riley Waller is among many Washoe County citizens still angry over the Medicare prescription plan signed into law in December, saying it will gouge seniors and the taxpayers who'll pay for it.

More than 100 senior citizens listened Thursday morning as Nevada Division of Aging officials explained how the new prescription drug program will work. Several seniors said they're unhappy with the new prescription program adopted by Congress and signed into law by President Bush, with the backing of the largest group representing older Americans.

"It took away the opportunity for people to get drugs from Canada at half the price," said Waller, 77, of Reno. "It will not allow Medicare to negotiate lower prices. That's ridiculous."

Robert Chamberlain, 67, a retired Reno lawyer, said he soon will be among 45,000 seniors to drop their membership in the American Association of Retired Persons.

"When the AARP came out in favor of the Bush plan, they did a disservice to the elderly people who are in need of Medicare," Chamberlain said. "The AARP will profit from them in selling them insurance."

Norma Herring, another Reno senior, said she doesn't take prescription drugs and will not pay a monthly premium to get them.

"No way am I going to pay a monthly fee."

The Medicare prescription program begins in January 2006, while a temporary discount card program starts this June. "How these programs provided by insurance companies will intertwine with the state's Senior Rx program has not been determined," said Betty Squires, Nevada Division of Aging Medicare adviser for seniors.

People must sign up for both programs. Seniors will be given a six-month window to register for the Medicare drug program starting November 15, 2005. If they register later, they'll pay a penalty.

Under the program, each year seniors must pay \$420 in monthly premiums; buy the first \$250 of medications; pay 25 percent of medication costs between \$250 and \$2,250; and all of the costs from \$2,250 to \$5,100—the so-called doughnut hole. After that, Medicare will pay 95 percent of prescription drug costs.

In providing an example, Squires said a married man whose prescriptions total \$4,850 a year would spend \$3,370 to buy them while Medicare would pick up \$1,080 of the cost.

Individuals with annual incomes less than \$9,600 and couples with incomes less than \$13,000 would generally pay between \$1 and \$5 per prescription with no additional costs. Other low-income groups with few assets also would get discounts.

Squires said some employers might drop prescription drug benefits for their retirees in anticipation of the new program.

"Teachers in Las Vegas lost the benefit. It's already happening," she said.

But her hope is companies will instead cover the premiums or provide coverage for the doughnut hole.

In the last few weeks, a national liberal group called Moveon.org has spent \$1 million on television commercials in Nevada, putting words in President Bush's mouth about the prescriptive drug program.

The commercials say the Medicare bill has real drug benefits for the big drug companies, Bush contributors, in forbidding Medicare from negotiating lower drug prices and barring people from importing drugs from Canada.

Squires said the drug companies won't be limited in how much profit they'll make from the new program.

I will not finish the article, and I am sorry to take the leader's time, but this is happening all over America. It is not just in Reno. The prescription drug benefit, no matter how it is painted with chocolate, is a program that is not good for the American people. The American people know this, as indicated by the group that met in Reno yesterday. This is a disaster waiting to happen.

Does the leader acknowledge the same thing is happening in South Dakota?

Mr. DASCHLE. Mr. President, I appreciate the most recent report from Nevada with regard to how his constituents are viewing this new Medicare Program. I must say it is perfectly in concert with the sentiments expressed in similar articles in South Dakota. During the last break, when I was home holding meetings regarding this program, we had standing room only crowds in every single meeting, and those crowds were almost universally angered, frustrated, and concerned about their circumstances as a result of this legislation passing.

Much of their anger, as the Senator noted in the article, is directed towards the organization AARP, for their failure to stand up for citizens, and I think that is understandable. Their frustration and their anxiety goes deeper than just an organization. They are concerned about their own livelihoods and what it may mean for them and how troubling it is to them that the Government is actually forbidden from negotiating lower drug prices, which is what the goal was in the first place.

So it is their inability to get lower drug prices, their concern about having to pay exorbitant premiums and fees for a limited benefit, their concern about being pushed into an HMO, their concern about whether they can access drugs from other countries like Canada where prices are cheaper: all of those and many more concerns were reflected in these discussions. It is again reflected in the article the Senator has just read into the record.

So I share his consternation and his resolve to address these issues. We have to find a way to fix it, and the senior citizens of this country are demanding we do it now.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1072, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1072) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Modified committee amendment in the nature of a substitute.

Dorgan amendment No. 2267, to exempt certain agricultural producers from certain hazardous materials transportation requirements.

Gregg amendment No. 2268 (to amendment No. 2267), to provide that certain public safety officials have the right to collective bargaining.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, I commend my friend, the junior Senator from Oklahoma, Mr. INHOFE, for his steadfastness in attempting to move this most important bill that the Chair just reported. He has worked hard on this for months. This week he has worked hard on it. This has not been an easy week. I said many times before, as I said earlier speaking with the Democratic leader this morning, there is no other legislation we will consider this Congress that will do more for the American worker or have so great an impact on every facet of American life than the bill which was just reported by the Chair, the highway bill.

Since coming to Congress, I have been so impressed with what infrastructure development does for the entire community. It provides jobs, but the social benefits are significant. For every \$1 billion invested in infrastructure, it has been established, and we heard it many times, we create more than 47,000 high-paying jobs, skilled jobs that generate more than \$6.2 billion of economic activity. Again, for every billion dollars spent on infrastructure development—for example, highway or transit—we create 47,000 jobs. But the spinoff for this \$1 billion is \$6.2 billion in economic activity. Even by conservative estimates, funding our Nation's infrastructure program at the \$311 billion Bond-Reid level will create hundreds of thousands, if not millions, of jobs.

I thank the two leaders again, Senators DASCHLE and FRIST, for their support and for their recognition of the importance of this measure. I wholeheartedly agree with the majority leader's statements earlier this week when he urged the Members of this body to focus their full attention on this legislation. I would say, however, that his focus should be on that side of the aisle. We, over here, are marching in lockstep toward completing this legislation. There has been a lot of stumbling taking place on the other side of the aisle. There has been roadblock after roadblock placed before this highway bill by the majority. The majority leader said:

We cannot ask our fellow citizens to join the great American workforce and then stand idly by while our roads decay and that commute to work stretches from minutes into hours. It is a job issue. . . . Our highways, our bridges, our roads, our ports, and our trains are in fact very much the physical expression of the very name we bear, uniting the States of America.

I agree with the majority leader, but we need help. This bill is being held up

by the majority. I don't know why, but some on the other side of the aisle have failed to recognize the wisdom of their leader, Senator FRIST. These Members continue to impede our progress on this. On the first thing we are doing this year in this session of the Legislature, there is a big roadblock, I repeat, on our highway bill. Progress is being impeded.

During last year's budget debate, 79 Senators—and there would have been more but we had some out running for President even then—79 Members of this body voted to support a \$311 billion piece of legislation for highways and transit. Under the leadership of Senator GRASSLEY and BAUCUS, we have a funding package that meets this goal, enjoys bipartisan support, and meets the President's funding criteria.

I am always amazed at this bipartisan stuff we talk about here. McCain-Feingold is said to be a bipartisan bill, the great legislation done to improve campaign financing. It was bipartisan. OK, we had MCCAIN and HAGEL—and there may be a few other Republicans, and I apologize to those; I am sure the Presiding Officer was one of them—who favored McCain-Feingold. Basically, the Democrats pushed campaign finance reform.

On the highway bill, unless something changes, I don't know where the bipartisanship is. We know BOND and INHOFE support this legislation. But let's have this a truly bipartisan piece of legislation and move forward as we did during the budget process; 79 Senators supported what we are supposed to be doing in this. With the finance package having been completed, every piece of the puzzle is in place.

I remember I was always very bad working jigsaw puzzles. My little brother, he was great, but I, in my little-boy head, was envious of my brother Larry. He could do these puzzles. So, what I would do, I would hide the last couple of pieces of the puzzle so that way he couldn't complete the puzzle. He would come to me for the missing pieces and I would say okay, but I would always get something; he would have to carry the wood or do something to get the last few pieces.

We have the pieces to this puzzle. None of them are hidden. This is an important, complicated piece of legislation. It has very difficult components—highways, rail, mass transit, and the tax portion. Everything is done and everything is paid for. There are no new taxes. With this last piece of the puzzle now in place, we are ready to move forward.

As my friend from Ohio, Senator VOINOVICH, so passionately communicated last night, now is the time to act. Why would Senator VOINOVICH know? What basis would this man have to talk about this highway bill? It could be that GEORGE VOINOVICH was mayor of one of the largest cities in America, the mayor of Cleveland, OH. It could be that he was Governor of one of the most populous States in America, Ohio. He knows, from being a



mayor and a Governor, how important this transportation bill is.

I think we should listen to GEORGE VOINOVICH, telling us, let's move on this legislation. It is important to Ohio. It is important to Nevada. It is important to Rhode Island. It is important to Texas. It is important to South Dakota. It is important to Tennessee. Every State in the Union benefits from this. But we have some people saying: Oh, we can't do this, it's pork.

What in the world is that supposed to mean? Most of the bill is paid for out of the highway trust fund. Pork? I don't understand that. Is reconstructing a damaged bridge pork? Thirty percent of the bridges in America are in a state of disrepair. As has already been established here on the Senate floor, there are bridges in America where a school bus comes to the bridge, stops, lets the kids out, drives the bus across empty, has the kids walk across the bridge and jump back in the bus, and take off. Why? Because the bridge is dangerous. They can't have a bus full of kids go on a bridge that may collapse at any time.

Is that pork? One-third—almost one-third of all the bridges in America need something done: either be replaced or repaired or renovated in some fashion. The busiest two-lane road in Nevada is from a place called Railroad Pass to Searchlight, my hometown. It is a deathtrap. We are fortunate that half of that—18 miles of the 36 miles—now is a four-lane road. We are in the process of making the rest four lanes.

