

fund, some in unemployment insurance, and some want to put it in housing programs. But the net result is the same. It takes the money the President wanted to use to stimulate this economy and create good-paying jobs. We need to resist these amendments.

Mr. President, I understand Senator DEMINT wants to offer an amendment, and we are supposed to close at 2. So I don't know if he is prepared at this time, but if he is, I would be happy to yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. I thank my colleague. I would like to make a few comments. I am not going to offer an amendment at this time.

Mr. President, sometimes in this place it is hard to extract the truth from the words. I, frankly, don't understand the opposition to using money for transportation that has already been allocated to transportation.

I think we have had enough of saying we need to spend more money and borrow more money because the Bush administration spent too much and borrowed too much. This is a bipartisan problem. Hopefully, we will have a bipartisan solution.

What is being proposed today is we need more money for highways. The highway trust fund is running out of money. We need more money to pay unemployment benefits. They are running out of money. We would like more money for FHA loans. We have to decide do we want to use money that is already designated for purposes of our economy and helping people who don't have jobs or do we want to borrow more money and spend more money and add more money to our debt?

I don't think this situation is a good reason to say: Hey, we were bad in the past, so let's continue those practices. We are not suggesting with these amendments that we should stop the stimulus plan. We are saying we should use it for the same purposes it was set up for. Let's use it to build roads and bridges and create jobs. Let's use it to make sure those who are unemployed get their benefits. Let's use it to restimulate our housing market.

The PRESIDING OFFICER. The Senator will now suspend. The Senate is ready to take a recess.

Mr. DEMINT. I thank the Chair for all the time to speak, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

RECESS

Thereupon, the Senate, at 2 p.m., recessed until 3 p.m., and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

HIGHWAY TRUST FUND EXTENSION—Continued

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to speak about the transfer of the highway trust fund money. I do, of course, support having the money in the highway fund because so many States need to have this money and we need to assure it is there. I also support the amendments that would use the stimulus money so it would not be new money.

But I do wish to talk about the highway trust fund because I think it is important, as we are talking about this very important transportation issue for our States, that we begin the debate about whether the highway trust fund is now the appropriate vehicle for keeping our Federal highways repaired and also doing the best for every State in transportation. What concerns me is that the first reason for the highway trust fund back in President Eisenhower's day over 50 years ago has been achieved. Yet we are still continuing to have the same formulas where some States are winners and some States are losers. But every State today has the capacity to determine its own priorities and the capacity to fund those priorities, unlike 50 years ago when there were many States that had very little capacity. They had little property, they had little taxable revenue sources, and therefore there was a need for a national system of highways to assure that we had national security. That was the first reason for it—but also mobility and commerce.

Today, however, I think it is time for us to start all over. I think it is time for us to allow States to opt out of the highway trust fund.

Of course, I am speaking for the largest donor State in America. We give more back to other States than any other State. We are a State that has more highway miles than any other State; therefore, we collect more taxes. Because we are a donor State, we give the most away. If these were States that could not meet their own needs and my State of Texas was a State that had its needs covered, maybe you could argue that would be OK. But, in fact, that is not the case. In fact, Texas is facing a huge shortage in our highway funding. We now have two cities that have mass transit systems that are certainly very successful but very far behind the curve when it comes to the transportation glut on our highways. We need to have the money in Texas to start meeting our great transportation needs.

This also affects our environment, because when we have people clogged in traffic, sitting on freeways hour after hour, of course it is bad for the ability to get where you want to go, but it is also bad for the environment to have the fumes going in the air.

I think today it is time for us to start the debate. Why not let a State opt out, agree to keep in good repair the Federal highway system and allow the States to use their own taxpayer dollars for their own priorities to meet their own transportation and mobility

needs? If Texas could keep all the money it raises, rather than toll roads, which are now being contemplated throughout our State, perhaps we could have a mobility plan that would include highways, rapid transit, high-speed rail, and more innovative ideas that are very costly, which we cannot afford at this time.

Obviously, today we are going to go forward with extending the trust fund and replenishing the highway trust fund because that is what people want to do because we don't have time to address the whole issue of reauthorization at this very complicated time. I wish we were not going to consider an 18 month extension in September because I think we ought to have a short-term extension, so we do have the reauthorization of the highway bill, so we can start discussing these priorities—so we can start maybe thinking outside the box. Maybe we can start all over.

The highway trust fund and the highway authorization bill is a mishmash of different projects. I don't think there is fairness in the system at all. You have donor States, you have winner States, and the winner States have all the capacity. The loser States have as much need as the winner States, and the winner States have the ability, I believe, to fund their own options.

Even though I know we are going to extend the highway bill for 18 months by the end of September, and I know we are going to replenish the highway fund today—and I wish it would be from our stimulus package so it would not be yet another deficit-inducing measure from this Congress—I think I am going to lose all the arguments I am making. But I do think it important that we bring this issue to the forefront.

There is no reason in this country today for winner States and loser States. Our States should be able to plan for themselves, make their own priorities, meet their needs, be able to be more efficient, have multimodal systems—which is what I hope for Texas—and be able to use our own tax dollars for our own needs. Were we a State that did not have needs, were we a State that was not growing, maybe we could afford to continue giving 8 cents back for every \$1 we send to Washington. Maybe we could afford to leave the 8 cents in Washington.

Instead, we are getting 92 cents back for every \$1 we send to Washington. That is hundreds of millions of dollars that we need for our high-growth State that has many traffic problems and congestion problems today. We will repair our highways. We would sign an agreement to repair our highways so there would be no Federal responsibility for that. But I hope this argument will be the beginning of a debate so we can instate a system that will be more in tune with today's times, 50 years after the National Highway System was created—a wonderful system that connects our country but one, now, that is finished. We have our National Highway System. We do have

connectivity among our States. Why not allow the States to go out from those Federal highway miles and lanes, to go into their States in the best way for each individual State?

I thank Senator BROWN for allowing me to speak on this issue. I hope, as we go through, we will have more of a discussion.

I do have a bill introduced that would allow States to opt out. It is something I think the time has come to address.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. I ask unanimous consent to speak in time counting against the Ensign amendment. I ask unanimous consent to speak as in morning business and the time be counted against the Ensign amendment.

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

Mr. BROWN. Mr. President, I first congratulate the Presiding Officer for his first time in the Presiding Officer's chair and wish him many more of these. I know the experience will continue to enrich him and enrich the Senate. I thank the Presiding Officer of the Senate.

Mr. President, last week, more than 1,500 Ohioans woke up at dawn to wait in a line that snaked around the W.O. Walker Center, co-owned by the Cleveland Clinic and University Hospital.

