was the White House when the Democrats voted to actually get off of this proposal? Maybe they were too busy lining up votes against the Keystone Pipeline. Maybe the President was too busy telling the Russians about how he is hoping for more flexibility.

My point is Democrats don't have to take orders from the White House. They don't need to serve the President's political strategy. They can do what their constituents want them to do on this issue. They can vote to stay on this bill and fight for real solutions to the problems of high gas prices and any other number of issues the Democrats refuse to face, for that matter. We can use this institution to actually make a difference. I hope at some point that is what my colleagues on the other side decide to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

REPEAL BIG OIL TAX SUBSIDIES ACT—RESUMED

Pending:

Reid amendment No. 1968, to change the enactment date.

Reid amendment No. 1969 (to Amendment No. 1968), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 1970, to change the enactment date.

Reid amendment No. 1971 (to (the instructions) amendment No. 1970), of a perfecting nature.

Reid amendment No. 1972 (to amendment No. 1971), of a perfecting nature.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted: ''nay.''

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—47

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Begich	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Thune
Cochran	Landrieu	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Webb
Crapo	McCain	Wicker
DeMint	McConnell	

NOT VOTING—2

Hatch	Kirk

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The senior Senator from Missouri.

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

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

Mrs. MCCASKILL. Mr. President, we just had a vote. Imagine for a minute we had a government that was spending too much money, and imagine for a minute that we needed to spend less money; that we needed to change our Tax Code to a Tax Code that was fair, simpler, and didn't pick winners and losers. Imagine for a minute this was a crisis, and imagine for a minute this crisis was being wielded like a political 2 by 4 by the majority of the Republicans who serve in the Senate—the debt crisis.

Then imagine for a minute that we had the most profitable corporations in the history of the planet and they were booking $30 billion in profit every quarter; over $130 billion in profits year after year, didn't matter whether the economy was bad, good or indifferent—amazing profits.

Then imagine for a minute this government—that doesn't have enough money, where the debt is the political talking point of my friends across the aisle—tries to do something simple by saying maybe we shouldn't be spending money on the most profitable corporations in the world. That is what this vote just was.

How seriously can we take anybody who talks about debt reduction if they are not willing to pluck the low-hanging fruit of subsidies to a group of folks who, frankly, in Missouri, I guarantee you most people I represent would say are the least deserving of extra help from the Federal Government right now.

If we think about it, what we are doing is we are borrowing money to prop up, to the tune of billions of dollars a year, already wildly profitable corporations that don't have to pay us royalties because they get to deduct the royalties they pay other countries.

Seriously, if this was a fairytale I was reading to my grandsons—if I was reading this fairytale to Ian or Levy or Isaac—they would say: Well, this obviously is fiction because this couldn't be true. But it is, and that is what I call the definition of a special interest—that oil is so special around here, wields so much power and so much money that it turns all the talk about debt reduction into empty rhetoric.

Last year, the five companies spent $38 billion boosting their share prices just through stock buybacks—$38 billion in stock buybacks last year. In other words, the five largest oil companies spent in a single year on stock buybacks alone what they are claiming they need in taxpayer-funded subsidies over the next 10 years.

According to ExxonMobil's quarterly filings, every time the price of oil goes up by $1, they bring in $350 million in annual profit. These companies don't need these subsidies.

I hear people say, Well, if you don't give them the subsidies—which, by the way, is chickenfeed to them. What, $6 billion, $8 billion a year is nothing if you are banking $30 billion in profits a quarter. I have heard people say, If we don't give them this extra help, then they are going to quit exploring for oil and the price of gas will go up. That is so dumb. They have had these subsidies for 30, 40, 50 years. I think most of Americans realize the price of oil has gone up just fine during that time. We are paying plenty at the gas pump right now, and they have got those subsidies. How is that working out for us? Those subsidies are really keeping down the price of gasoline, aren't they?

The former Shell CEO, John Hofmeister, is on record as saying:

> In the face of sustained high oil prices it is not an issue—for large companies—of needing the subsidies to entice us into looking for and producing more oil . . . my point of view is that with high oil prices such subsidies are unnecessary.

This is the CEO of Shell. He is admitting on the record that these subsidies

are unnecessary. At the time the Shell CEO said that, the price of oil was trading between $95 and $98 a barrel. Currently, it is at $105 a barrel. Contrary to the claims that some are making, eliminating these subsidies will not raise gas prices.

Last year, the companies spent $70 million to lobby to keep their subsidies. They get about $30 in tax breaks for every $1 they spend in lobbying. No wonder they spent that much on lobbying.

I want to take people at their word, and I want to take people seriously about debt reduction. I have cosponsored spending caps with my Republican colleagues. I have worked hard on reforming the way we spend money around here, whether it is contracting or earmarks. But with all due respect, I don't know how the American people can take anyone seriously about debt reduction if they are not willing to cut off from the spigot the most wealthy, profitable corporations in the history of the world.

How will we ever be able to look our grandchildren in the eye and say, You know, we took care of your future by making sure that our government was fiscally balanced. How can we ever do that if we can't do this as an easy first step? Can you imagine how paralyzed this place will be when we start talking about the kinds of cuts that hurt people who need them? And by the way, they are willing to make those. Talk about fairness. Think about this for a minute, economic fairness.