Is that pork? A busy two-lane road in Nevada, and people are killed and injured on that road all the time. Is that pork? I don't understand what the word means. I don't think so. Try to tell that to the truck drivers who are tied up in traffic, not being able to move their loads across this country because of the traffic on the road from Railroad Pass to Search Light. There are examples all over America that are the same. Is that pork because you want to move people more quickly?

As the majority leader mentioned in his statement, people are stuck in traffic. What does that do? It pollutes the air. There is no worse pollution than a car idling. It prevents people from getting to work so they can be productive. If it is a truck or a bus, it holds up the ability of commerce to move on, costing all of us more money.

Those folks who are talking about this bill having too much money need to reassess what their priorities are for the country. I personally believe this bill doesn't have enough money. It certainly doesn't have too much. A longtime Member of the other body, the chairman of the Transportation and Infrastructure Committee, the only Congressman from Alaska, believes what we have done here in the Senate isn't enough. He is over there working with the Republican majority in the House trying to get more money. I applaud him for doing that. We need more money for highways and transit—not less. This is a 6-year bill. I support it.

If we can get it passed, I will be happy with it.

As Senator VOINOVICH said last night, we must seize this opportunity to act. I say it today. We must seize this opportunity to act.

According to a study by the American Association of State Highway and Transportation Officials, the current extension—and we should have done this bill last year—cost \$2.1 billion in project delays and caused the loss of almost 100,000 jobs. The extension has interrupted State transportation officials' ability to do long-term planning.

I hope we will not do another 1-year extension. If we do, it would make things even worse. These projects are difficult. You cannot complete a major highway project in a year. You can't do it. The highway projects are multiyear projects. It is the same with transit projects. If you don't have multiyear funding, you can't plan, and it winds up costing more money. A project that costs \$100 will wind up costing \$300. Multiply that by millions, and we understand.

We now are fast approaching the busiest contracting season in the year. Right now the weather is bad. Look at how things have slowed down outside this Capitol building. This isn't the time contractors' work is done. In the West, you can do it almost every place, but not here in the East, and not in the Midwest. It is too cold.

Much of the major highway construction and contracting is done in the months of March, April, and May. Without a long-term bill and the corresponding guaranteed revenue streams, many vital transportation projects will be put on hold and others delayed, wasting more money and costing thousands more jobs, at a time when millions of willing and able Americans are looking for work. How can we let this happen?

The Democratic leader talked about the fact we created a little over 100,000 jobs this past month. We should be happy about that. But it is really pathetic. It is pathetic. We haven't looked at what happened during the month of December when normally lots of new jobs come on board. People were expecting 175,000 new jobs. This is what we got—a little over 100,000. We will take it. But we will never make up for the loss of 3 million jobs that were lost in the last 3 years with 100,000 jobs a month. It won't work.

People down at 1600 Pennsylvania Avenue should be beating down the doors saying pass this bill. What are they doing? They are carping, saying maybe we ought to take another look at this. They are beating up on Chairman YOUNG on the House side, saying don't even think about more money for highways.

I hope we can continue working on this. We need to do this. When millions of Americans are willing and able to work, shouldn't we provide jobs for them?

We spend a lot of time talking about deficits. But one we don't focus on

nearly enough is the infrastructure deficit. Senator DASCHLE had his copy of the budget here. He talked about this swirling monetary debt we have, and the deficit we are going to have this year. But what we don't talk about very much is the deficit we have in the infrastructure.

When we were in charge of the Senate, I held a hearing and invited mayors from around the country to talk about the infrastructure deficit they have in their cities. I can remember Atlanta, GA. Their mayor said he was looking forward to getting out of office. He said, I am glad to be leaving because it is only a question of time before there will be a collapse of infrastructure such as water and sewer.

That is the way it is all over the country. This country is facing a growing infrastructure deficit. We are not keeping up with the infrastructure needs. That is an understatement. Congestion continues to get worse—forget about water and sewer. Americans will lose an estimated \$67 billion in lost time and productivity, and we will waste almost 5.7 billion gallons of gas waiting in traffic this year.

In addition to the personal tragedy associated with traffic accidents, accidents cost \$137 billion a year in property losses, losses in market productivity, and medical costs. How many of those accidents could be avoided by better traffic lights and better highways? We know we can do better.

While our transportation infrastructure has an estimated worth of \$1.7 billion, much of this system needs an extensive overhaul and a lot of maintenance. Over a quarter of the Nation's bridges, as I have already stated—in fact, it is 29 percent—are functionally deficient or obsolete. I have talked about that a lot. The Federal Highway Administration's 2002 Conditions and Performance Report estimates the Federal deficit in roads and bridges must be at least \$35 billion a year just to maintain the current level of system performance. I say that is not very good. New investments to improve system performance will cost a lot more. We have a duty to close this infrastructure deficit.

A well-maintained national surface transportation system is essential to the free flow of people and goods so vital to a healthy and robust economy. We have a duty to the Nation to act now.

Again, I thank Senators INHOFE, JEFFORDS, and BOND for their commitment to move this most important legislation.

I again want to thank Senators FRIST and DASCHLE for their continued commitment and support in our effort to move a fully funded 6-year reauthorization through the Senate before the current short-year extension expires at the end of February. We must act, and we must act quickly.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as if in

morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DECISION OF THE MASSACHUSETTS SUPREME COURT

Mr. CORNYN. Mr. President, 2 days ago, the Massachusetts Supreme Court sent shock waves across America when it held that traditional marriage—a marriage between a man and a woman—would be eliminated by judicial fiat. It is no secret the American people support traditional marriage. Yet some who would criticize that support for traditional marriage accuse those who support it of being intolerant.

What I would suggest to you is the only ones guilty of intolerance are those who support the kind of judicial activism we have seen demonstrated by the Massachusetts court most recently—one that is fundamentally disdainful of democracy itself under the rule of law.

Most Americans instinctively and laudably support two fundamental propositions. First, that every individual is worthy of respect, dignity; and second, that the traditional institution of marriage is worthy of protection.

Some opponents of traditional marriage laws, however, have accused those who disagree with them of intolerance, even though support for traditional marriage reflects traditional values shared by the overwhelming number of Americans. These deeply held values deserve more respect than that.

Throughout history, mankind itself, humankind itself, has recognized the fundamental importance of marriage and its traditional definition as the union of one man and one woman. That understanding is reflected in the laws, traditions, and customs of all 50 States. Now I should say, apparently, 49 States—unless the Massachusetts Legislature and the Massachusetts people are able to somehow overcome this edict by the Massachusetts Supreme Court in their attempt to alter this historic institution and fundamental building block of our society.

Common sense and social science alike teach us that, even as we respect family relationships of all kinds, we must recognize that children are best raised by intact traditional families.

Accordingly, in 1996, this body, the U.S. Congress, recognized that fact by passing a law called the Defense of Marriage Act, a law that was supported by overwhelming bipartisan majorities in both the Senate and in the House, and ultimately signed into law by President Clinton, a law that reaffirms that marriage is defined as the traditional union of a man and a woman. Indeed, three-fourths of the States have approved similar legislation. In light of this popular and well-grounded national consensus, charging supporters of traditional marriage with intolerance is simply outrageous.

I agree with the Senator from Massachusetts, Senator KENNEDY, who said in 1996 as part of the debate over the Defense of Marriage Act that “there are strongly held religious, ethical, moral beliefs that are different from mine with regard to the issue of same-sex marriage which I respect and which are no indications of intolerance.”

It was just last September that the Constitution Subcommittee of the Senate Judiciary Committee, which I chair, held a hearing to consider whether some recent U.S. Supreme Court decisions put the Defense of Marriage Act in jeopardy. To me it just made good sense that Congress itself, after having passed this law so overwhelmingly, would look to see whether judicial activism posed a threat to this democratic expression of the will of the American people through their duly elected representatives.

Indeed, there was some debate whether the Supreme Court decision in *Lawrence v. Texas*, which created not just an equal protection right but which created out of whole cloth this notion espoused by Justice Kennedy and a majority of the Court, to an individual right to autonomy in one's sexual relationships, such that government can never regulate or intrude.

Of course, they purported to put marriage, incest, pedophilia, and other things like that out of bounds or outside of their decision, but the fundamental basis for that decision, legal scholars at that time recognized, could easily be transferred to other cases where the very definition of marriage and family itself was at issue.

So it was with great concern that, just a short time after that September hearing, we saw the day when we would have to face this issue had come much faster than any of us could imagine. The Massachusetts Supreme Court, the first court in the Nation, held that—based on the very same rationale that the U.S. Supreme Court used in the case of *Lawrence v. Texas*—that Massachusetts could no longer limit marriage licenses to couples of the opposite sex.

In an apparent attempt to create a figleaf of an idea that democracy was still alive in Massachusetts and it would not forever be ruled by judicial edict, the Court granted the legislature 180 days to bring the laws of Massachusetts into line with this new found legal right to same-sex marriage. It was a newly discovered right, of course, being found primarily in the U.S. Supreme Court decisions of last summer.

So in an effort to find some way out of this dilemma, the legislature asked the Massachusetts Supreme Court whether civil unions would be sufficient under the court's ruling to meet the requirement of equality of treatment. It was the day before yesterday when the court, astoundingly, said “No.”

The only thing that would satisfy the Court's decision, its edict, would be to give same-sex couples the same treat-

ment as we recognize for traditional marriage between a man and a woman. Thus the people of Massachusetts, their Governor, their legislature, are now scrambling to try to figure out what alternatives are available to them. They hope to avoid this runaway train careening down this track—the establishment, at least in Massachusetts, of a right to same-sex marriage.

The thing that was impressed upon me so much about the Massachusetts decision when reading it, besides the fundamental holding which sent shockwaves across America, was the sheer contempt that the court held for traditional marriage. Its intolerance for traditions we have recognized in this country, certainly since its founding, and in identifying this new right based on no particular or specific text but indeed made up out of whole cloth by the court relying on *Lawrence v. Texas*.