Last week, President Obama also visited the Cleveland Clinic—one of our Nation's premier health care centers.

He observed firsthand how the Cleveland Clinic and cutting-edge health care centers like University Hospitals and Metro Health are providing high-quality care while reducing patients' costs.

But the more than 1,500 Ohioans who stood in line at 5 a.m. last Saturday morning were not waiting for President Obama.

They were waiting to see one of hundreds of dermatologists, nurses, urologists, cardiologists, neurologists, infectious disease specialists, dentists, and other volunteers who were providing free health care for one of Cleveland's first mass health clinics.

Need a pair of glasses? Lead optician Dr. Rob Engel checked your vision while volunteer Sharon Connor helped you select a pair on the spot.

Need prescription medicine? You were able to visit Margo and Rob Roth, who ran the clinic's pharmacy.

Worried about women's health services? Dr. Laura David, an obstetrician from University Hospitals, was ready to help.

Along with volunteers Maria Parks and her husband Lee, I helped sign-in and register a number of Ohioans.

Many of them were members of hard-working families worried that they might join the 14,000 Americans who lose health insurance each day.

Maria, Lee, and I heard one organizer call a medical volunteer a "hero" for stepping forward to help their neighbors.

That same volunteer responded by saying the real heroes are the fathers, mothers, sons, and daughters struggling every day in the shadow of a looming health care crisis that threatens to send their family into financial ruin.

In fact, most of the people who sought health services at the weekend clinic were from middle class families who had fallen on hard times.

Together with MetroHealth, St. Vincent's, University Hospitals, Case Western Reserve University, and the Cleveland Clinic, Medworks volunteers provided the kind of health care all Americans need, but too many don't receive.

Medworks founder Zac Ponsky turned not only to his community but to his family to contribute their time.

Zach's wife Taryn helped coordinate the many moving parts of the clinic. Kim Ponsky, Zac's sister, is a professional photographer who documented the weekend.

Meanwhile, Zac's father Jeff, brothers Lee and Todd, and sister-in-law Diana—all physicians—provided a standard of care that most of the patients that day had never received.

During a single weekend, the generous volunteers of Medworks taught us the meaning of compassion and humility.

They led by example.

Many patients received multiple services, while doctors made instant referrals to other Cleveland-area doctors for those patients not originally scheduled.

Over the course of the weekend, seven people needing advanced care, once diagnosed, were able to receive it at local hospitals.

More than 130 women had pap tests and nearly 100 women received vouchers for free mammograms at Women's Diagnostics.

Nearly 300 people either walked out of the clinic with a brand new pair of glasses or will be receiving a new pair soon.

A number of patients received vouchers for follow-up eye care at St. Vincent's Charity Hospital, an exceptional hospital in Cleveland.

Approximately 50 people were tested for HIV. But it was not just health care services that were provided. Each patient also spent time with a social worker who provided counseling and information about followup services. The Ohio Benefits Bank was on hand to offer prescreening for medical, housing, energy, tax, employment and other programs. Approximately 100 patients took advantage of that service.

All told, approximately 300 community members, 100 doctors, 175 nurses,

and social workers volunteered their time and services during this Saturday/Sunday event. This includes a number of volunteers who simply showed up unannounced. It included a few patients who were so grateful for the care they then volunteered to stay after their appointments to help.

Building on effectiveness of the weekend, MedWorks is now focused on patient followup. Currently, a team of doctors is reviewing medical records to follow up with emergency cases and to help those people suffering from chronic illness.

MedWorks volunteer and chief of surgery at University Hospitals, Dr. Jeff Ponsky, said:

We're very hopeful that this will become a regular part of our community. We'll get better at it, and we'll be a leader for the country.

We can do more for the millions of Americans who are one illness away from financial ruin. We can do more for the 14,000 Americans who lose their insurance every day. We can do more for the 45 million uninsured and the tens and tens of millions of underinsured in this country.

Today is the 44th anniversary of President Johnson's signing of Medicare. Medicare changed our Nation. It helped pull millions of seniors out of poverty; it fostered personal independence; it fueled our economy; and it helped retirees live long and healthy lives.

Just as those who worked tirelessly 44 years ago to secure health care for America's seniors, the generous MedWorks volunteers in Cleveland are doing all they can for their community.

In Washington, we are working to effect change in our health care system. That is our duty, to make this historic change, to reform the health insurance industry, to allow our Nation to move on from human tragedy—from the health care related bankruptcies, from the competitive disadvantage American businesses face from the huge costs, the burden that small businesses face in this country. We can keep working, keep fighting for the change Americans are demanding.

The Ohioans I met in Cleveland last Saturday, and every Ohioan from Lima to Zanesville, from Chillicothe to Ash-tabula, every American in every town in every State in this Nation all deserve the humane justice of stable and secure health care. That means quality and affordable health care options, public and private both. It means the health care plan that was voted out of the HELP Committee on which the Presiding Officer sits. It means the plan that came out of that committee 2 weeks ago, a plan that injects competition between private insurance plans and a public option, an option that people can choose. It will make those plans work better, cut costs, and keep the insurance companies honest. That will mean people, if they are laid off—if people are laid off in Marion or

Dayton, OH, people who have lost their insurance, people in Wapakoneta, in rural Ohio, all will have a public option to compete with sometimes all too few private insurance companies in their areas.

To all the MedWorks volunteers, including Jack Ponsky and his family, including Karil Bialostosky, Joel Goldstein, and Brian Smith, I thank all of you for your commitment, your compassion, and your care for those in need.

Now it is up to us to provide the kind of health care to protect what works in our health care system and to fix what is broken in our health care system.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I ask unanimous consent now that the debate time remaining with respect to amendments offered be yielded back; that after Senator THUNE offers his amendment, then debate time on that amendment extend until 3:45 p.m., divided as previously provided; that at 3:45 p.m. today, the Senate proceed to vote in relation to the amendments and motion to waive in the order listed, with 2 minutes of debate equally divided and controlled, in order prior to each vote, with the vote time after the first vote limited to 10 minutes each as follows:

Vitter amendment No. 1907, as modified; Ensign amendment No. 1905, as modified; Bond amendment No. 1904; the Thune amendment I have referred to; and the Boxer motion to waive the applicable Budget Act point of order; that with reference to amendment No. 1904, if a Budget Act point of order is raised against the amendment, then a motion to waive the applicable point of order be considered made, further that all other provisions of the previous order remain in effect.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Mr. President, we are going to vote on a series of Republican amendments to a bill that has come over from the House of Representatives that funds the highway trust fund until September 30, that funds unemployment insurance, and that helps us with the housing crisis and allows us to see

more mortgages go to qualified families of America.