The Ryan budget would want to hold onto more tax breaks for multimillionaires—in fact, do more tax breaks for multimillionaires—while they say to seniors, You know, we think it is time for you to wrestle with insurance companies for your health care. I know what it is like to wrestle with insurance companies for health care. Every American does. My mom doesn't have to. She is on Medicare. It gives her peace of mind.

If you look at what our friends are proposing in terms of fairness and you look at the vote we just had, in Missouri we would say that dog don't hunt. It doesn't work.

I hope in good faith that my Republican colleagues will quit thinking we need to continue to write checks to the wealthiest corporations in the history of the planet. I think Missourians—when I fill up my gas tank over the next 2 weeks as I travel around Missouri, I am going to stop people at the gas station and say, Do you think the royalties ExxonMobil pays to another country should be deducted from what they owe us? Think about that. It is ludicrous in this financial environment that we are in, in the U.S. Government. There are real people hurting out there, and we need to treat them fairly. We can start by pushing Big Oil away from the taxpayer trough, and I hope my colleagues on the other side of the aisle will reconsider and that we will get a chance to vote on this again and that they can show the American people we all get it.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Rhode Island.

AFFORDABLE CARE ACT

Mr. WHITEHOUSE. Madam President, I rise today to talk about the changes the affordable care act is making to the way care is delivered in our health care system. This is a topic that has not received much public attention. Instead, the public debate has largely focused on contentious flashpoints such as the individual mandate or preposterous false claims about death panels or rationing or socialized medicine.

While these contentious debates have raged on, there has been a quiet, steady, and important effort made by the health care industry, by State and local leaders, and by the Obama administration to improve our model of health care delivery. Progress made on these efforts is steadily transforming the care that is delivered under our health care system, from care that is disorganized and fragmented and often riddled with error, to care that is coordinated, efficient, and the high quality Americans deserve. By improving the quality of care and our health outcomes, these delivery system reforms promise to significantly reduce health care costs. Care gets better, costs go down, a true win-win.

I came to the floor today to release a report on health care delivery system reform and on the administration's progress implementing these provisions of the affordable care act. I undertook this project with the support and assistance of Chairman HARKIN and Senator MIKULSKI, both strong advocates and experienced legislators on the types of reforms that are highlighted in the report.

The report makes the case for the reforms our country urgently needs in order to tackle our health care cost problem. My report defines five priority areas of health care delivery system reform: payment reform, quality improvement, primary and preventive care, administrative costs, and health information infrastructure. It outlines the potential cost savings in each area.

It also highlights successes across the country from leading private health providers such as Geisinger Health Systems in Pennsylvania, Intermountain Healthcare in Utah, and the Marshfield Clinic in Wisconsin, to the State of Vermont's Blueprint for Health, to several examples in my home State of Rhode Island, which has shown great leadership. We have much to learn from these efforts, and the affordable care act gives us the tools to support this type of reform across the country.

The problem is our health care delivery system remains clumsy and wasteful. We spend more than 18 percent of America's gross domestic product on our health care system every year. To put that into context, the highest any other industrialized country spends is approximately 12 percent of gross domestic product on health care. Eighteen percent United States of America; least efficient other industrialized country in the world, 12 percent. Huge room for improvement. In a nutshell, we overspend and underachieve.

The President's Council of Economic Advisers estimated that over $700 billion a year can be saved without compromising health outcomes. The Institutes of Medicine put the savings from these kinds of reforms at $765 billion a year. The New England Health Care Institute projected $850 billion in savings annually, and the Lewin Group and former Bush Treasury Secretary Paul O'Neill have estimated the savings at $1 trillion a year. Whichever is accurate, this is clearly an enormous opportunity and it is right before us. We can achieve better results for American patients and families, and spend less to do it.

As I said, the solutions fall into five priority areas: payment reform, primary and preventive care, measuring and reporting quality, administrative simplification, and health information infrastructure. These solutions do not cut benefits; they do not increase premiums. Instead, they realign incentives to reduce or get rid of overpriced or unnecessary services, inefficiently delivered care, excessive administrative costs, and missed prevention opportunities.

In this report, we outline actual savings and care improvements that can be found in each priority area. For example, payment reform refers to the new payment reform models that pay doctors more for getting better results, as opposed to ordering more procedures.

In 2010, Blue Shield of California collaborated with Hill Physicians Medical Group and Catholic Healthcare West, California's largest hospital chain, on a pilot program for the California Public Employees Retirement System. The pilot program focused on improved coordination of care by sharing clinical and case management information across medical facilities and among physicians.

In its first year, the Blue Shield pilot program reported impressive results: Readmissions were reduced by 15 percent; hospital days were reduced by 15 percent; inpatient stays of 20 or more days were reduced by 50 percent, cut in half—all saving millions of dollars.

In primary and preventive care—as a country, we don't devote nearly enough resources to primary care and prevention. Only 6 percent to 8 percent of health care spending goes to primary care, to your regular doctor appointments. That is less than the percentage that goes in private insurance to insurance company overhead.