The Massachusetts court did not stop at this enormous step, but proceeded to condemn traditional marriage outright, and they did so in rather startling terms. After acknowledging, as Senator KENNEDY had back in 1996 when we were talking about the Defense of Marriage Act, that deep-seated religious, moral, and ethical convictions are motivating traditional marriage supporters, the Massachusetts court said that it still found “no rational reason” for laws limiting marriage to a man and a woman. And, in fact, it went even further. It concludes the traditional marriage is “rooted in persistent prejudices.”

I know that Members of this body and our colleagues across the Capitol, really no one in America, wants to engage in this debate. It is understandable. No one, frankly, wants to be painted with a brush of intolerance of somehow treating people badly. But as I said, this is not about treating others badly, failing to give them respect as individuals. This is about the intolerance marshaled by judicial activists on the Massachusetts Supreme Court and on benches around the country, the massive intolerance they have for fundamental democratic values. These are the values that say we, the people, are the judges of our own destiny, and no law will be made unless it is founded on the fundamental consent of the people, not on casual judicial edict.

The American people are left in shock when, occasionally, courts come out with rulings that defy all logic and all common sense—rulings that dramatically conflict with our traditions and our fundamental values. These are cases not only like the Massachusetts case, but like the case decided by the Ninth Circuit not too many months ago where, for the first time in American history, a court has held that to allow schoolchildren to say the Pledge of Allegiance and recite “one nation under God” violated the Constitution. Again, another decision totally at odds with common sense, totally at odds with our values and traditions, and one



that certainly the American people would not support. Instead, a handful of judges who appear to consider themselves smarter, wiser than the common man, are telling the American people what they think is good for them.

After all appeals are exhausted, if in fact the American people are left with a decision like this Massachusetts decision, make no doubt about it, if it stands, it will then be used in a variety of different ways.

Lawsuits will proliferate all across the country, citing the Massachusetts decision, based on this U.S. Supreme Court decision *Lawrence v. Texas* last summer as a basis to recognize same-sex marriages in other States. Because they will be challenging on a constitutional basis, State statutes will then be scrutinized to see if they pass muster under this new-found constitutional right made up by the Massachusetts court. They will be argued as a basis upon which to overturn traditional marriage laws in other States as well. And that will happen in State and Federal courts, all across the country.

The second thing that will happen is that same-sex couples who receive marriage licenses in Massachusetts will begin to move to other States, and they will file lawsuits in those States and say: Under the full faith and credit clause of the U.S. Constitution, I have a right, under the U.S. Constitution, to have my marriage, which is valid in Massachusetts, recognized in Texas or Kansas or Maine or California, Oklahoma, Florida—you name it.

We will begin to see these sorts of lawsuits and claims proliferate around the country. And that causes me a great deal of concern when a court of law, supposedly—but really a court that is acting more like a superlegislature, a legislature wearing black robes, ruling by edict and the gavel—makes statements such as this, such as the court in Massachusetts did when it called traditional marriage a “stain,” a “stain” on our laws that must be “eradicate[d].”

I am just baffled at how people, who put their hands on the Bible and pledge to uphold the laws and the Constitution of their State and of the United States, can find a right that no one else has found to exist in the Constitution. I am baffled that they are so openly contemptuous of American values and American families and our traditions that they would call traditional marriage a “stain” that must be “eradicate[d]” from our laws.

The choice is up to us, whether to live with the dictates or the edicts of judges. Judges in other States cannot be held directly accountable to us, because we cannot vote on them, we cannot seek any sort of redress against those decisions. Yet we have to live with this sort of judicial adventurism and judicial activism that challenges the basic precepts upon which our society is based.

The choice we are left with is to decide whether a Federal marriage

amendment to the U.S. Constitution is the appropriate response.

As I said just a few moments ago, last September I held a hearing in the Constitution Subcommittee of the Judiciary Committee, asking the question: Is the Defense of Marriage Act in jeopardy? As I said, we had a debate. Some said, well, yes, they thought courts had all the tools they needed in order to hold that act unconstitutional, and it was just a matter of time before they did that. And there were others who candidly said: No, there is no way, no how, that it was never going to happen.

Well, we have learned something since that September hearing. Not only has a court shown its willingness to attack the fundamental institution of traditional marriage in such a contemptuous, anti-democratic way, but the day on which other courts are more likely to do the same has become incredibly accelerated.

I believe we are now engaged in a battle over whether this land, when it comes to traditional marriage, will be ruled by the whim of judges or whether we, the people, will determine our fate and our values and the outcome of this very important controversy.

I believe we stand by and do nothing at our own peril. Because if we do nothing, this decision will redefine and trivialize the institution of marriage. If you can take the label of “marriage” and apply it not just to the traditional relationship between a man and a woman—one that has been found over countless years to benefit children, to provide a stable emotional and economic foundation for children so they can then prosper and become responsible, productive adults—if we allow a court, making it up as they go along from the sweet mysteries of life, to attack an institution as fundamental as marriage—and our response is to do nothing about it, then shame on us—shame on us.

I never imagined in a million years when I ran for this body, the United States Senate, in 2002, that I would be coming to the Senate floor and defending traditional marriage. And I bet my colleagues here, on both sides of the aisle, in both Chambers, are scratching their heads and wondering: What has the world become? Has the world gone crazy? What happened to our understanding of what American values are, and our tradition, and our respect for democracy, and our respect for the different branches of Government that perform different functions, with the Legislature passing laws, the courts interpreting the laws, and the President, the executive branch, executing those laws?

We stand by and do nothing at our own peril. So I believe the time has come for the appropriate committees in this body, as well as in the House of Representatives across the Rotunda, to convene hearings to determine how best we can respond to this startling display of judicial activism that so

threatens our fundamental institutions and our values. As the chairman of the Constitution Subcommittee of the Judiciary Committee, I intend to work with Chairman HATCH to do just that.

The day that some speculated would come has now come upon us so much more quickly than any of us ever dreamed—the day has come, I believe, to confront this challenge to democracy and to the rule of law itself face to face.

We must not flinch. We must not back down. We must not allow people to paint our motivations as hateful or hurtful because, indeed, they are not.

No, what we are about is preserving our law, preserving the separation of powers where the legislature makes the law and the judiciary interprets the law. We are about preserving the fundamental building block of our society and the well-being of families and the welfare of children. That is what we are for. That is what this debate will be focused on.

I believe the institution of marriage deserves better than it has received at the hands of the Massachusetts Supreme Court. Our institutions of democracy deserve better. The American people deserve better. They deserve respect. Our Constitution deserves respect.

Traditional marriage laws have served as the underpinning of civilized society for countless generations. Opponents of traditional marriage should demonstrate greater tolerance and respect toward others by respecting democracy and the will of the people, and ceasing their judicial war against marriage.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, it has been our intention to get as many of the obstacles out of the way and as many amendments here as possible relating to the highway bill. The leader told us he wants to have the highway bill completed by late next week. I think we can do that. If Members have amendments they would like to have considered by the managers, our staff will be available this afternoon and Saturday afternoon from noon until 5 p.m. in Hart-415.

If you have any amendments you would like to work out, I strongly advise you to bring them down today or tomorrow instead of waiting until next week. Again, that will be in Hart, room 415, and anytime today or tomorrow, Saturday, between noon and 5 p.m.

I also note we have been inviting people to come and speak on the bill. No one has come down yet. It is now 11:15. In the event that no one wants to speak on the bill by noon, we will probably shut down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, it feels as if we have been away a long time. This was an unpleasant respite and it goes to the issue of how safe our country can be. This, the people's property, is not exempt from terror or the threat of terror. It does not matter whether we define terrorists as someone coming from Afghanistan or the Middle East or some faraway place. Terrorism is not different if it comes from an individual or a dissatisfied or disgruntled American. We have to fight against it with everything in our means. Unfortunately, we see the result of this fight within our society, within the Capitol. It is not the glorious place it used to be from the outside. We still have the responsibility, for the glory of our country, to carry on from the inside.

To our majority leader, we extend our feelings that it could not have been an uglier manifestation of differences. He is someone who we all know has had experiences. I am sure he finds challenges on his trips to Africa and doing the work he has done in flying a single-engine plane to go places to perform services for those less fortunate.

I thank the majority leader for bringing up this bill. I know there have been concerns or maybe even disputes from other parts of Government not to move ahead with this, to try and reduce it to less worthiness. While I have the floor and there is apparently no rush for others to follow, I want to say that for my staff, from the Lautenberg office, and I think it is probably fair to say those on the staff of the entire Capitol who perform as they always do under pressure, they manage to get their work done. They are willing to be inconvenienced. They are willing to do whatever they have to do to perform their tasks, and we greatly respect it.

That is why I get upset when I hear talk about reducing Government until it withers on the vine when we have people here who work so hard and diligently to keep things going on behalf of our society and across this country.

I am pleased we are finally taking up S. 1072, the bill that reauthorizes our Nation's Federal Surface Transportation Program. I do not think there is any other bill we are going to pass this year that is as important or more important, let's say, than the highway bill. We have to be able to move people and goods efficiently, economically, and safely. Otherwise, our economy would choke.

It is a peculiar anomaly that even as things have slowed down in this period of recession, I did not see any less traf-

fic on our roads, or any less pollution coming from congestion. So it is important we get on with this, and I hope we are not going to get any resistance to what appears to be a bill that takes care of needs across this country.

I hope the President is not approaching this with an objection in mind. Whether that objection extends as far as a veto or not, we do not know, but I hope he will see this is an essential part of our functioning as a society and encourages us to make these investments which are talked about so glibly. As the saying goes, when it comes to where the rubber meets the road, we do not see it happening. We hope it is going to happen now, and the bill will pass—and I think it is inevitable we will pass this bill—that it moves along at least at a pace that it leaves us with the amounts of funding we are looking at.