It is important to note that if we don't accept the House package, we are really playing Russian roulette with the highway trust fund. As the chairman of the Environment and Public Works Committee, who works very hard with my colleague Senator INHOFE across party lines to ensure we have a robust infrastructure program, I want to be clear: If we don't pass this House bill, then we are up against the wall. We send a very bad signal to the people who are counting the contracts that go out for the highway program and the work that follows. We have many working people who count on these jobs.

I support one of these amendments. The Bond amendment makes eminent sense. I do take issue with the timing because we have been told by our House colleagues that this is all we are going to do; if we amend this bill, then we are stuck. So it is one of those awkward and difficult moments.

Truth be told, the people out there who are working hard are not going to get all the subtleties of the moment. They want to make sure their job is there in the morning.

So even though I support one of these amendments, the Bond amendment—and I have stated and Senator BOND understands that I will be supporting him when we reauthorize this bill September 30; we will take care of this rescission—we don't have to take care of it now. What we must take care of today is the highway trust fund. It is running out of funds. We have to act. I hope we can do it across party lines.

The other thing I support is an 18-month extension of highway programs. That is, again, something I have done with my Republican colleagues. We passed out of the Environment and Public Works Committee, on a unanimous vote, an 18-month extension. Senator BAUCUS, over on Finance, was able to come up with an intergovernmental transfer that does not add to the deficit of about \$27 billion to ensure that we can go forward for 18 months while we sit down across party lines and figure out the long-term answer to funding our highway and transportation needs over the next 5 years.

There is a split between the Senate approach and the House approach. The House approach, which I don't agree with, is to keep making short-term extensions as a way to force us to act in the long term. But we all know we have to figure out a funding source that will take us through the next 5 or 6 years. It is going to take time, and we need to do it right. I believe in making sure we have a pay-go system. I am not willing, as the chairman of the committee, to simply hand off a huge bill to the Finance Committee without any recommendations. So it will take us a little while. We have a difference between the House approach and the Senate approach.

But here is the point and why I believed it was important to be heard be-

fore we vote. The House has a very short-term extension. That is what they have given us. They have told us that if we don't take this, we are not going to be able to ensure that the highway trust fund is solvent. I, for one, am not willing to play games with this. It is too serious. Even though I don't agree with the House approach, we have other days left to make the case.

The other point I want to make is that the Republican approach to this is the 18-month extension, which I fully support, and the way they pay for it is by saying: We are going to take money out of the stimulus program, the economic stimulus program that has just begun to take hold in the country. The Republicans didn't vote for it, most of them—three of them did, but the others didn't—and they want to stop it. It is counterproductive, in a time of recession, to stop a jobs program right in the middle. These are jobs for highways, transportation, cleaning up Superfund sites. These are jobs that are dealing with water infrastructure, with education. Of all the times to come up here and recommend that we stop this jobs program now, this is wrong.

I am totally willing to work with my colleagues so at the end of the stimulus bill, at the end of that time, which is in about 18 months, if we have not spent some of those funds, we should take a hard look at putting those funds into the Treasury to reduce the deficit, perhaps. Perhaps we need at that point to use some of it for the highway trust fund. But today is not the day.

If I could summarize where I see things today, we have a series of Republican amendments that basically say we should stop this, we should take funds out of the stimulus package now in order to pay for unemployment insurance, in order to pay for the highway trust fund, and in order to pay to help our people with their mortgages. And it is counterproductive.

On the one hand, they are doing something to help the economy by helping our people with mortgages, by ensuring there is unemployment insurance, and ensuring there is money in the highway trust fund. On the other hand, they are stopping jobs to do it, and it is not necessary. The House bill, although I do not appreciate the fact that it is a very short-term extension of the highway trust fund, is deficit neutral. CBO has so scored it. So we do not have to do this, and we should not do this.

As I understand it, it is time now to have that series of votes. So I make a parliamentary inquiry as to what time we are having those votes.

The PRESIDING OFFICER. The time under the previous order has expired.

Mrs. BOXER. All right. Then I would yield the floor, and I hope we would be voting at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that Senator SESSIONS

is going to get one more amendment in, and then we will start the voting; is that correct?

Mr. SESSIONS. Mr. President, that would be my preference. I would be pleased to call up this amendment now. I do not know what the time agreement is at this point.

Mr. INHOFE. We are ready to vote as soon as the Senator brings it up.

AMENDMENT NO. 2223

Mr. SESSIONS. Mr. President, I ask unanimous consent to call the amendment up and to be able to speak for 2 minutes.

Mr. INHOFE. That sounds good.

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

Mr. SESSIONS. Mr. President, we have an opportunity to save \$200 billion. It is time for us to do the right thing. We cannot keep spending more and more.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2223.

The amendment is as follows:

(Purpose: To restore sums to the Highway Trust Fund and for other purposes in a fiscally responsible manner)

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new “(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund \$7,000,000,000.”.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to “Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds” in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking “to remain available through September 30, 2010” and all that follows (before the heading for the following item) and inserting “such sums as may be necessary”.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to “Federal Housing Administration—Mutual Mortgage Insurance Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 966) is amended by striking “\$315,000,000,000” and inserting “\$400,000,000,000”.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account” in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 967) is amended by striking “\$300,000,000,000” and inserting “\$400,000,000,000”.

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the

American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Mr. SESSIONS. I thank the Presiding Officer.

We cannot keep spending more and more. We have several different problems—we have housing problems; we have a problem with unemployment insurance because more people are unemployed than had been predicted; and we have a problem with a shortfall in the highway fund.

Some Senators could argue we do not need to fix every one of these because we do not have the money. But in a way we do have the money because we passed \$800 billion in a stimulus package earlier this year. It was supposed to be primarily, we heard, for roads. But only 4 percent went to roads. So we can fix the shortfall in the highway trust fund by using some of the \$800 billion we have already spent. We can fix the other two problems—unemployment insurance and housing—in the same fashion. Those can be fixed out of this fund.

This amendment would do that. It would reduce the other accounts across the board. Of course, we will still be in session this year and next year. If we need to adjust other things in some way, we can. Don't let anybody tell you this is going to savage some other account because we can fix those accounts.

I will just say—I know my time is short—this is \$200 billion that will either go to increase spending and increase debt, or we can meet these needs—which hopefully are all necessary—out of the funds we already have out there. If we do not start making these kinds of decisions soon, we are going to have a real problem. According to the scoring of the President's own budget, the total debt of America debt has gone from \$5 trillion this year, to \$11 trillion 5 years from now, to \$17 trillion 10 years from now.