According to the Centers for Disease Control and Prevention, to give an example: When colorectal cancer is found early and treated, the 5-year survival

rate is 90 percent. But screening rates for colorectal cancer are low. The National Health Interview Survey found that in 2005, only half the population aged 50 and older received recommended screening for colon cancer. The American Cancer Society has found that increased colorectal screening in the pre-Medicare population could save lives and reduce subsequent Medicare treatment costs by $15 billion over 11 years.

On measuring and reporting quality, we don't do this anywhere near well enough. Nearly 1 in every 20 hospitalized patients in the United States gets a hospital-acquired infection. This is very expensive and it is preventable. A hospital-acquired infection should be a never event. Yet it costs our health care system approximately $2.5 billion a year in harmful costs we could avoid.

Administrative simplification. The proportion of the U.S. health care dollar that is lost to administration has always been high relative to our peer countries. The cost of administration by insurance companies is not only high itself, but it creates a shadow cost imposed on providers who have to fight back against the insurance company claims denial apparatus, and that cost is probably even higher.

A study published in Health Affairs documented that physicians spent on average 142 hours annually interacting with health plans, totaling nearly 7 percent of total health care costs. That is just the physician's time. That doesn't count all the nonphysician office staff dedicated to administration and chasing the insurance companies.

Last, health and information technology. Health information technology is the essential underlying framework for health care delivery system reform. It is the foundation on which other delivery system reforms can be built. In 2000, the Institute of Medicine estimated the number of deaths resulting from medical error as high as 98,000 American deaths annually. The most common cause of those preventable injuries and deaths in hospitals was medication errors, which can be reduced dramatically through the adoption of computerized physician order entry systems—health information technology.

The reform areas my report discusses synchronize with one another, and there is a growing national movement of providers and payers and States that recognize their critical importance. Focusing on quality rather than quantity and focusing on efficiency rather than volume will better serve not only their patients but their bottom line.

The report I am releasing today looks at 45 provisions in the affordable care act that promote these delivery system reforms. From the discussion one would not know that virtually one-third of the affordable care act was about these delivery system reforms because they have been noncontroversial, but they are in there and they are important.

The report also assesses the administration's progress in implementing them. We found that the administration has already implemented 25 provisions fully and made significant progress on two others. The complexity and sheer number of reforms included in the law make this accomplishment in a relatively short period of time noteworthy.

In addition to the hurdles presented by our fragmented health care system, there has been resistance in Congress to the administration's implementation efforts that has also created barriers. For the 20 delivery system provisions that have not yet been implemented, lack of congressional funding is a significant factor in delaying their forward progress.

In these reform provisions, the affordable care act is supporting and building upon the efforts undertaken by the private sector by realigning incentives in the health care system to support private sector efforts. A broad array of pilot and demonstration programs has been launched, from which best practices will be deployed nationwide. The process to get to a more sustainable path will be one of, as CBO Director Elmendorf said, ''experimentation and learning. It will be a process of innovation.''

The affordable care act improves the conditions that allow that innovation to take place, and it has the mechanisms needed to propagate those reforms widely throughout the system as quickly as possible once they are proven effective.

American ingenuity can overcome our toughest challenges, not through command and control but through dynamic, flexible, and persistent experimentation, learning, and innovation. We are at a fork in the road on our health care future. One path we could travel is to protect the dysfunctional status quo and cut benefits to pay for the waste. That is the way a lot of my colleagues want to go.

The other way is to shift incentives so that we innovate toward better, safer health care—which costs less. We as Americans need to trust that the path of innovation and experimentation is the right one and not give up on these efforts.

Last year, George Halvorson, who is the CEO of Kaiser Permanente and knows a little something about health care, said it this way:

> There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that is wrong. It's so wrong it's almost criminal.

He continued:

> It's an inept way of thinking about health care.

The affordable care act has the tools that enable providers to focus on quality rather than quantity, efficiency rather than volume, and patients rather than their bottom line, to avoid the inept way of thinking about health care.

As I close, let me say that throughout the process of writing this report I found one thing to be glaringly absent; that is, a cost savings goal set by the administration for us to reach toward on these delivery system reform provisions.

In 1961, President Kennedy declared that within 10 years the United States would put a man on the Moon and return him safely. This message was clear, it was direct, and it created accountability. As a result, a vast mobilization of private and public resources occurred to collaborate in innovative ways to achieve the President's purpose.

While the issue facing our country in health care is different, the urgency and the need to mobilize the public and private sectors toward improving quality and reducing cost is the same. So I challenge the administration to set a cost-savings target for delivery system reform. A cost-savings target will focus, guide, and spur the administration's efforts in a manner that vague intentions to bend the health care cost curve will never do. It also will provide a measurable goal by which we can evaluate our progress.

A clear and public goal will help make this vision of our health care system a reality. It will drive forward progress, and it will generate momentum to achieve that goal.

I urge the administration: Set a goal you are prepared to be accountable to meet.

When President Kennedy announced in September of 1962 that America would strive to put a man on the Moon, he said:

> We choose to go to the moon in this decade . . . not because [it is] easy, but because [it is] hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one we are willing to accept, one we are unwilling to postpone, and one which we intend to win.