S. 1072 is a complex bill. The major titles come from four different authorizing committees. There are lots of Members who deserve credit for bringing it to the floor. I think of Senator INHOFE and Senator JEFFORDS and Senator BOND and Senator HARRY REID who had the primary responsibility for this measure in the Environment and Public Works Committee. Also, Senator SHELBY and Senator SARBANES worked so hard to craft a transit title which falls under the jurisdiction of the Banking Committee. This title is particularly important to the residents of my home State, New Jersey, over 11 percent of whom rely on public transportation to get to and from work.

Senator GRASSLEY and Senator BAUCUS and the rest of the Finance Committee had to figure out how to pay for the bill.

Last but not least, the committee on which I serve, the Commerce Committee, reported out its title, which deals with many important safety programs, under the able leadership of Senator MCCAIN and Senator HOLLINGS.

This past Monday, the groundhog, Punxsutawney Phil, saw his shadow. It suggests we face 6 more weeks of winter weather, the kind of dreary weather we have grown accustomed to—the kind that we have seen in these last several weeks and we did not like any of it. We did not like it when it was raining and we did not like it when it was snowing. We like to see some rain to make sure we have enough water, but the accompanying misery was not pleasant at all. I know I speak for everybody when I say that.

There was another shadow, however, we saw on Monday last, the shadow cast by record-breaking deficits in the President's budget request for fiscal year 2005. Because of these budget deficits, the President is requesting, sadly, inadequate funding for our highways, mass transit, intercity and freight rail transportation, safety programs and environmental protection. When it comes to the future of our surface transportation system, the President, with his proposal, is forecasting 6 more

years of traffic congestion, air pollution, wasted fuel, unnecessary fatalities, and a stagnant economy.

The Department of Transportation expects freight traffic to double in this country over the next 2 decades. Meanwhile, more and more Americans will need to use our roads, rails, and runways to travel to their jobs, to school, to medical appointments, to worship, to vacation. We are already straining capacity as we follow those pursuits.

The needs of our transportation system are well documented and I am disappointed President Bush has declined to acknowledge these needs in his vision of America's future. S. 1072 would authorize a program that is 25 percent bigger than the Bush administration's current proposal. The House of Representatives may consider one that is even 50 percent bigger than the Bush administration's proposal. We are on the right track, and the President is on the wrong track. I am hopeful we can all agree on a final proposal which truly addresses the needs of our national transportation system this is something the American people deserve.

A bigger, better highway bill is not just about reducing traffic congestion and repairing bridges, as important as those things are. The Secretary of Transportation, Norman Mineta, has stated that \$1 billion invested in transportation infrastructure supports 47,000 good-paying jobs, jobs which are located in America. When it comes to trade, we do not need to export any more jobs. We have to curb that, and we can do it by investing in transportation. One billion dollars invested equals 47,000 good-paying jobs. We ought to look at it from that aspect very seriously.

Transportation needs vary across the country. I can assure you, when it comes to need, my State, New Jersey, is near the top of the list. New Jersey is home to some of the oldest transportation routes in the country. Roads, bridges, rail tracks, and airports built decades ago are in need of repair or replacement. Our portion of the national transportation system includes 420 miles of interstate highway and 6,300 bridges, 1,580 miles of class 1 railroad tracks. There are 49 public use airports and the largest seaport on the east coast.

I point this out just to indicate the needs of one State, and I know the needs of other States are also acute. This infrastructure makes a significant contribution to our national economy. Over 375 million tons of general cargo move through the State, mostly on trucks and railcars, to and from the Port of New York and New Jersey.

Newark Liberty International Airport is the eighth largest cargo airport in the country. And, mind you, we are only a very small State, about 47th in size, and we have the eighth largest cargo airport in the country, the 20th biggest in the world, handling over 78,000 tons of cargo annually.

New Jersey lies along the busiest travel routes for freight and passenger travel in the country: The New Jersey Turnpike, the Northeast corridor, the Port of New York and New Jersey, Newark Liberty International Airport, and Interstate 95. There is a very good chance that the goods you use have traveled along these routes, or you yourself have traveled along these corridors in the last few years.

While supporting the commercial movement of these goods and passengers in the support of our Nation's economy, New Jersey's transportation infrastructure must also support over 4 million automobiles registered in the State, almost 2 million light-duty trucks and sport utility vehicles, lots of buses, and over 100,000 motorcycles. These vehicles owned by New Jersey residents must share the road with all the freight traffic moving through our State, and we must do it in a safe, environmentally-conscious, and efficient manner.

The same goes for rail travel along the Northeast corridor, which extends from Boston to Washington, DC. New Jersey commuter trains must share the rails at the biggest chokepoint on the entire coast, the tunnels under the Hudson River. Right now, during peak travel periods, New Jersey commuter trains run every 3 minutes and pretty soon at the rate they are expanding it will be every 2 minutes. It is hard to believe. This sounds like a subway train, but I am talking about commuter trains, each of which carries some 1,200 passengers.

Because New Jersey's transportation infrastructure is used so heavily, both in interstate commerce and by our resident commuters, it is important that it remains in a condition sufficient to support all this traffic.

Unfortunately, much of it isn't. I can't overstate this.

The current condition of our transportation infrastructure is terrible. Thirty-nine percent of urban interstate roads in New Jersey are reported as being in "mediocre" or "poor" condition, according to the Federal Highway Administration; 24 percent of our rural interstate roads are in "mediocre" or "poor" condition; 37 percent of New Jersey's 6,000 bridges are considered to be "structurally deficient" or "functionally obsolete."

On top of all that, there is at least a \$4 billion backlog of rail maintenance on the Northeast Corridor. We desperately need to repair existing infrastructure and add capacity. The average commuting time for New Jersey residents is over 30 minutes, and it is the third longest average commute in the country. So New Jersey desperately needs a new highway bill and I am pleased the bill the Committee on Environment and Public Works has reported authorizes funding levels for the core highway and transit programs that are higher than the funding levels contained in the legislation that it is replacing, TEA 21, and far more than what the President has proposed.

Under the Committee's proposal, New Jersey is a donor State. That means that motorists in New Jersey pay more in gasoline taxes than the State receives from the Federal Highway Trust Fund under the allocation formulas. New Jersey is not alone in that category. Texas, Florida, Wisconsin, California, and many other States are currently contributing tens or hundreds of millions of dollars to our Nation's transportation system while other States get a windfall—in some instances many times over the amount of their contribution.

Formula fights are unpleasant and difficult to resolve—those fights to discuss who gets what under a given formula. Senators who represent States that reap more from the Highway Trust Fund than their citizens pay in gasoline taxes are understandably reluctant to lose ground, especially when their departments of transportation plan the financing for large, long-term projects. I think the allocations in this bill are a good start but still could use some tweaking. New Jersey, as I said, is a donor State and under the Committee's proposal the State will do better than it has under TEA-21.

I look forward to the day when we get 100 cents back on the dollar and stop this raid on what I see as New Jersey's contribution to places that really don't have the nexus to us that is needed to get to our system. I say that, not out of anger and malice, but I am so tired of hearing about contributions to Washington, how hard we have to fight to get our contributions honored and respected. We don't have a large military installation. That is not our choice; that is the way the defense establishment was created. But we are 50th in receipt of Federal funds compared to what we send out.

That is not a very welcome fact, I can tell you, in my State or with those of us who represent the State of New Jersey.

New Jersey's motorists will continue to donate tens of millions of dollars more than the State receives over the life of the bill. So while there is some improvement over the status quo, our State needs to do better, and we will continue that fight, given our transportation needs.

I make one final point and that concerns the addition of an intercity rail title to this bill. I think it is not only appropriate to have such a title in this bill, it is imperative. Intercity rail service is an essential part of our national transportation network. That is one of the lessons we learned on 9/11, that fatal day, that fateful day in American history, when our aviation system was crippled and some 5,000 airplanes had to be grounded.

That is one of the reasons I fight so hard to protect FAA in its present format as part of the Government, just like we have our military units as part of the Government. I think of the FAA as the fifth branch of our defense. Those airplanes had to be grounded on

9/11. The controllers in the towers and centers, the people who control the flight service stations—they did this with the skill of a physician doing brain surgery. Everything was precise. These airplanes, filled with thousands of people—hundreds of thousands of people—were in the air, and they were sent to destinations they didn't plan to be. Yet they could rely on the FAA to bring them all home safely. I make that point as an aside.

The fact is, the aviation system was turned off and we had to rely on other means of transportation. Highways were jammed with cars and trucks that couldn't move. Many Americans found another way to get to their destinations, and that was passenger rail service.

There was a group from Washington, legislators, who came up there very soon after 9/11 to see what had happened and to see if we could do things that would prevent it from ever happening again. They had to come up by Amtrak. That was the only possible way they could reach their destination—they couldn't fly.

For this country to have a decent passenger rail service we need to make the same commitment to rail infrastructure, the same kind of commitment that we have to building highways and runways. It is essential. It is not just essential for New Jersey and New York and that region or the Northeast corridor, it is essential across the country.

I am not necessarily just talking about long-distance rail. I am also talking about those centers and cities where there are numerous connections—200-, 300-, or 400-mile-long corridors—that could be so well served by more efficient high-speed rail.

One need only look at what happens in Europe. If you want to go from Brussels, Belgium, to Paris, France, you take a train that runs about 1 hour 20 minutes to cover 200 miles. Imagine if we could go from Washington to New York City or vice versa in 1 and a half hours, let us say, or 1 hour 40 minutes. It would make life considerably easier than now with the crowding we have at the airports and on our highways.

This is a good bill for the most part. I think it can be improved, and I intend to offer some amendments to do just that. I will discuss them at the appropriate time.