I thank the Presiding Officer and yield the floor.

AMENDMENT NO. 1907, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes, equally divided, on the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise and urge strong bipartisan support for the Vitter amendment. The Vitter amendment simply moves \$7 billion from the stimulus—less than 1 percent of the original stimulus program—to backfill and take care of the need in the highway trust fund.

This is important to do for two reasons.

First of all, we need to stop the reckless borrowing. We are borrowing ourselves into oblivion. We are borrowing

our children into poor economic times. We need to reverse that trend. The underlying bill fixes the hole in the highway trust fund simply by racking up more debt, and that is why there is a budget point of order against it. So we need to stop this never-ending upward spiral of borrowing.

No. 2, by doing this, we can focus a little bit of the stimulus on something I believe we all think it always should have been focused on: infrastructure spending and spending now versus later. This will move the \$7 billion toward roadway spending now, which is effective stimulus.

The PRESIDING OFFICER. The Senator has used 1 minute.

The Senator from California.

Mrs. BOXER. Mr. President, I urge strong bipartisan support against the Vitter amendment. There is nothing about reckless borrowing going on. I have already put into the RECORD today the CBO analysis of the House bill that is before us that says it even creates a little bit of surplus because of how this is handled. This is not going on the debt. So let's not stand here and say what it is about.

The second point is, there are tens of billions of dollars in unspent funds that we authorized on a bipartisan vote on the stimulus package. I know most of my colleagues on the other side never wanted to do that stimulus package. I understand that. I respect it. But the fact is, we finally see these funds going out and hiring the people we want to make sure have jobs. We see and we hear from our Governors that the funding is helping them retain teachers, police officers. We see funding is helping them move forward with shovel-ready projects.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mrs. BOXER. OK. I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—42

| | | |
|-----------|-----------|---------|
| Alexander | Bunning | Collins |
| Barrasso | Burr | Corker |
| Bennett | Chambliss | Cornyn |
| Bond | Coburn | Crapo |
| Brownback | Cochran | DeMint |

| | | |
|-----------|-------------|-----------|
| Ensign | Johanns | Risch |
| Enzi | Kyl | Roberts |
| Graham | Lincoln | Sessions |
| Grassley | Lugar | Shelby |
| Gregg | Martinez | Snowe |
| Hatch | McCain | Thune |
| Hutchison | McConnell | Vitter |
| Inhofe | Murkowski | Voinovich |
| Isakson | Nelson (NE) | Wicker |

NAYS—55

| | | |
|-----------|------------|-------------|
| Akaka | Franken | Nelson (FL) |
| Baucus | Gillibrand | Pryor |
| Bayh | Hagan | Reed |
| Begich | Harkin | Reid |
| Bennet | Inouye | Rockefeller |
| Bingaman | Johnson | Sanders |
| Boxer | Kaufman | Schumer |
| Brown | Kerry | Shaheen |
| Burris | Klobuchar | Specter |
| Cantwell | Kohl | Stabenow |
| Cardin | Landrieu | Tester |
| Carper | Lautenberg | Udall (CO) |
| Casey | Leahy | Udall (NM) |
| Conrad | Levin | Warner |
| Dodd | Lieberman | Webb |
| Dorgan | McCaskill | Whitehouse |
| Durbin | Menendez | Wyden |
| Feingold | Merkley | |
| Feinstein | Murray | |

NOT VOTING—3

| | | |
|------|---------|----------|
| Byrd | Kennedy | Mikulski |
|------|---------|----------|

The amendment (No. 1907), as modified, was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1905, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes equally divided.

The Senator from Nevada.

Mr. ENSIGN. Madam President, the next amendment we are going to vote on is a very simple vote, similar to the last one. What it says is the States right now are borrowing from the Federal unemployment trust fund, and that trust fund has been depleted. There are more States that are going to need to borrow from it. It is temporarily putting back into that trust fund a little over \$7 billion.

Next year, there is going to be about \$30 billion that is going to be needed. Does anyone around here, with the dire straits States are in, believe we will not forgive this debt for the States? That is why I am saying don't just borrow the money—even though CBO says this is deficit neutral, let's not borrow the money, which is what is going to end up happening. Let's take it out of the stimulus funds and let's be fiscally responsible around here. States need the help. Those who are unemployed need help. Let's give the help but do it in a fiscally responsible way. That is really the purpose of this amendment. I encourage all Senators to vote for it.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in opposition to the Ensign amendment. I know the Senator has the best of intentions. The underlying bill takes care of the unemployment insurance account. It does it in a deficit-neutral fashion. In fact, it generates a surplus, extra funds beyond what is needed for this purpose.

What the Senator from Nevada wants to do, if you can imagine, is he wants to cut back on spending in the stimulus program, which is building highways and projects across America. He wants to reduce the President's effort to create jobs, thereby creating more unemployment in order to have more money for unemployment in America. It does not work.

We have a good program here. The underlying program takes care of the need of the UI fund, and the President's stimulus package, now 150 days into operation, is generating jobs and opportunities across America. We do not need to kill the stimulus package at this moment. We need to make sure it works to get America back to work.

Please defeat the Ensign amendment.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

| | | |
|-----------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McConnell |
| Bennett | Graham | Murkowski |
| Bond | Grassley | Nelson (NE) |
| Brownback | Gregg | Risch |
| Bunning | Hatch | Roberts |
| Burr | Hutchison | Sessions |
| Chambliss | Inhofe | Shelby |
| Coburn | Isakson | Snowe |
| Cochran | Johanns | Thune |
| Corker | Kyl | Vitter |
| Cornyn | Lincoln | Voinovich |
| Crapo | Lugar | Wicker |
| DeMint | Martinez | |

NAYS—56

| | | |
|----------|------------|-------------|
| Akaka | Feinstein | Murray |
| Baucus | Franken | Nelson (FL) |
| Bayh | Gillibrand | Pryor |
| Begich | Hagan | Reed |
| Bennet | Harkin | Reid |
| Bingaman | Inouye | Rockefeller |
| Boxer | Johnson | Sanders |
| Brown | Kaufman | Schumer |
| Burris | Kerry | Shaheen |
| Cantwell | Klobuchar | Specter |
| Cardin | Kohl | Stabenow |
| Carper | Landrieu | Tester |
| Casey | Lautenberg | Udall (CO) |
| Collins | Leahy | Udall (NM) |
| Conrad | Levin | Warner |
| Dodd | Lieberman | Webb |
| Dorgan | McCaskill | Whitehouse |
| Durbin | Menendez | Wyden |
| Feingold | Merkley | |

NOT VOTING—3

| | | |
|------|---------|----------|
| Byrd | Kennedy | Mikulski |
|------|---------|----------|

The amendment (No. 1905), as modified, was rejected.