We need to face the challenge posed by the rising health care costs in our system. We need to recognize we cannot postpone finding a solution. We can win this challenge, we can drive our system toward a sustainable path of higher quality care and improved outcomes, and we can do so by setting clear goals and supporting the measures in the affordable care act that propel us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to speak for a moment to the issue that was raised by my colleague from Missouri. Senator CLAIRE MCCASKILL came to the Senate floor to take note of the vote that had just been issued, the rollcall that was just finished on a measure offered by Senator MENENDEZ from New Jersey. It was pretty straightforward.

Here is what it said: The Federal tax subsidies of $2 billion a year to the biggest oil companies in America should end right now. The money in those subsidies should be used to develop other

forms of energy—good for our future, clean for our environment, lessening our dependence on foreign oil—and the balance should be put into reduction of our deficit. Two billion dollars a year is going to the four biggest oil companies in America.

How are they doing? We all know how they are doing. Last year, again, they broke all records in the history of American business, reporting profits of $137 billion. The notion that we would take away $2 billion from these oil companies and put it into deficit reduction and energy research that could be good for our future seems like a given. In fact, it seems so easy that when we had a vote earlier this week to bring up this measure, over 90 Senators voted yes; let's go to it.

What happened on this vote today? We needed 60 votes, which sadly has become the norm in this Chamber. We needed 60 out of 100 Senators to say stop the fat-cat subsidies to the oil companies. We couldn't get it. We got exactly two Republican Senators to vote with us—two. It is a sad reality that many of the same Senators who wax eloquent on the Senate floor about our deficit and what to do about it, when it comes to a simple, straightforward vote to stop this wasteful, unwarranted subsidy to the most profitable companies on Earth, could not bring themselves to say no to Big Oil.

Meanwhile, families and businesses all across Chicago, IL, and America are paying more and more at the pump. Last Sunday I saw my first one—hang on, America; you are going to see one too—$5.03 a gallon. It was downtown Chicago at a BP station. Hang on tight, there is more to come from these oil companies that will then turn around and report the biggest profits ever in American business history.

We pay at the pump and we pay with our taxes. What is left? Here was our chance to stand up and do something. We know $4 billion is not going to change the oil industry, and it is not going to change Washington. But at least it was a statement about where we stand when comes to age-old indefensible tax subsidies to the biggest and most profitable companies in America. We couldn't bring ourselves to do it.

I agree with Senator MCCASKILL. These folks who get up and wail and cry about the deficit—call up this rollcall and ask them where in the heck they were when we had one chance to do something positive.

It is not the biggest disappointment of the week. There are two others that trump it. I have to tell you, it is hard for me to believe that again we were unable to get a bipartisan group together to start the conversation about post office reform in America. It is the most honored Federal agency.

When people are asked across America, what agency of government do they have a positive feeling about, it is the post office. They make jokes about it—we all do—but we know in our heart of hearts it is the best Postal Service in the world. We can still take an envelope and for less than 50 cents put it in a box and be confident that in a matter of a couple of days or three it is going to be delivered in the lower 48.

There are not many countries on Earth that even get close to making that claim for less than 50 cents. It is so good that the so-called package express folks who were trying to make this a private sector undertaking use the post office. They use the post office because of the efficiency of their delivery for the last mile of delivery.

So we have a problem. Fewer people are using first-class mail. They are using e-mail, bill payer. Revenues are down. Postal employees are down to around 600,000. Those who are retired are around 450,000. We need to bank money for retirees in the future. We are facing the need to make some hard choices about the Postal Service.

The Postmaster General came to my office about 5 months ago now. We sat down with Mr. Donahoe and said: Before you make harsh decisions about the Postal Service, closing post offices, reducing the mail deliveries and the like—before people's jobs are on the chopping block or at least in question, give Congress a chance to at least come up with a better approach.

Historically, that was a challenge Congress always accepted because we knew when it is something that big and important as the Postal Service, which is enshrined in our Constitution, it is our job. We are supposed to do that work.

So I asked him to postpone, if he would, until May 15, any closures of facilities so the House and the Senate could have a chance to act. I have been waiting. It has been hard to get into the Senate calendar. This week was our chance. Senator HARRY REID said we are going to bring it up because it is an important debate. We need to get together.

We called the bill on the Senate floor to move to this debate on the post office. To their credit, the independent Democratic chairman of the jurisdictional committee, Senator JOE LIEBERMAN of Connecticut, and the Republican ranking member, Senator SUSAN COLLINS of Maine, both voted to move to this measure.

I felt good about the fact that they were working together, along with TOM CARPER of Delaware and others, in a bipartisan effort to make this post office what we need it to be. I have confidence in Senators LIEBERMAN and COLLINS because they have done historic work in the past when it came to reforming our intelligence agencies after 9/11; the two of them did it. I credit them, many times publicly, for their bipartisan cooperation. Here we had another chance: We are going to bring postal reform to the floor, and we failed to get 60 votes.