I congratulate the managers of this bill for bringing it to the floor, Senator INHOFE and our good friend from Vermont, Senator JEFFORDS. I look forward to working with them and the rest of the Senate to make a good bill even better and get it to President Bush. I am pleading with him now as much as we can in front of the American people to say, Mr. President, we have to take care of our infrastructure. Everybody knows that. We can define those needs perhaps a little bit differently, but we can't deny that that is

the major responsibility at the moment. But we don't make things happen here domestically without investing what we have to. Making things better here at home with our infrastructure is a perfect example of that. I plead with the President openly: Mr. President, please sign this bill when it comes to you.

I am hopeful that we will work out something with the House that is not dissimilar to what we have here in the Senate bill. If it is better, we will take that. But we want to be at least as good as the Senate bill. We hope there is not going to be a campaign that puts this highway and interstate funding on a back burner.

I hope the President will have the wisdom to sign it, notwithstanding the fact that we will likely authorize more spending for high-speed transit and intercity rail than he wants.

As I said at the beginning of my remarks, the country desperately needs increased spending on our surface transportation infrastructure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, let me begin by expressing my appreciation for the Senate leaders for their strong support in reauthorizing the Nation's transportation program, and also my good friend from New Jersey who lends his participation and expertise in coming up with a good bill. He has worked very hard. I deeply appreciate what he has done. Senators FRIST and DASCHLE have spoken forcefully to the vital nature of S. 1072, its potential to create jobs and spur the economy.

The American people are counting on us to advance this important legislation. With the stellar bipartisanship of leaders Senators FRIST and DASCHLE, I am confident we will succeed. Having worked now for many months with my good friend from Oklahoma, I know we will succeed.

As we consider this massive surface transportation bill, there is a tendency to focus on the State-by-State funding matter, overlooking the important policy initiatives and broad implications that attend to the investment of hundreds of billions of dollars.

I do not question the importance of the funding formulas. We spent countless hours examining options and developing an approach that benefits all States and balances competing interests.

But today, and through the course of our debate on S. 1072, I want to discuss the many forward-looking refinements that my colleagues and I have put forward for consideration.

Transportation investment is a means to an end. Our Nation has grown and prospered through strategic development of ports, trails, roads, rails, airports, highways, subways, and byways. In almost every case, our great cities can trace their origins—their very existence—to the logistics of transportation as one of the many eras of our Nation's expansion.

The form and expanse of our cities and towns are an outgrowth of surface transportation technology and investment. In my State of Vermont, even today, the distance between village centers reflects historic travel times by horse and wagon.

Older suburbs in the eastern and midwestern United States are located along early twentieth century trolley lines—lines later abandoned and now being renewed.

Our great sprawling sunbelt and western cities are a product of many key technologies, not the least of which is the modern highway. And it is the greatest highway network in the world—the Eisenhower Interstate Defense Highway System—that has tied our Nation and its many regions so closely together as we move into the twenty-first century.

Transportation investment truly forms our Nation and its communities. That is why our decisions on transportation policy and program structure—both in Congress and at home in our States and communities—must be balanced, well-informed, and forward-looking. I am proud that S. 1072 reflects this understanding.

We are probably coming to a conclusion for the week. I thank all of those who have succeeded in making sure this bill is proceeding properly, especially my good friend from Oklahoma, with whom I have worked. I know he will assist us in making sure this bill becomes a reality in the not-too-distant future.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. INHOFE. We will be shutting down here shortly, so I will repeat the announcement I made earlier. We are going to try to have this highway bill completed by the end of the week. To do that, there are several things that need to happen. One is that we get these amendments in. We have announced before, and we want to make sure the offices know, if Members have amendments they would like to have considered by the managers, our staff will be available this afternoon and Saturday—this afternoon, all afternoon and Saturday from noon to 5 o'clock—in Hart room 415. We would like to have amendments looked at. I strongly urge you to come down. We are going to stay on our timetable to try to have this completed.

I appreciate the comments by the Senator from Vermont and the Senator from New Jersey. It is very important we get this done.

We are beyond the point of turning back and changing things. We have

spent a year working out all the elements—the environmental portion of the bill, the safety portion of the bill, the formula portion—and we have probably the best bill we have had during my time, and I go back to ISTEA when I was in the other body and TEA-21 here.

We have considered more than the other formulas and we have now abandoned the idea of percentages that will get 60 votes and then walking. That is not the way we should be doing it. I think we are doing it a lot better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mrs. DOLE. Mr. President, I rise to salute a woman who has just completed a stellar tour serving our Nation as Ambassador to the Republic of Finland, Bonnie McElveen-Hutner. I am proud to call Bonnie, and her husband, Bynum, my friends. Today, the President of Finland, Tarja Halonen, will award Bonnie the Commander Grand Cross of the Order of the Lion, an honor recognizing her exceptional and outstanding services. Bonnie McElveen-Hunter is truly worthy of this distinction.

I first met Bonnie in 1999, and was immediately impressed with her intelligence, her drive, her confidence, her spirit, and without a doubt, her Southern charm. She is the eldest of three children born to John T. McElveen, a former Air Force U2 pilot and Madeline, a school teacher. In fact, even to this day, though retired, Madeline is the ever present teacher and is known to impart her "pearls of wisdom" upon her daughter.

Bonnie's credentials are impeccable. She is a serious, successful CEO who serves as head of Pace Communications in Greensboro, NC, one of the top women-owned businesses in the country. The company's impressive client list has included United Airlines, Delta Air Lines, Holiday Inn, Radisson Hotels, and Toyota. Under Bonnie's leadership, the company became the largest custom publishing company in America, based on revenue. Bonnie's successes led President Bush to call her a "trailblazer among female entrepreneurs." How true indeed.

Bonnie's service as ambassador has been as successful as her endeavors in the private sector. Following the terrorist attacks of 9/11, she forged close

relationships with Finland's leaders. During this trying time of international tension, Bonnie not only promoted unity between Finland and the United States in the face of terrorism, she helped to improve commercial ties between the two nations.

After the change of government in Finland, Bonnie worked to foster strong bonds with the new Finnish leadership. She developed a close relationship with Prime Minister Vanhanen, helping to ensure continued warm relations with the Finnish leadership. She met with every new minister in the Cabinet to emphasize the importance of our bilateral ties and to explore ways to enhance our partnership on key issues.

While serving as ambassador, Bonnie also worked on several "non-traditional" diplomatic items, including collaboration with Secretary of State Colin Powell to organize The Helsinki Women's Business Leaders Summit. This summit brought together American, Finnish, Russian, Estonian, Latvian, and Lithuanian entrepreneurs to share their business ideas across international borders. And she helped broker an arrangement that allowed women from Finland, the Baltics and Russia to shadow fifty of our country's top female business leaders.

Bonnie McElveen-Hunter has always had a keen interest and concern for her fellow man. As ambassador, she advanced the "child of Karelia" project, which helps Finnish and Russian charities assist children who are at risk for drugs, crime HIV/AIDs, and trafficking in the transborder region of Karelia. Bonnie is also one of the United Way's most effective fundraisers. And, when she and Bynum moved into a new home, they raised \$1 million for Habitat for Humanity as part of their housewarming.

I love a story Bonnie tells about her childhood. When she was 9 years old, her mother had her write the word "can't" on a piece of paper and bury it in a shoe box in the backyard of the home. She has not used the word since.

Bonnie McElveen-Hunter epitomizes the American spirit through her compassion and sense of entrepreneurship. She serves as an inspiration for us all. Congratulations, Madame Ambassador.

#### THE IMPORTANCE OF STATE AND FEDERAL FREEDOM OF INFORMATION LAWS

Mr. LEAHY. Mr. President, "We're just everyday people," said Linda Raymond of herself and her husband, Mike, of Woburn, MA. "But we stopped a landfill from expanding and raised environmental awareness. Any community can do what we did."

The Raymonds live in a blue-collar suburb of Boston where they both work in the public school system. Three years ago, while walking on a wooded trail in their neighborhood, they discovered that the city's landfill, which had been dormant for 15 years, was bus-

ting with truck traffic. They had cause for alarm. Woburn is the setting of the events that were described in the book, "A Civil Action." After rates of leukemia shot upward, local industries were sued in the 1980s for polluting the area water. The Raymonds, who had not previously been involved in environmental activism, sprang into action, determined to discover what was being planned for the landfill and how this would impact the community's public health.

The Raymonds' story was recounted in the January 25, 2004, issue of *Parade* magazine. "When Linda Raymond contacted town officials to find out what was going on, she hit a stone wall. 'I couldn't get a straight answer from anyone,' she says. 'It was very frustrating.'" The article describes what the Raymonds did next: "To get answers—and action—the Raymonds turned to a powerful set of tools: Federal and State Freedom of Information (FOI) laws."

With the information the Raymonds collected under Massachusetts State FOI laws, they educated the community and held public officials accountable. Their actions ultimately led to the city shelving plans to expand the size of the landfill by over a million tons of waste—plans that had been developed without public knowledge or debate, and which had not been evaluated for environmental or health impacts.

The Raymonds' triumph highlights the power of Government sunshine laws. It also demonstrates one of the most common uses of such laws by citizens and local community groups—that is, reliance on FOI laws to ensure that schools, neighborhoods and local industries are safe and secure. Our FOI laws are in danger, however, especially in the post-9/11 era. As noted by *Parade*, "Some journalists and civil liberties defenders believe that fences have gone up around FOI laws in the aftermath of 9/11. 'Freedom of Information is under threat,' says Woburn Daily Times Chronicle columnist Marie Coady. 'Across the country, it's becoming harder to access documents.'"

One of the most significant threats to American citizens' right to know about health and safety issues was enacted by Congress in 2002 in the form of a broad exemption to the Federal sunshine law, the Freedom of Information Act, FOIA. The Homeland Security Act of 2002, HSA, contained a subtitle purportedly designed to protect "critical infrastructure information." That broadly defined term applies to information regarding a variety of facilities—such as privately operated power plants, bridges, dams, ports, or chemical plants—that might be targeted for a terrorist attack. In exchange for the cooperation of private companies in sharing information with the government regarding vulnerabilities in the Nation's critical infrastructure, those companies would not have to share certain information with the public.