AMENDMENT NO. 1904

The PRESIDING OFFICER. There is now 2 minutes evenly divided before a

vote with respect to the Bond amendment.

The Senator from Missouri.

Mr. BOND. Madam President, if I could have the attention of my colleagues, please, this measure simply ends the rescission in the SAFETEA-LU highway funding bill we passed 4 years ago which otherwise takes \$8.7 billion out of highway and bridge contract authority for the States. Best estimates are that this would cost 250,000 jobs in all 50 States.

To the argument that we have to take this exactly as the House has passed it because they won't stick around—well, they are in session. If this is right, let's do it.

And for the Budget Act point of order, if you wanted to have this paid for, you should have taken the Vitter amendment. The underlying bill requires the Budget Act point of order waived because it is funded by claiming the nonexistent interest on intergovernmental transfers. That is a transparent sleight of hand or a sleight of pen.

If you want to keep from taking the shovels out of the hands of workers on shovel-ready jobs in every State in the Nation, please vote aye on the waiver of the Budget Act point of order.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to ask my colleagues if they will follow me for just one moment. This is a little complex, but if you will follow me.

First, I agree with Senator BOND's amendment and will vote for it, but not at this moment. Here is why. This rescission Senator BOND wants to achieve is something most of us agree with. If it doesn't happen, the penalties will come to our States on September 30. What we have is the assurance of the chairman of the Environment and Public Works Committee that she will put this rescission in the reauthorization of the highway trust fund before September 30 so there would not be any loss to States.

So what is the problem? Why don't we do it today? Because if we do it today, we jeopardize this extension of the highway trust fund until September 30. We are trying to get this done in short order so we can end the session and come back and do the right thing before September 30. All we are asking today is for you to join us in saying to Senator BOND: Thank you for your good thought, but hold that thought until September.

We still have time to make sure we do the right thing, and we have the assurance of the chairman that it is going to happen. It pains me greatly to raise a point of order against my friend from Missouri on an amendment whose substance I agree with, but if we want to protect the highway trust fund and we want to have an orderly adjournment to the session and not jeopardize jobs, then we need to vote against the Bond amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. DURBIN. Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. BOND. Madam President, do I have any time?

The PRESIDING OFFICER. The Senator has used his time as well.

Under the previous order, a motion to waive is considered made.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 34, nays 63, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—34

| | | |
|-----------|-------------|------------|
| Alexander | Harkin | Sanders |
| Barrasso | Hutchinson | Shaheen |
| Begich | Inhofe | Shelby |
| Bennet | Isakson | Snowe |
| Bennett | Leahy | Specter |
| Bond | Martinez | Thune |
| Chambliss | McCaskill | Udall (CO) |
| Cochran | Murkowski | Voinovich |
| Collins | Nelson (NE) | Wicker |
| Cornyn | Nelson (FL) | Wyden |
| Crapo | Risch | |
| Enzi | Roberts | |

NAYS—63

| | | |
|-----------|------------|-------------|
| Akaka | Ensign | Lieberman |
| Baucus | Feingold | Lincoln |
| Bayh | Feinstein | Lugar |
| Bingaman | Franken | McCain |
| Boxer | Gillibrand | McConnell |
| Brown | Graham | Menendez |
| Brownback | Grassley | Merkley |
| Bunning | Gregg | Murray |
| Burr | Hagan | Pryor |
| Burr | Hatch | Reed |
| Cantwell | Inouye | Reid |
| Cardin | Johanns | Rockefeller |
| Carper | Johnson | Schumer |
| Casey | Kaufman | Sessions |
| Coburn | Kerry | Stabenow |
| Conrad | Klobuchar | Tester |
| Corker | Kohl | Udall (NM) |
| DeMint | Kyl | Vitter |
| Dodd | Landrieu | Warner |
| Dorgan | Lautenberg | Webb |
| Durbin | Levin | Whitehouse |

NOT VOTING—3

| | | |
|------|---------|----------|
| Byrd | Kennedy | Mikulski |
|------|---------|----------|

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 2223

Under the previous order, there will now be 2 minutes of debate equally di-

vided prior to a vote in relation to amendment No. 2223, offered by the Senator from Alabama.

Mr. SESSIONS. Madam President, among some of the things I think most Members would like to accomplish is fixing the highway trust fund, fixing the unemployment insurance shortfall, and to do something about the housing loan authority. Those are three matters we can address without increasing our deficit. There is \$7 billion in the highway fund this amendment would fix, which is the short-term fix the House did; another \$7 billion for unemployment insurance; and the \$185 billion for the housing fix. Those things we can do within the stimulus package.

Only 11 percent of the \$800 billion will be spent by the end of this fiscal year. We can use that money to fund these programs, take care of them as we planned to do from the beginning but without increasing the debt.

People say the underlying bill will not increase the debt. That is not accurate. If we agree to this amendment, we will prevent increasing the Nation's debt by \$200 billion.

I urge your support for the amendment. At this point in time we need to save a few billion dollars.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I hope colleagues will listen. What this Sessions amendment does, it takes all the corrections that are in the underlying bill—making sure the highway trust fund does not go bust, making sure the unemployment trust fund is full, making sure we have help for our middle-class families seeking to get mortgages—and it funds it instead of in a deficit-neutral way that is in the underlying bill which I put in the RECORD, the CBO score which actually scores positive in terms of the surplus over the 10 years, it slashes the stimulus funding right as it is beginning to take hold.

If you want to take care of all these things, and I think we all do, let's do it the right way. Let us not do it the wrong way and slash funds from the stimulus bill as we are beginning to see it take hold.

I urge a "no" vote on the Sessions amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sessions amendment.

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—40

| | | |
|-----------|-----------|-------------|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McConnell |
| Bayh | Enzi | Murkowski |
| Bennett | Graham | Nelson (NE) |
| Bond | Grassley | Risch |
| Brownback | Gregg | Roberts |
| Bunning | Hatch | Sessions |
| Burr | Hutchison | Shelby |
| Chambliss | Inhofe | Thune |
| Coburn | Isakson | Vitter |
| Cochran | Johanns | Voinovich |
| Corker | Kyl | Wicker |
| Cornyn | Lugar | |
| Crapo | Martinez | |

NAYS—57

| | | |
|-----------|------------|-------------|
| Akaka | Franken | Murray |
| Baucus | Gillibrand | Nelson (FL) |
| Begich | Hagan | Pryor |
| Bennet | Harkin | Reed |
| Bingaman | Inouye | Reid |
| Boxer | Johnson | Rockefeller |
| Brown | Kaufman | Sanders |
| Burr | Kerry | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Snowe |
| Carper | Landrieu | Specter |
| Casey | Lautenberg | Stabenow |
| Collins | Leahy | Tester |
| Conrad | Levin | Udall (CO) |
| Dodd | Lieberman | Udall (NM) |
| Dorgan | Lincoln | Warner |
| Durbin | McCaskill | Webb |
| Feingold | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |

NOT VOTING—3

| | | |
|------|---------|----------|
| Byrd | Kennedy | Mikulski |
|------|---------|----------|

The amendment (No. 2223) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to waive.