Unfortunately, we could not get more than five from the other side of the aisle to even engage in the debate on Postal Service reform. Now we will be gone for 2 weeks. When we return, it will be a lot closer to April 15 and a lot more challenging for us to get anything done. Those two disappointments—that we could not seize $4 billion in savings for the deficit in oil company subsidies and that we wouldn't accept our responsibility to deal with postal service reform—I am afraid that has been matched and trumped by what is going on in the House of Representatives.

Think about this: Two weeks ago we passed a bipartisan bill on the floor of the Senate for the Federal Transportation bill. When it comes to our economy and its future, it is hard to think of anything more important than investing in highways, mass transit, airports and ports, and rail lines to make sure that we have an economy ready to compete in the 21st century, that businesses can locate in America with confidence that their products can move to the markets as quickly as possible.

This bill comes up every 5 years, and it is a political piece of cake. Democrats and Republicans agree. We all have needs in our States and districts, and we always come together with a bipartisan bill. We did in the Senate.

Two Senators couldn't be further apart on the political spectrum than BARBARA BOXER of California and JIM INHOFE of Oklahoma. But you know what. They accepted their political responsibility and came up with a bipartisan Federal transportation bill that passed the Senate 74 to 22.

Meanwhile, what was happening in the House? The House was just one crash after another. Their first highway bill went nowhere—rejected. Their second highway bill they would not even call for a vote. Time passed, and more and more of these measures were falling apart. They withdrew the chairman of the committee in the House in charge of it and said: We are going to put somebody else in. They brought in another name. I couldn't keep up with it.

The Speaker of the House and the House Republican caucus made a dog's breakfast out of this Federal Transportation bill. Today, to add insult to injury, they not only would not call our bipartisan bill, which is all we have asked for—I see Senator BOXER on the floor. All we said is, bring the Boxer-Inhofe bill to a vote in the House. It is a bipartisan bill. It is good for this country. For goodness' sakes, vote on it.

No, we are not going to do it. If it isn't the House Republican bill, we are not going to consider it.

What do they do instead? Senator BOXER can explain what they did instead. They said: We will kick the can down the road. We will extend the highway taxes for 90 days and get back to you later.

A person might think, no harm, no foul. Just extending it 90 days, there is no harm. Wrong. State after State, county after county will tell you that

this 90-day extension freezes efforts to build projects across America and will cost us at least 100,000 jobs. The number may be much larger, but it will cost us at least 100,000 jobs. Do we need jobs at this moment in time in America? I should say so. In the midst of a recovery from a recession, one of the areas hit the hardest is the construction industry. And it is not just a matter of the workers out there on the job, it is all of their suppliers. The truck-drivers, the material men, and all of them are now going to be put on hold because the Speaker of the House refuses to call a bipartisan Senate transportation bill for a vote.

That is all we asked—up or down, call it for a vote. Why wouldn't he call it for a vote? Because it would pass. To his embarrassment, it would pass. Well, he got his way, I guess. He is going to send us a 90-day extension. The alternative of letting the highway trust fund lapse is not a reasonable one, not one any of us would embrace. But what a wasted opportunity.

My colleague and good friend, who is sitting right here and has been in this business, the House and the Senate, for a long time, poured her heart and soul into that Federal Transportation bill. She accomplished what nobody thought she could. When she said she was going to sit down with Senator JIM INHOFE of Oklahoma and work it out, we said: Bet that works; the two of them are so different. But when it comes to this measure, they see eye to eye. They worked it out. I am proud of what they did. I didn't like everything in the bill, but nobody does. But I voted for it, saying it is bipartisan, it moves our country forward, and it creates almost 3 million jobs. The Boxer-Inhofe bill creates and saves almost 3 million jobs. Is that important at this moment in our history? You bet it is. If you are not in favor of creating good-paying jobs right here in America for American families, what the heck are you doing in this business? And instead, the House said: No, we will not even let you vote on this measure. House Democrats tried the entire week to get this measure up. Even a few—just a few—House Republicans spoke up and said: Bring it up for a vote. It wasn't good enough.

I know the Senator from California is here, and I want to give her a chance to say a word about the impact of the measure that just passed the House of Representatives. She has gone in it, in many cases State by State, to measure what it means to just extend the highway trust fund and not pass a bill that can create and save up to 3 million jobs. She told me that in my State, it was something like 4,000.

Mrs. BOXER. More than that—about 4,500.

Mr. DURBIN. There are 4,500 jobs lost if we let the federal transportation program expire this summer because Speaker BOEHNER refuses to call up this bill. That is the reality. Is it any wonder that the approval rating of Congress is in single digits when you take a hard look at what this does to our Nation? At a time when we need Congress to work together, the Speaker will not call the bipartisan bill from the Senate. The Senate will not take up postal reform. The Senate refuses to even cut the $4 billion subsidy to the biggest oil companies in America.

It is a disappointment to me because many of us worked hard to come here. I feel honored to have this job and feel a responsibility to the people we represent. I think the Senate, on those two votes I mentioned, and the House with their action today have let down the people of this country.