Encouraging cooperation between the private sector and the Government to keep our critical infrastructure systems safe from terrorist attacks is a goal we all support. Unfortunately, rather than increasing security by encouraging private sector disclosure to the Government, the law guts FOIA at the expense of our national security and public health.

The HSA created a new FOIA exemption for "critical infrastructure information." In HSA negotiations, House Republicans and the administration promoted legislative language that they described as necessary to encourage the owners of such facilities to identify vulnerabilities in their operations and share that information with the Department of Homeland Security, DHS. The stated goal was to ensure that steps could be taken to ensure the facilities' protection and proper functioning.

In fact, such descriptions of the legislation were disingenuous. These provisions, which were eventually enacted in the HSA, shield from FOIA almost any voluntarily submitted document stamped by the facility owner as "critical infrastructure." This is true no matter how tangential the content of that document may be to the actual security of a facility. The law effectively allows companies to hide information about public health and safety from American citizens simply by submitting it to DHS. The enacted provisions were called "deeply flawed" by Mark Tapscott of the Heritage Foundation. He argued that the "loophole" created by the law "could be manipulated by clever corporate and government operators to hide endless varieties of potentially embarrassing and/or criminal information from public view."

In addition, under the HSA, disclosure by private facilities to DHS neither obligates the private company to address the vulnerability, nor requires DHS to fix the problem. For example, in the case of a chemical spill, the law bars the Government from disclosing information without the written consent of the company that caused the pollution. As the *Washington Post* editorialized on February 10, 2003, "A company might preempt environmental regulators by 'voluntarily' divulging incriminating material, thereby making it unavailable to anyone else."

Last March, I introduced a bill to repeal this dangerously broad FOIA exemption and to replace it with a balanced measure that will protect our Nation's critical infrastructure without obliterating public oversight. The Restoration of Freedom of Information Act—Restore FOIA—would protect legitimate records pertaining to critical infrastructure safety, but would remove the free pass given by the HSA to industry for any information that a facility chooses to label "critical infrastructure."

Perhaps most important to people like the Raymonds, who relied on State

FOI laws to obtain information on the Woburn landfill, the Restore FOIA bill also allows local authorities to apply their own sunshine laws. Unlike the provisions of the HSA, the Restore FOIA bill does not preempt any State or local disclosure laws for information obtained outside the Department of Homeland Security. Likewise, it does not restrict the use of such information by State agencies.

By enacting Restore FOIA, we can protect the Nation's critical infrastructure without cutting the public out of the loop. James Madison said, "A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy or perhaps both." I urge my colleagues to support Restore FOIA so that this basic and fundamental principle is upheld.

I ask unanimous consent that the Parade article describing the Rayburns fight for open and accountable Government be printed in the RECORD.

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

[From Parade Magazine, Jan. 25, 2004]

#### HOW THEY UNCOVERED THE TRUTH (By Micah Morrison)

At first glance, they don't look like activists. Mike and Linda Raymond of Woburn, Mass., a blue-collar community north of Boston, are both in their mid-50s. They have been married 35 years, with two grown sons and four grandchildren. Mike teaches computer and fitness classes at the local high school. Linda is a secretary with the public school system. But these self-described "everyday working people" took on City Hall in a battle to protect their community.

Family pictures are on proud display in the Raymonds' comfortable home on North Maple Street in one of Woburn's many close-knit neighborhoods. "It's a good place to raise kids," Mike Raymond says of his town. "It has excellent schools and a good health-care system." Yet, on an autumn day three years ago, the Raymonds discovered something about their community that troubled them deeply.

The Raymonds took a walk down the wooden path at the end of their street. Past small ponds and a rise of trees, they came upon an astonishing sight: Trucks loaded with debris were rumbling up the 60-foot slopes at the Woburn Landfill. The 40-acre mountain of trash had been dormant for more than 15 years—now, mysteriously, it was growing again.

"I worried," Linda Raymond recalls. "Who had opened the landfill? Was it toxic? Why hadn't people in the neighborhood been told?"

Given Woburn's history, the Raymonds had reason for concern. In the 1980s, the town was rocked by a lawsuit against local industries claiming that water pollution had led to an increase in leukemia deaths. The story was revived in the '90s with the book and movie *A Civil Action*. Today, Woburn Mayor John Curran says the city "has worked hard to overcome the Civil Action stigma. Our drinking water has been of the highest quality for over 20 years."

Getting no answers. But when Linda Raymond contacted town officials to find out what was going on, she hit a stone wall. "I couldn't get a straight answer from anyone," she says. "It was very frustrating." So, to get answers—and action—the Raymonds

turned to a powerful set of tools: federal and state Freedom of Information (FOI) laws.

As the Raymonds discovered, FOI requests can be made by anyone. "There are a million ways the public can use FOI laws," says Robert Freeman of the New York State Committee on Open Government. "When property taxes are raised, you can review the assessment rolls to ensure that you've been treated fairly. You can find out if your child's teacher is really certified to teach math. You can find out if a restaurant has health-code violations."

First steps. After researching FOI laws, Linda Raymond figured that her first letter should go to the Massachusetts Department of Environmental Protection. She wrote asking for "any and all documents pertaining to the Woburn Landfill," noting that she was making the request under the state's Freedom of Information laws. The agency quickly complied, inviting Linda to come review the files.

Speekee cooperation from government agencies is not always the norm. "There will be delays," Linda says. "Something you have to be persistent. And it's important to know your rights—including the right to an appeal when documents are denied."

Looking over the files, Linda made some important discoveries. Under state law, the city was required to bring in material to "cap" the landfill and close it with a protective lining of topsoil, loam and netting. She found that, to pay for the multimillion-dollar project, Woburn had hired a private contractor who was hauling in soil and debris from construction sites to cover the capping costs. In reading through the documents, Linda also discovered that the bottom of the landfill did not have a protective lining.

That's when the Raymonds really began to worry, because the landfill sits on top of a watershed feeding into the nearby Aberjona River. "We found medical waste, coal ash, construction debris and oil seeping into the wetlands," Mike recalls. Were contaminants polluting the watershed?

Digging deeper. The Raymonds zeroed in with more specific requests. A second FOI petition went to the Woburn city clerk for the contract the town had signed with the waste-management firm. The response brought some startling news: "The original contract called for 300,000 tons of waste to be brought in," Mike explains, "but the town was looking to expand the landfill by another million tons."

A third request, to the Woburn Board of Health, brought documents revealing that the former mayor had quietly assembled a panel to advise him on landfill issues, with no public input. The documents also showed discussions of plans for the future of the site, including turning it into a picnic area or police shooting range.

"We got very angry," Linda recalls. "We felt the politicians were making plans without anyone knowing about it. And there were possible health risks."

Taking action. The Raymonds swung into action. They organized their neighbors, contacted the media and raised the issue at public meetings. "The documents we obtained under FOI educated us," Linda says. "And we in turn were able to educate the community."

At first, their aims were modest. "We wanted to postpone the capping until the landfill could be tested and deemed environmentally safe," Mike says. But the Raymonds had hit a nerve. Under mounting pressure, plans for the landfill were shelved.

"Without FOI laws," Linda says, "we couldn't have done it."

A threat to access? Next time, it might be more difficult. Some journalists and civil liberties defenders believe that fences have

gone up around FOI laws in the aftermath of 9/11. "Freedom of Information is under threat," said Woburn Daily Times Chronicle columnist Marie Coady. "Across the country, it's becoming harder to access documents."

On the federal level, "there has been a major change in atmosphere since 9/11," says Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press. Federal officials "are not releasing information they would have provided five years ago."

Still, thousands of Freedom of Information requests continue to be routinely processed every year. And with legal challenges under way, ultimately the courts will decide whether the new restrictions are a reasonable response to a changed world.

The Raymonds say they'll keep using FOI laws. Although the state of Massachusetts has given the Woburn Landfill a clean bill of health, the couple plan to closely watch the results of the elaborate pollution-monitoring procedures established at the site.

"We're just everyday people," Linda says, "but we stopped a landfill from expanding and raised environmental awareness. Any community can do what we did."

Mike agrees. He cites his favorite quote, from anthropologist Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

#### A POWERFUL TOOL EVERYONE CAN USE

It's not difficult to use Freedom of Information laws, and there's no telling what you might turn up. Here are some tips on getting the information you want:

**Research First.**—Who has the information you're seeking? Identify your targets. Ask your local librarian for help. Check municipal, state and federal Web sites. Most states have a designated office to help with public-records searches. Federal agencies have FOI officers. The Reporters Committee for Freedom of the Press ([www.rcfp.org](http://www.rcfp.org)) publishes guides to using state and federal Freedom of Information laws.

**Put It in Writing.**—While some states allow oral requests, it's best to write a short letter stating what information you're seeking. Note that you're making the request under a State or Federal Freedom of Information statute. Be as specific as possible. The Reporters Committee for Freedom of the Press has a helpful sample letter at its Web site.

**Show Them the Money.**—Often there will be a photocopying fee and other costs related to your request. You can speed the process by stating in your letter how much you're willing to pay and asking to be notified if costs exceed that amount. You also can request a fee waiver. In some cases, you can go to a government office to view the documents and do your own copying.

**Exemptions and Appeals.**—Many public records are exempt from FOI laws. The U.S. Congress did not make itself or the courts subject to the statute. Most documents impacting minors, criminal investigations, trade secrets and personal privacy are off-limits. But you also may be denied documents that you have a right to see. If you are denied access, be sure to use the FOI appeals process. A brief letter to the agency head requesting a review of the decision will get the ball rolling. Meanwhile, make photocopies of everything you send out. Above all, be patient and persistent. You may be pleasantly surprised!

#### THERE'S MORE YOU CAN DISCOVER

There's a common belief that FOI laws are used mainly in environmental cases. Not true. Here are examples of other uses of this powerful tool:



In Grand Rapids, MI, a high school government class used Freedom of Information laws to expose flaws in the county's jury-selection system.