The Senator from California.

Mrs. BOXER. Madam President, I yield 30 seconds to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is a very significant vote. I am very upset that we have a lot of things in here I didn't want—the unemployment insurance loans, the Federal Housing Administration loan limit increase. That should not be there. The amendments failed. I wish they had passed. I voted for them.

The thing that bothers me more than anything else is the House put us in this position. They said: Here is the bill; you do it; we are leaving town. That is exactly what happened.

So this is the final vote. We have to have 60 votes. For all practical purposes, this is the final vote. I urge my Republican friends to support waiver of the point of order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my ranking member. He and I, as everyone knows, don't always agree. But when we do agree, we hope our colleagues will follow. We do not want to play Russian roulette with the highway trust fund. We have to make sure it stays solvent. I urge an "aye" vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, this is about a budget point of order. That

means the bill, since it was not amended as I would have liked, is contrary to the Budget Act. It has more outlays this year. It also requires us to rack up more debt, borrow more money. In the face of \$2 trillion of new debt this year, doubling that in 5 years, and tripling it in 10, this is a critical vote. Either you vote yes and say let's continue to go down that path or you vote no and say we need to change course about debt.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 71, nays 26, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—71

| | | |
|-----------|-------------|-------------|
| Akaka | Franken | Nelson (FL) |
| Alexander | Gillibrand | Pryor |
| Baucus | Hagan | Reed |
| Bayh | Harkin | Reid |
| Begich | Inhofe | Risch |
| Bennet | Inouye | Roberts |
| Bingaman | Johnson | Rockefeller |
| Bond | Kaufman | Sanders |
| Boxer | Kerry | Schumer |
| Brown | Klobuchar | Shaheen |
| Burr | Kohl | Shelby |
| Cantwell | Landrieu | Snowe |
| Cardin | Lautenberg | Specter |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Cochran | Lieberman | Udall (CO) |
| Collins | Lugar | Udall (NM) |
| Conrad | Martinez | Voinovich |
| Crapo | McCaskill | Warner |
| Dodd | Menendez | Webb |
| Dorgan | Merkley | Whitehouse |
| Durbin | Murkowski | Wicker |
| Feingold | Murray | Wyden |
| Feinstein | Nelson (NE) | |

NAYS—26

| | | |
|-----------|-----------|-----------|
| Barrasso | DeMint | Johanns |
| Bennett | Ensign | Kyl |
| Brownback | Enzi | Lincoln |
| Bunning | Graham | McCain |
| Burr | Grassley | McConnell |
| Chambliss | Gregg | Sessions |
| Coburn | Hatch | Thune |
| Corker | Hutchison | Vitter |
| Cornyn | Isakson | |

NOT VOTING—3

| | | |
|------|---------|----------|
| Byrd | Kennedy | Mikulski |
|------|---------|----------|

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. NELSON of Nebraska. Madam President, when the stimulus bill was being debated, I advocated that any

package include a robust investment in rebuilding our Nation's infrastructure. While the stimulus takes a big step in the right direction to address the needs of our aging transportation system, many more steps need to be taken.

I believe that the issues that we face with the solvency of the highway trust fund is an opportunity to make sure that more funding from the stimulus is directed towards our Nation's roads, while not adding new spending and increasing the Federal deficit. I would encourage any unobligated funding that is redirected as a result of the passage of the amendments offered today be in addition to any stimulus funding already provided for road projects; especially in the case of local road projects. Road projects at the local level will be vital part of the engine that drives our Nation's economic recovery in communities across the country and not maintaining funding for those projects would be a step in the wrong direction.

Finally, an investment in our Nation's roads is a two-for-one: it creates jobs while helping to rebuild our infrastructure. By making sure the highway trust fund remains solvent and continuing to invest in important transportation projects, we can rededicate our efforts to addressing our transportation system needs.

Mr. DODD. Madam President, I rise in strong support of this legislation.

In addition to the important sections dealing with transportation and unemployment insurance, the bill before us today includes two important provisions that are crucial to our Nation's housing market—it increases the authority of the Federal Housing Administration—FHA, to insure loans and the authority of the Government National Mortgage Association—GNMA, to guarantee securities backed by FHA loans.

Just about 2 years ago, the housing market started to implode as the predatory and abusive loans that were pumped out by banks and mortgage lenders started to fail in great numbers. These loans were made by lenders who knew these borrowers could not afford to repay them, and they were made under the eyes of regulators who were indifferent to the fate of the borrowers and who underestimated the impact on our financial system.

These loans were originated by mortgage brokers or retail lenders with funds provided by Wall Street. Nobody took any responsibility for the quality of these loans because everyone thought they were laying the risk off on the next guy by securitizing the loans and selling them off. Regrettably, it is the American people—and the economy—that is paying the price today in the form of a severe credit crunch that is affecting homeowners, small businesses, entrepreneurs, and every consumer that uses a credit card.

As we all know, foreclosures have skyrocketed. Some analysts predict that 8 million homeowners will lose their homes to foreclosure before this crisis is over.

In fact, as the mortgage market has ground to a halt, housing prices have fallen all over the country, in many places by 20 percent or more. This problem is being exacerbated by foreclosed homes flooding the market, driving home prices down further.

The only mortgage credit available in this country is credit that is provided, directly or indirectly, by the Federal Government. A key component of this, accounting for about 30 percent of the new mortgages being made in the market today, is FHA-insured mortgages.

The legislation before us would increase FHA's authority to insure mortgages. If we do not do this, FHA could shut down while we are away on recess. That would mean that about 30 percent of the mortgage credit that is available today to homebuyers and homeowners would simply vanish from the marketplace.

The impact of this would be immediate and devastating—a likely spike in interest rates; more foreclosures; and fewer home purchases as buyers withdraw from the market.

Just this week, we heard some data which indicate that home prices may be stabilizing. But the situation is fragile. If we eliminate FHA from the marketplace, we could eliminate tens of thousands of potential home buyers from the market, as well. As demand dropped, so would home prices, starting a new cycle of economic despair and disinvestment in our cities and towns. That is why the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association all strongly support this legislation.