I would like to yield to the Senator from California. I have another statement to make, but I want to give her a chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent to speak for 5 minutes and then return the floor to Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered

Mrs. BOXER. I was going to wait until the House actually sent over this extension before saying anything, but I was so impressed with Senator DURBIN's explanation that I felt I should come to the floor and thank him so much. His leadership on this and also, Madam President, your deep concern for your State, which actually has the largest job loss numbers because they are being very conservative about what they do on the ground—not everybody understands the way the transportation programs work in our States. The Federal Government pays for about 75 percent of many projects and the State pays 25 percent. But the States go out and they front the money and then they bill the Federal Government. Well, the signal that has been sent from the House today is a disastrous signal because it is a signal to all of our States that they better beware because there is no guarantee they will ever get those funds back from the Federal Government.

You know, I love it when we make history here, but I love it when we make good history here. Today, by the House's action, I believe they have become the first House of Representatives ever to allow this highway trust fund to go bankrupt because right now the fund is not sufficient and has to be filled. That is why part of the wonderful result of the Senate bill—and Senator INHOFE and I appreciate getting a lot of credit, but we actually had four committees that did their work: Senators JOHNSON and SHELBY over in Banking, and we had Senators ROCKEFELLER and HUTCHISON over in Commerce. But a very tough job was given to Senator BAUCUS, and he worked hand-in-glove with the Republicans, particularly with Senators such as Senator THUNE, to come up with a pay-for.

Well, here we have an extension with no revenues in it, Madam President, so naturally your State is very worried, as are all of our States, and I am going to quickly go through what we know so far. We know that Illinois is having big trouble because their contract-letting cannot go forward in 12 particular jobs, and that is going to result in a scaleback of 4,500 jobs. They are scaling back right now, as Senator DURBIN said, at a time when we need jobs. North Carolina has 41,000 jobs that cannot be filled. Nevada has 4,000 jobs, Maryland has 4,000, and Michigan has 3,500. I see the great Senator from Rhode Island here. We got word from his director, Mike Lewis, from the Rhode Island Department of Transportation, that there are job delays, and it looks as if 1,000 jobs will not be filled. In West Virginia, 1,200 jobs will not be filled.

We are in trouble. You know what, it is like taking a hammer and hitting your head: Why do they do it? They don't have to. They don't have to do this. They are wreaking havoc on the Nation with this extension. And Chairman MICA said today: This must be the last extension. Fine. It should not even be an extension. They should take up and pass the Senate bill. How many bills do we have that have 74 votes in favor? And if Senator LAUTENBERG had not been at a funeral, it would have been 75. Three-quarters of this Senate came together around this bill. So the House is wreaking havoc on the Nation. Right now, you could fill 14 Super Bowl stadiums with unemployed construction workers—1.4 million. And why are they doing it? Because they don't want to deal in any way with the Democrats.

Senator INHOFE and I were so thrilled to work together. I see the senior Senator from Alaska who helped us draft our bill with Senator BEGICH. They crossed party lines. We have a great bill. Is it perfect? Of course not. Is it strong? Yes. Is it paid for? Yes. Will it protect 1.9 million jobs and create an additional million? Yes. That is great news. But the House has decided—the only people in America not to get this is the House of Representatives over there, the Republicans.

I see my colleague here, and I am glad to yield for him.

Mr. WHITEHOUSE. I wonder if the Senator would yield for a question.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Setting aside the questions that this raises about the House's ability to govern, which I think are raised by this issue but focusing on this highway question, it is now the end of March. If we go 90 days, 30 days takes us through the end of April, 30 more days takes us through the end of May, and 30 more days takes us through the end of June. There is a seasonal component to getting this work done, is there not? What is the effect of our entire highway, road, and bridge industry having no certainty about what their funding is going to be until practically the Fourth of July

with the construction season then underway?

Mrs. BOXER. Well, the question is very important. This is the worst possible time because now, if you can't enter into new contracts, you lose the building season. And it is particularly brutal right now on the businesses and on the workers.

Let me be clear. This is a 90-day extension without any hopes of them finishing their work. They didn't say that in the 90 days, they would get the job done, get to conference, and get the bill to the President; they are just saying 90 days with no commitment to go to conference.

I will come back and we will attempt to attach the Senate bill to the extension. Madam President, I hope you will have the opportunity to work on that with me because our States are counting on us, and we have to be strong and we have to keep fighting for one simple premise: that the House should have the right to vote on the Senate-passed bill.

I am very proud to be here. I will be here this afternoon as long as it takes. I say to my friend from Rhode Island, I hope he can be there, as well as my friend from Illinois. As soon as we get their extension, which makes no commitment to go to conference, we are going to try to attach the Senate bill to the extension and send it into conference, and I hope my friends will be here to help me with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I see my friend from Alaska is on the floor, and I would like to yield to her and ask unanimous consent that I be recognized after her statement.

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

The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Madam President. I appreciate the courtesy of my colleague from Illinois, and I also will follow on Senator BOXER's comments on the importance of this highway transportation bill.

I think we recognize that, while far from being perfect—I am not convinced we develop any perfect legislation around here—it is an extraordinarily good-faith effort, a very strong bipartisan demonstration in this body, and deserves to have this support. I applaud Senator BOXER and Senator INHOFE for their work on that.