In Fulton, MO, a concerned citizen used State open-government laws—kissing cousins to FOI statutes—to force disclosure of town-council discussion about building a golf course at taxpayer expense.

In Washington, D.C., a woman used FOI laws to find out about the ownership of some drug-infested, abandoned buildings. The owner? The District of Columbia government!

The U.S. Department of Agriculture—as a result of an FOI request—revealed accounts of the mistreatment of circus elephants.

#### GUN SAFETY REPORT CARDS

Mr. LEVIN. Mr. President, earlier this month, the Brady Campaign to Prevent Gun Violence, united with the Million Mom March and the Nation's leading State-based gun violence prevention groups, published the annual gun safety report cards for every State in America. The report cards are the culmination of a comprehensive analysis of each State's gun safety laws.

The report cards rate each State on seven types of laws that protect children from gun violence. Extra credit and demerits are also assigned for other State gun laws. The Brady Campaign includes in its analysis such questions as: is it illegal for a child to possess a gun without supervision? Is it illegal to sell a gun to a child? Are gun owners held responsible for leaving loaded guns easily accessible to children? Are guns required to have child safety locks, loaded-chamber indicators and other childproof designs? Do cities and counties have authority to enact local gun laws? Are background checks required at gun shows? Is it legal to carry concealed handguns in public?

The report awarded 10 States with Sensible Safety Stars for protecting children from gun violence. Nine other States were sent to the "Time-Out Chair" for weakening State gun laws. Unfortunately, 31 States received grades of D or F in this year's report cards. Not surprisingly, according to the report, States receiving Ds and Fs tend to have child and teen firearm death rates that are higher than the national average. For example, the average firearms death rate of youth in the 8 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B.

I applaud the efforts of the Brady Campaign to Prevent Gun Violence to keep the pressure on State and local legislators to enact sensible gun safety legislation, and I encourage my colleagues to review this report.

#### OBJECTION TO S. 1896 AND H.R. 1664

Mr. WYDEN. Mr. President, last November, I announced my intention to object to any unanimous consent request for the Senate to take up S. 1896,

the Tax Relief Extension Act, and H.R. 1664, the Armed Forces Tax Fairness Act. I did so because these bills were the only relevant amendable legislation expected to be taken up in the Senate before the need of the last session and, therefore, they provided the only opportunity to extend unemployment benefits before Federal unemployment benefits expired at the end of the year.

Oregon currently has the second highest unemployment rate in the Nation with an unemployment rate of 7.3 percent. Extension of unemployment benefits is critical for many Oregonians who have or will soon run out of unemployment.

In order to restore or continue benefits to unemployed workers in Oregon and many other States, I will be pushing for passage of S. 2006, the Emergency Unemployment Compensation Act. S. 2006 restores Federal unemployment benefits and reforms a "look back" rule that affects Oregon and other high unemployment States as part of the legislation.

Because there is now legislation before the Senate to restore Federal benefits for unemployed workers in Oregon and other States, I will no longer object to any unanimous consent request for the Senate to take up S. 1896 or H.R. 1664.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred in Houston, TX, on January 26, 2002. Hugo Barajas was found dead from multiple gun shot wounds to the neck, arm and chest in a club that caters to the gay, lesbian, bisexual, and transgender community. Barajas, a man, was dressed as a woman at the time of the murder.

I believe that Government's first duty is to defend its citizens, to defend them against the harm that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 2053. A bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 2054. A bill to require the Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 489

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 1946

At the request of Mr. CORZINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1946, a bill to establish an independent national commission to examine and evaluate the collection, analysis, reporting, use, and dissemination of intelligence related to Iraq and Operation Iraqi Freedom.

S. 1993

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1993, a bill to amend title 23, United States Code, to provide a highway safety improvement program that includes incentives to States to enact primary safety belt laws.

S. 2007

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2007, a bill to provide better protection against bovine spongiform encephalopathy and other prion diseases.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by

him to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between the item following line 6 and line 7, insert the following:

**SEC. 16. AIR QUALITY CAPACITY BUILDING INITIATIVE.**

Section 104 of title 23, United States Code (as amended by section 1607(b)), is amended by adding at the end the following:

“(O) AIR QUALITY CAPACITY BUILDING INITIATIVE.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration and the Administrator of the Federal Transit Administration and in consultation with the Administrator of the Environmental Protection Agency, shall establish an air quality capacity building initiative to support State, regional, and local governments in—

“(A) assisting air quality regions in developing the technical capacity to perform air quality conformity analysis;

“(B) providing training in areas such as modeling and data collection to support air quality planning and analysis;

“(C) developing materials to explain air quality issues to decisionmakers and the public; and

“(D) carrying out other activities necessary to assist State, regional, and local governments in better achieving clean air requirements.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Funds authorized to be appropriated to carry out this subsection may be used for—

“(i) research;

“(ii) program development;

“(iii) information collection and dissemination;

“(iv) technical assistance; and

“(v) training.

“(B) COOPERATION.—To carry out this subsection, the Secretary may—

“(i) use funds under this section independently; or

“(ii) make grants to, enter into contracts or cooperative agreements with, and carry out other transactions involving—

“(I) Federal, State, and local agencies;

“(II) federally-recognized Indian tribal governments and tribal consortia, authorities, associations, and nonprofit and for-profit corporations; or

“(III) institutions of higher education.

“(3) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$20,000,000 for the period of fiscal years 2004 through 2009, to remain available until expended.

“(B) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out using funds made available under subparagraph (A) shall not exceed 100 percent.”.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 546 through 552, and all nominations on the Secretary's desk.

These are military promotions reported by the Armed Services Committee on Wednesday. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

##### To be brigadier general

Col. George T. Lynn

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

##### To be major general

Brigadier General Richard W. Ash  
Brigadier General Russell C. Axtell  
Brigadier General John W. Clark  
Brigadier General Roger E. Combs  
Brigadier General Thomas G. Cutler  
Brigadier General Gerald E. Harmon  
Brigadier General David K. Harris  
Brigadier General George B. Patrick, III  
Brigadier General Fred R. Sloan

##### To be brigadier general

Colonel Craig E. Campbell  
Colonel George N. Clark, Jr.  
Colonel Robert M. Cockey  
Colonel William R. Cotney  
Colonel Norman L. Elliott  
Colonel Michael L. Harden  
Colonel Robert D. Ireton  
Colonel Emil Lassen, III  
Colonel Thaddeus J. Martin  
Colonel Robert B. Newman  
Colonel William P. Robinson, Jr.  
Colonel Raymond L. Webster

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

##### To be major general

Brigadier General Robert E. Duignan  
Brigadier General Michael K. Lynch  
Brigadier General Keith W. Meurlin  
Brigadier General Mark A. Pillar  
Brigadier General Richard D. Roth  
Brigadier General Peter K. Sullivan  
Brigadier General Floyd C. Williams

##### To be brigadier general

Colonel Robert B. Bartlett  
Colonel Edward F. Crowell  
Colonel Anita R. Gallentine  
Colonel Stephen P. Gross  
Colonel Elaine L. Knight  
Colonel Charles L. O'Toole, Jr.  
Colonel Frank J. Padilla  
Colonel Loren S. Perlstein  
Colonel Charles E. Reed, Jr.  
Colonel Neil A. Rohan  
Colonel James T. Rubeor  
Colonel Richard R. Severson  
Colonel Michael N. Wilson

#### IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

##### To be major general

Brigadier General Lloyd J. Austin, III  
Brigadier General Martin E. Dempsey  
Brigadier General Barbara G. Fast

The following named officers for appointment in the Reserve of the Army to the

grades indicated under title 10, U.S.C., section 12203:

##### To be major general

Brig. Gen. Conrad W. Ponder, Jr.

##### To be brigadier general

Col. George J. Smith

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be vice admiral

Rear Adm. (Selectee) Albert M. Calland, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### To be vice admiral

Rear Adm. James D. McArthur, Jr.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE AIR FORCE

PN1240 Air Force nomination of Vincent T. Jones, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1241 Air Force nomination of Richard H. Villa, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1242 Air Force nominations (7) beginning Robert J. Bernard, and ending Oba L. Vincent, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1243 Air Force nomination of Harris H. Brooks, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1244 Air Force nominations (7) beginning Paula C. Gould, and ending John J. Winkopp III, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1245 Air Force nominations (203) beginning Jeffrey S. Alderfer, and ending Sandra L. Yope, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

#### IN THE ARMY

PN1181 Army nominations (79) beginning Constance A. Bell, and ending Yang Xia, which nominations were received by the Senate and appeared in the Congressional Record of November 25, 2003.

PN1226 Army nomination of Margot Krauss, which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1227 Army nominations (20) beginning Mark S. Ackerman, and ending Richard M. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1228 Army nomination of Timothy G. Wright, which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1229 Army nominations (6) beginning Ida F. Agamy, and ending Kary B. Reed, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1230 Army nomination of David J. King, Jr., which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1231 Army nominations (2) beginning Michael G. Gray, and ending Paul M. Saltysiak, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1232 Army nominations (2) beginning Terry R. Moren, and ending Christopher Wodarz, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1255 Army nomination of Amy E. Preen, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

#### IN THE NAVY

PN1234 Navy nomination of Todd E. Bailey, which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1235 Navy nominations (4) beginning Jennifer R. Flather, and ending Marie E. Oliver, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1236 Navy nominations (31) beginning Wing Leong, and ending Timothy R. White, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1258 Navy nominations (20) beginning Jonathan Q. Adams, and ending Stacey W. Yopp, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### ORDERS FOR MONDAY, FEBRUARY 9, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. Monday, February 9. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1072, the highway bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, if I could say before we leave, Senator INHOFE, Senator JEFFORDS, Senator BOND, and I want people to know our staffs are going to be available all weekend to work on any problems anyone has regarding the bill. If people have amendments, they can ask to meet with our staffs. We will go over the amendments to see if they are acceptable. The offices are open now. There is no reason not to be able to have the resources they need to go over this bill with our staffs.