The story is much the same with the GNMA increase. GNMA makes it possible for lenders to make FHA loans, and then sell them in federally guaranteed loan pools. GNMA creates an essential outlet for FHA loans so that banks and other lenders can make more mortgage credit available. Without the increased commitment level included in this bill, GNMA will also be forced to close its doors.

These two provisions of the bill before us are crucial for working American families. I strongly urge my colleagues to pass this legislation so that we can send it to President Obama for his signature.

Mr. WARNER. Madam President, as the Highway Trust Fund Act moves through the Senate, I would like to take a moment to stress the importance and urgency of reforming our national transportation system.

I commend Chairman BOXER for her leadership on this effort to keep the trust fund solvent. But the fact that we needed this emergency infusion indicates a much greater problem with the transportation system and how it is funded. I recognize and appreciate the desire to pass a clean 18-month extension of SAFETEA-LU. However, I think we can all agree that fundamental reform will be needed when the time

comes to consider a full 6-year authorization bill.

Our Nation's infrastructure is currently inadequate to preserve our global competitiveness and the way we allocate funds for surface transportation lacks true accountability. In short, we do not tie funding to performance. To move to a true performance-based system, there are some immediate steps that should be taken.

An 18-month extension provides a unique opportunity to take some of these steps. Without making any policy reforms or adding any programs, we can begin to collect information on how well transportation funds are serving the public, which will ease our transition to a reformed and effective long-term policy. I have drafted an amendment that would direct the Secretary of Transportation to coordinate with states, metropolitan planning organizations and our new chief performance officer to develop metrics to address the following factors: (1) National Connectivity: How have transportation investments improved the connection of people and goods across the Nation?

(2) Metropolitan Accessibility: How have transportation investments allowed Americans in metropolitan regions to access their jobs and other activities more reliably and efficiently?

(3) Energy Security and Environmental Protection: How have transportation investments reduced carbon emissions and petroleum consumption?

(4) Safety: How have transportation investments improved safety by reducing fatalities and injuries associated with transportation?

My proposal outlines how States and metropolitan regions can begin to report these measures. The factors above are outcome-oriented, objective and measurable. They are also designed to cut across all modes of transportation, and to measure performance across an entire region as opposed to measuring specific projects in a vacuum.

This legislation will help ease the transition to a more performance-based system. Not only will it provide us with actual performance data, but it will help clarify what additional resources states will need to better provide such data in the future.

I look forward to working with my colleagues in the Senate on this initiative to ensure its inclusion in any extension of SAFETEA-LU.

Mr. INHOFE. Madam President, I have worked with the chairmen of the Environment and Public Works, Banking, Commerce and Finance Committees over the last month to put a bill together to address two urgent issues facing the Nation's highway program. First, the highway trust fund is going to run out of money sometime in the next few weeks and will require an infusion of \$5 to \$7 billion to get us through the rest of fiscal year 2009. Second, SAFETEA the 2005 highway bill, is set to expire in 9 weeks. With no realistic chance of Congress passing a fully funded reauthorization before the

program expires, it is essential to provide funding certainty with a longer term extension. States cannot afford to move forward with transportation development activities without confidence in long-term and consistent future Federal reimbursements.

Unfortunately, the House chose not to address both issues, but rather just provide the money necessary to ensure that the highway trust fund does not go broke over the August recess. Their decision has put the Senate in a situation of taking or leaving their bill. I do not like it and frankly think the responsible thing would have been to take up the Senate bill, which would have provided for an 18-month extension of the existing program. The House has been short sighted in forcing the Senate to only address the trust fund fix; with so many other important issues facing Congress, the Senate now must return in 30 days to do this all over again before the program expires at the end of September. I also did not like the added provisions of the loans to unemployment insurance fund or the increase in the Federal Housing Administration cap on loans they can authorize under the Mutual Mortgage Insurance Program. Finally, I thought all the amendments offered by my Republican colleagues were improvements to the bill, but unfortunately, none of them were adopted. Nonetheless, I supported final passage and most importantly voted to waive the point of order that was raised because we cannot afford to allow the highway trust fund to become insolvent. While the bill we adopted today only addresses the immediate trust fund shortfall I look forward to taking care of the extension of the program when we return in September along with the fix of the \$8.7 billion rescission as proposed by Senator BOND's amendment. Given the fiscal pressures on states and the current economic downturn, I agree with the administration that this uncertainty would be devastating to States and would translate into job losses, and so we need to provide certainty until we are able to pass a comprehensive bill.

I am hopeful that as soon as we return from August recess that we will immediately consider the extension legislation introduced earlier this week by all the relevant committees.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Oklahoma, Mr. INHOFE.

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

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—79

| | | |
|-----------|------------|-------------|
| Akaka | Franken | Nelson (NE) |
| Alexander | Gillibrand | Nelson (FL) |
| Baucus | Graham | Pryor |
| Bayh | Grassley | Reed |
| Begich | Hagan | Reid |
| Bennet | Harkin | Risch |
| Bingaman | Hutchison | Roberts |
| Bond | Inouye | Rockefeller |
| Boxer | Isakson | Sanders |
| Brown | Johnson | Schumer |
| Brownback | Kaufman | Shaheen |
| Burr | Kerry | Shelby |
| Cantwell | Klobuchar | Snowe |
| Cardin | Kohl | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Tester |
| Chambliss | Leahy | Udall (CO) |
| Cochran | Levin | Udall (NM) |
| Collins | Lieberman | Vitter |
| Conrad | Lincoln | Voinovich |
| Cornyn | Lugar | Warner |
| Crapo | Martinez | Webb |
| Dodd | McCaskill | Whitehouse |
| Dorgan | Menendez | Wicker |
| Durbin | Merkley | Wyden |
| Feingold | Murkowski | |
| Feinstein | Murray | |

NAYS—17

| | | |
|----------|---------|-----------|
| Barrasso | DeMint | Kyl |
| Bennett | Ensign | McCain |
| Bunning | Enzi | McConnell |
| Burr | Gregg | Sessions |
| Coburn | Hatch | Thune |
| Corker | Johanns | |

NOT VOTING—4

| | |
|--------|----------|
| Byrd | Kennedy |
| Inhofe | Mikulski |

The bill (H.R. 3357) was passed.

Mrs. BOXER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. BOXER. Madam President, I wish to take a moment to thank everyone. This was a very complicated series of amendments. It was daunting to figure out what each one of them meant.