VIOLENCE AGAINST WOMEN ACT

Madam President, just very briefly, I wanted to take a few minutes this morning to speak about an event that just happened outside on the lawn of the Capitol. About maybe 50 or 60 Alaskans and some wannabe Alaskans gathered in a rally, a march that we have entitled ''Choose Respect.'' This is an effort that has stemmed from the actions of our Governor in Alaska to shine the spotlight on domestic violence and sexual assault and to come together as communities, as a State, to speak up and to turn around the statistics that are so devastating in our State when it comes to domestic violence and sexual assault.

Over the past few years, the Governor has led the charge in organizing rallies in the State of Alaska during the last week of March. This morning in our State there will be 120 different rallies going on in communities such as Anchorage and Fairbanks, our larger communities, but also in smaller villages such as Kooskia and Tanana, communities where the numbers are small but the passions on the issues I think are very strong and robust. The Governor has commissioners in Barrow, in Tanana, in Cordova, in Nome, and in Galena, all leading the march to stand up and speak out about domestic violence. I wish to acknowledge what the Governor has done in his effort to spotlight this and to work to reduce the rates of domestic violence, sexual assault, and child abuse through this ''Choose Respect'' initiative. We have great Alaskans standing together and, again, a real commitment to make a difference.

Unfortunately, my colleagues have heard me say this before, that in a State such as Alaska where I think we have unparalleled beauty, we also have an ugly side to our State that is manifested in statistics we see with violence against women and particularly violence against Native women. Violence against Native women has reached epidemic proportions. We are at a point where Native women experience domestic violence and sexual assault at rates 2½ times higher than other races. In the lower 48, women on reservations are 10 times more likely to be murdered. Systematic legal barriers and ineffectual or deficient law enforcement mechanisms result in women, children, and families living in fear. In Alaska, nearly one in two women has experienced partner violence and close to one in three has experienced sexual violence. Overall, nearly 6 in 10 Alaska women have been victims of sexual assault or domestic violence. This is absolutely unacceptable. That is the reality we are living with as a State now, and it is absolutely unacceptable.

Alaska's rate of forcible rape between 2003 and 2009 was 2.6 times higher than the national rate. Tragically, about 9 percent of Alaska mothers reported physical abuse by their husband or their partner during pregnancy or in the 12 months prior to pregnancy. These are horrifying statistics.

These statistics bring me to the issue of violence against women and the Violence Against Women Act, or VAWA, the bill we have been talking about and hopefully will be bringing to the floor soon. A measure such as this I think is incredibly important as a vehicle for us to stand behind women and men. It doesn't make any difference if one is from a rural part of the country or an urban part of the country; it is an issue that I think we know rips at the heart of who we are.

In so many of the Alaskan villages, victims of domestic violence and sexual assault face some pretty unique challenges and therefore horrific challenges. It may be that there is no full-time law enforcement presence, there is no local justice infrastructure. In many situations villages are landlocked. There are no roads in. The only way in and out is by airplane. So we have a situation where we can have an individual who has been victimized, with no law enforcement presence in the community whatsoever. It may take State troopers days—days—to be able to respond to an incident, depending on weather conditions. Imagine yourself in that situation. You have been a victim of domestic violence. You seek help. There is none in the village and no way away from your perpetrator.

I think we recognize that one thing we can and must do is make sure there is a safety net available to address the immediate survival needs of the victim and the survival needs of their children in the short term. Only with this level of confidence can one gather the courage to leave an abusive situation.

One final comment on VAWA, and then I will yield to my colleague who has given me the courtesy of the floor right now. I think we recognize in Alaska that the Violence Against Women Act does offer a ray of hope, if you will, for those who are not only the victims but for those who help assist the victims of domestic violence and sexual assault in our villages. It will provide for some increased resources to our rural and to our very isolated communities. It will help to establish a framework for the Alaskan Rural Justice Commission which has been a great venue to make sure we are all understanding what the tools are and how we adapt to those tools. It also recognizes Alaska's Village Public Safety Officer Program as law enforcement so that VAWA funds can be directed to providing a full-time law enforcement presence in places that have none.

We have a lot of issues we need to work through. We believe the reauthorization of VAWA will help us with that. So as we join with other Alaskans in the State and those here in Washington, DC, to choose respect for all women, for all in our communities, I think it is important that there are some tools we can put in place to help not only the people of my State but victims of domestic violence wherever they may be.

With that, I thank my colleague from Illinois for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THE DREAM ACT

Mr. DURBIN. Madam President, the Senate is not a place for sprinters, only long-distance runners, because sometimes we need patience beyond human endurance to see an idea that one believes is meritorious finally make it—to get passed by the Senate and maybe

even the House or maybe even signed into law. Sometimes it happens quickly; more often it takes a long time.

My personal story that kind of leads when it comes to examples is the DREAM Act, which I introduced 11 years ago. This was legislation that addressed a problem I learned about from my Chicago office. We got a phone call. The phone call was from a mother. She was Korean American and she ran a drycleaners. In Chicago, 75 percent or more of the drycleaning establishments are owned by Korean families. She came to this country years before, brought her little girl with her, and then raised a family, and she became an American citizen.