The point I am making is we are open for business and we want to make sure everyone has the opportunity to talk to our staffs about any problems they have with the bill and ways it can be made better.

Anyway, please work with our staffs. They will be in their offices this weekend. I hope when Monday morning comes, people will also recognize the offices will be open. At 1 o'clock, we will be open for business. The leader indicated there won't be votes on Monday—will there be?

Mr. FRIST. No.

Mr. REID. So there will be no votes, but that doesn't mean we cannot do a lot of work. We hope everyone will cooperate with us. If there are problems, let us know. We want to move this bill as quickly as possible. It is important to everyone.

Mr. INHOFE. Mr. President, I might be a little more specific. In Hart-415 they are going to be open today and from noon until 5 o'clock on Saturday to work on amendments.

Mr. REID. Yes. I simply say I am confident there will be adequate time to take care of everything. I hope nobody wants to come in on the Sabbath. But, if necessary, we have someone who will work on the Sabbath.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. Mr. President, I will restate what you just heard. We will resume consideration of S. 1072, the highway bill on Monday. It has been a challenging week in lots of different ways. We have had this incident in my personal office and a lot went on here on the floor, with progress.

I know the ranking member and the managers of this bill have been frustrated in that we have not made as much progress as they would have liked. They would like to have this bill signed, sealed, delivered, and done. We did have good debate on the highway bill. Important points have been made throughout the week. We have the foundation to complete action on this bill next week. You just heard that we will be working through the afternoon. There will be people working tonight and people will be working tomorrow, as you have just heard, on Saturday and Sunday, in preparation for coming back in at 1 o'clock on Monday.

We have a lot to cover next week on this bill. It is an important bill. I argue that it is a vital bill to support the infrastructure we are all so dependent upon each and every day in our activities, whether it is during the weekends, or going to school or work, or as part of our business. We have an obligation to continue to address it and to complete this next week.

Since we are closing down for the week, it has been only 5 days since this letter with this toxic substance was directed at this institution. As I have said before, I have been very pleased with the response in terms of the coordination, the communication. It is not perfect; it can be better; but I assure people we will take each incident and do our very best to communicate as well as we can, review procedures, and review systems, and we are doing just that.

I just finished a conference call for 30 minutes with the 40 employee staff members affected most directly from my office and from the EPW office and Senators JEFFORDS' and INHOFE's of-

fice, answering questions. There are a lot of unanswered questions. We will answer those and meet with them and come up with different and better procedures as we go forward.

The fact that the chairman could say the Hart Building is open tomorrow is music to my ears. We were able to open it ahead of schedule. The Russell Building got opened and the Dirksen Building, which is still closed, will be opened Monday morning. It is right on schedule.

I thank everybody for coming together and working through a broad range of both national agencies and agencies here on the Hill. First and foremost is the safety of our Senate employees, and we responded in such a way that I am happy to say nobody has been hurt. Everybody is OK, in spite of the fact we had this assault.

Also during this week, in Chairman GREGG's HELP Committee, we passed S. 1879, an extension of the mammography quality provision. In Chairman COLLINS' committee, we worked on S. 1612, which established a technology equipment and information transfer program with the Department of Homeland Security. We passed that this week. The Senate confirmed a U.S. district judge this week for the Northern District of Illinois. We will be back in Monday. The chairman encourages members to have amendments and contact him. His staff will be working through the weekend.

As the assistant Democratic leader mentioned, we will not be voting on Monday, but we will be working. I will consult with Senator INHOFE and the Democratic leadership as we go forward. I hope we will be prepared for a vote early Tuesday morning. We will keep people posted in that regard.

I did mention this earlier. Do you know what your blood pressure is? Fifty million people have hypertension, which causes stroke and heart attacks. A third of the people don't know they have it. If you know you have it, we have ways to treat it these days. The Medicare bill we passed means you can diagnose it because, for the first, in an entry level physical exam which is part of Medicare, you are going to be able to have hypertension treated. If you don't know what your blood pressure is, go home tonight and think about that and have it checked.

Mr. REID. Mr. President, it is called the silent killer.

Mr. FRIST. Yes. People don't know they have it. Probably about a fourth of the people listening to me have hypertension, and a third don't know it, and they will die prematurely. It is pretty interesting.

Mr. REID. It doesn't make you sick, does it?

Mr. FRIST. It is silent. You don't feel it until you have a stroke or heart attack. There are ways to prevent it. It is the silent killer. That is what the American Heart Association says. February is heart month, and right now

the First Lady has a real initiative for women's heart disease. More women die of heart disease than men. I bet you didn't know that. A lot of people think it is more men.

ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 9, 2004, AT 1 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:38 p.m., adjourned until Monday, February 9, 2004, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate February 6, 2004:

### DEPARTMENT OF DEFENSE

DIONEL M. AVILES, OF MARYLAND, TO BE UNDER SECRETARY OF THE NAVY, VICE SUSAN MORRISEY LIVINGSTONE, RESIGNED.

### DEPARTMENT OF STATE

THOMAS BOLLING ROBERTSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA

### THE JUDICIARY

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HENRY A. POLITZ, RETIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

## CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 2004:

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be brigadier general

COL. GEORGE T. LYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be major general

BRIGADIER GENERAL RICHARD W. ASH  
BRIGADIER GENERAL RUSSELL C. AXTELL  
BRIGADIER GENERAL JOHN W. CLARK  
BRIGADIER GENERAL ROGER E. COMBS  
BRIGADIER GENERAL THOMAS G. CUTLER  
BRIGADIER GENERAL GERALD E. HARMON  
BRIGADIER GENERAL DAVID K. HARRIS  
BRIGADIER GENERAL GEORGE B. PATRICK III  
BRIGADIER GENERAL FRED R. SLOAN

### To be brigadier general

COLONEL CRAIG E. CAMPBELL  
COLONEL GEORGE N. CLARK, JR.  
COLONEL ROBERT M. COCKEY  
COLONEL WILLIAM R. COTNEY  
COLONEL NORMAN L. ELLIOTT  
COLONEL MICHAEL L. HARDEN  
COLONEL ROBERT D. IRETON  
COLONEL EMIL LASSEN III  
COLONEL THADEUS J. MARTIN  
COLONEL ROBERT B. NEWMAN  
COLONEL WILLIAM P. ROBINSON, JR.  
COLONEL RAYMOND L. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be major general

BRIGADIER GENERAL ROBERT E. DUIGNAN  
BRIGADIER GENERAL MICHAEL K. LYNCH  
BRIGADIER GENERAL KEITH W. MEURLIN  
BRIGADIER GENERAL MARK A. PILLAR  
BRIGADIER GENERAL RICHARD D. ROTH  
BRIGADIER GENERAL PETER K. SULLIVAN  
BRIGADIER GENERAL FLOYD C. WILLIAMS

### To be brigadier general

COLONEL ROBERT B. BARTLETT  
COLONEL EDWARD F. CROWELL  
COLONEL ANITA R. GALLENTINE  
COLONEL STEPHEN P. GROSS  
COLONEL ELAINE L. KNIGHT  
COLONEL CHARLES L. O'TOOLE, JR.  
COLONEL FRANK J. PADILLA  
COLONEL LOREN S. PERLSTEIN  
COLONEL CHARLES E. REED, JR.  
COLONEL NEIL A. ROHAN  
COLONEL JAMES T. RUBBER  
COLONEL RICHARD R. SEVERSON  
COLONEL MICHAEL N. WILSON

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be major general

BRIGADIER GENERAL LLOYD J. AUSTIN III  
BRIGADIER GENERAL MARTIN E. DEMPSEY  
BRIGADIER GENERAL BARBARA G. FAST

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be major general

BRIG. GEN. CONRAD W. PONDER, JR.

### To be brigadier general

COL. GEORGE J. SMITH

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be vice admiral

REAR ADM. (SELECTEE) ALBERT M. CALLAND III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be vice admiral

REAR ADM. JAMES D. MCARTHUR, JR.  
AIR FORCE NOMINATION OF VINCENT T. JONES.  
AIR FORCE NOMINATION OF RICHARD H. VILLA.

AIR FORCE NOMINATIONS BEGINNING ROBERT J. BERNARD AND ENDING OBA L. VINCENT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

AIR FORCE NOMINATION OF HARRIS H. BROOKS.  
AIR FORCE NOMINATIONS BEGINNING PAULA C. GOULD AND ENDING JOHN J. WINKOPP III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

AIR FORCE NOMINATIONS BEGINNING JEFFREY S. ALDERFER AND ENDING SANDRA L. YOPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

ARMY NOMINATIONS BEGINNING CONSTANCE A. BELL AND ENDING YANG XIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 25, 2003.

ARMY NOMINATION OF MARGOT KRAUSS.  
ARMY NOMINATIONS BEGINNING MARK S. ACKERMAN AND ENDING RICHARD M. WHITAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

ARMY NOMINATION OF TIMOTHY G. WRIGHT.  
ARMY NOMINATIONS BEGINNING IDA F. AGAMY AND ENDING KARY B. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

ARMY NOMINATION OF DAVID J. KING, JR.  
ARMY NOMINATIONS BEGINNING MICHAEL G. GRAY AND ENDING PAUL M. SALTYSIAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

ARMY NOMINATIONS BEGINNING TERRY R. MOREN AND ENDING CHRISTOPHER WODARZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

ARMY NOMINATION OF AMY E. PREEN.  
NAVY NOMINATION OF TODD E. BAILEY.

NAVY NOMINATIONS BEGINNING JENNIFER R. FLATHER AND ENDING MARIE E. OLIVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

NAVY NOMINATIONS BEGINNING WING LEONG AND ENDING TIMOTHY R. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2004.

NAVY NOMINATIONS BEGINNING JONATHAN Q. ADAMS AND ENDING STACEY W. YOPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.