The bottom line is that we did replenish the highway trust funds until September 30. Most of us would have liked to have done better than that. We helped with unemployment insurance, and we helped families get mortgages. We also made a commitment to Senator BOND that we are going to take care of his amendment at the appropriate moment.

I particularly thank Senator DURBIN for all his help on the floor. Again, this was a confusing series of amendments. I am pleased with the outcome.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of all members, I have had

a number of conversations with Senator McCONNELL this afternoon. It appears, at this stage, we have a path toward completing our work next week. We are going to move forward with the Agriculture appropriations bill this evening. We will be on that tonight and tomorrow, and it will be open for amendments. It appears, on that matter, we will either have a vote after 5 o'clock on Monday on final passage or on cloture on that appropriations bill.

Tuesday, we will move to the Supreme Court nomination of Judge Sonia Sotomayor. I haven't had a chance to talk with the chairman and ranking member of the Judiciary Committee. With their approval, we will move to that matter on Tuesday.

We will set a time certain to vote on cloture on the Travel Promotion Act. We need a time certain because, as everyone knows, Senator MIKULSKI is in the hospital now having repair work done on her leg as a result of a fall. We will set that time. And there may be some nominations we will need to deal with.

At this stage, I think that is where we are headed. There will be no votes tonight or tomorrow. It appears the next vote will be Monday afternoon. I have spoken to Senator KOHL and Senator BROWNBACK, and they agree on the appropriations bill that is the way to move forward. I appreciate everyone's cooperation.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

ANTHONY DEJUAN BOATWRIGHT ACT

Mr. ISAKSON. Madam President, I rise on an issue of particular importance. I am delighted Senators BURRIS and DODD are on the floor. Along with Senator CHAMBLISS, the four of us joined in a very important piece of legislation. In fact, in the gallery tonight is a lady named Jackie Boatwright, whose young son Juan, 8 years ago, was severely injured in a daycare center.

For a second, I wish to talk about the legislation we have introduced and encourage all the Members of the Senate to support it. On September 9, 2001, 2 days before the tragedy of September 11, on a Sunday morning, Mrs. Boatwright got up and took her son to daycare and went to church. On her way home, her cell phone rang. She got a call telling her that her son Juan was now in the hospital. While at the daycare center, he pulled up beside a mop bucket, bent over and fell head-first in the bucket, which was full of dirty mop water and bleach.

Juan, today, lies semicomatose in a hospital on a ventilator.

The daycare center had no liability insurance. To Mrs. Boatwright's credit, from the day of that tragedy, she has advocated on behalf of parents and young children, so that it is required they be able to know the insurance available to them to protect their children in a daycare center. I mentioned

that Senators DODD, BURRIS, CHAMBLISS, and myself have introduced legislation, which already passed the House. It requires that any daycare center receiving Federal funds from the Child Care and Development Block Grant Program must disclose, upon registration and admittance, to any child and their parents the liability coverage they have to protect that child.

Mrs. Boatwright wants to make sure that what happened to little Juan, and what happened in her life as a tragedy, never happens in the life of any other mother anywhere in America. Mrs. Boatwright is a resident of Augusta, GA. I am proud of her for the example she has set. So many citizens don't think they can make a difference. Mrs. Boatwright is taking a tragedy and making a difference for thousands of parents and children for years to come.

I am proud to encourage the Members of the Senate to help us get unanimous consent to agree with the House and pass this legislation, Juan Boatwright's legacy, the Anthony DeJuan Boatwright Act, requiring disclosure of liability insurance coverage to every parent whose child is entering daycare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank my colleague from Georgia. Along with ORRIN HATCH, I am the original cosponsor of the Child Care and Development Block Grant Program more than 20 years ago, the first childcare program in this country since World War II. It was a long struggle to pass that legislation. There were battles over supporting people who could not afford expensive child care—to be able to do that for working families. In those days, when we drafted the legislation, it was very hard to convince people of the importance of establishing some standards in childcare. There was a lot of resistance to it. Nonetheless, we got the bill done at minimum standards.

That bill made a huge difference in the lives of millions of people, particularly working women with young children, raising them on their own, to be able to hold down the job and make sure their child could be in a safe place. That was important. I remember talking about how we had better Federal regulations when it came to pets being cared for than we did for children. Your automobile got better care, under Federal regulations, than your child. Ultimately, that legislation became law.

Along with my colleague from Georgia, I, too, commend Mrs. Boatwright for taking on this issue, showing how one individual can change things regarding the minimum requirement that parents be informed as to whether the childcare facility has appropriate insurance. In fact, I would have presumed that was the case, even as author of the original legislation, believing that was something States would

have required, let alone Federal legislation.

We have a bill that passed the other body before us, and it makes eminently good sense to me, as someone who has been involved in this issue for 25 years, along with OLYMPIA SNOWE, from Maine, a terrific advocate for the Child Care and Development Block Grant Program.

I don't know where the objections are coming from. I am prepared to work with my colleague and say to Mrs. Boatwright and her family and others that we thank you for raising this issue. I will do whatever I can to see if we cannot get this cleared on the floor of the Senate and have it go to the President for signature. That is a small accomplishment on a major issue that can make a difference in the lives of families.

I thank my colleague from Georgia.

Mr. ISAKSON. I thank the distinguished acting chairman of the HELP Committee for offering that assistance and assisting in the passage of this legislation.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

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

NAACP 100TH ANNIVERSARY: IMAGES OF HISTORY

Mr. MENENDEZ. Mr. President, I rise in recognition of the NAACP in this, its 100th anniversary month. I rise in praise of what this extraordinary organization has so proudly come to represent to every American who deeply believes in freedom, human dignity, and equal justice under the law.

Yet I rise with a heavy heart, filled with powerful lasting images of the unimaginable suffering surrounding the founding of this great organization, images of the savage hand of racism—horrific lynchings in the middle of the night, the 1908 race riot in Springfield, IL, the birthplace of Abraham Lincoln, that led a bold band of Americans to do all they could, whatever they could, to end the violence against Blacks, the vicious, unveiled hatred and intolerance that to this day has left deep and painful scars on this Nation.

I rise in recognition of those courageous men and women who, a century ago, stepped forward to found the NAACP, those who stood against violence, who stood against hatred, Blacks such as W.E.B. Du Bois, Ida B. Wells-Barnett, Mary Church Terrell, and Whites such as Mary White Ovington and Oswald Garrison Villard, descendants of America's first abolitionists. These men and women came forward, echoing the call of W.E.B. Du Bois to secure for all people the rights of the 13th, 14th, and 15th amendments to the Constitution to end slavery, provide equal justice under law, and ensure universal adult male suffrage.