Fast forward to her little girl who became a musical prodigy. In fact, she was in demand at some of the best music institutions in America, including the Julliard School of Music and the Manhattan Conservatory of Music, offering her admission to come and develop her skills as a concert pianist. As her daughter filled out the form to apply to these schools, she turned to her mother and said: Where it says ''nationality'' what should I write? Her mother said: I don't know. We never filed any papers for you after you came to America. The daughter said: What can we do? The mother said: We can call DURBIN.

So they called my office and we checked with the Immigration Service. They came back and said, the law is very clear that when a child is brought to this country and through no fault of their own is undocumented, the law is clear they have to leave for at least 10 years. They have to go back to wherever they were before or anywhere they want to go, but they can't be here. I thought to myself: This girl did nothing wrong. Mom and dad didn't file the papers and here she is in this predicament.

So I introduced the DREAM Act. It has five simple provisions. Here is what it says: If you came to the United States as a child, if you have been a long-term U.S. resident, if you have good moral character, if you graduate from high school and you either complete 2 years of college or serve in the U.S. military, we will put you on a path to become a citizen of the United States. You have to earn it. We are not going to give it to you, but we are going to give you that chance. Just because mom and dad may have done an illegal act, we will not hold you as a child responsible for it.

The net result of this bill, when it becomes law, will strengthen our military—and we have the support from military leaders all across the United States; they want these young men and women to enlist. They will bring diversity and talent to the military. It will also mean they will be contributing to America with their higher education. They are going to be tomorrow's doctors and engineers, soldiers and teachers. We don't want to lose their talents. We don't want them educated in America for 13 years and then cast aside. We want them to stand and be part of our future and make us a stronger Nation.

Keep in mind that for most of these students it comes as a shock when they finally ask the questions and get the answers and realize the flag they have been pledging allegiance to every single day is not the flag of their country. They are people without a country. That is what the DREAM Act is about—to give them a chance.

We have asked the Obama administration on a bipartisan basis to not deport these eligible young people, for they have done nothing wrong. If they do something wrong, it is another story. But if they have done nothing wrong, don't focus on deporting them. What we are trying to do is to give them a chance—just a chance—to earn their way to the American dream. I think the administration's new deportation policy is sensible and I think these young people deserve a chance.

I can give these speeches for a long time and they don't mean much until we meet the DREAM Act students. Let me show my colleagues two handsome young men from Illinois: Carlos and Rafael Robles. I met them both. Carlos and Rafael were brought to the United States by their parents when they were children. Today, Carlos is 22, Rafael is 21. They grew up in suburban Chicago in my home State of Illinois. They graduated from Palatine High School where they were both honor students. In high school, Carlos was the captain of the tennis team and a member of the varsity swim team. He volunteered with Palatine's physically challenged program where every day he helped to feed lunch to special needs students. Carlos graduated from Harper Community College and is now attending Loyola University in Chicago majoring in education. His dream is to become a teacher. Do we need more good teachers in America? You bet we do.

Listen to what one of Carlos's high school teachers said about him:

> Carlos is the kind of person we want among us because he makes the community better. This is the kind of person you want as a student, the kind of kid you want as a neighbor and friend to your child, and most germane to his present circumstance, the kind of person you want as an American.

One of Carlos's college professors wrote and said:

> He is, very simply, the finest student I have ever had the opportunity to mentor.

Rafael, his younger brother, has a lot in common with Carlos. In high school, Rafael was captain of the tennis team and a member of the varsity swim team and soccer team. He graduated again from Harper Community College—understand these young men would attend college in America with no Federal assistance—none. They have to pay for it out of their pocket. So he graduated from Harper Community College. Now he is at the University of Illinois in Chicago where he is majoring in architecture.

Here is what one of Rafael's teachers in high school said about him:

> Rafael is the kind of person I have taught about in my Social Studies classes—the American who comes to this country and commits to his community and makes it better for others. Raffi Robles is a young man who makes us better. During my 28 year career as a high school teacher, coach, and administrator, I would place Raffi in the top 5 percent of all the kids with whom I have ever had contact.

Here is the unfortunate part of the story about these two amazing young men. They were both placed in deportation proceedings. I asked the administration to consider their request to suspend their deportations and they agreed to do it, for the time being. I think it was the right thing to do. Carlos and Rafael are represented by volunteer lawyers in Chicago.

After I met Carlos and Rafael, they sent me a letter asking Members of Congress to support the DREAM Act, and here is what they said:

> We ask you today to see it in your heart to do the right thing, to listen, and to reward the values of hard work and diligence, values that made America the most beautiful and prosperous country in the world and that we're sure got you, as members of Congress, to where you are today in life. These are values we have come to admire and respect in the American people. We will continue to uphold these values until the last of our days—we hope eventually as citizens of the United States, a country we now see as home.

So I ask my colleagues who are critical of the administration's deportation policy or have difficulties with the DREAM Act, Would America be a better place if Carlos and Rafael are deported? Of course not. These two young men grew up here, they were educated here, they have done well here, they have earned their way here. They want to be part of our future.

They are not isolated examples. There are literally thousands of them just like Carlos and Rafael across this country.

When I introduced this bill 11 years ago, and I would give a speech like this and leave a hall, I could count on, if it were nighttime, someone standing by my car quietly as I approached and started to leave. They would ask me: Senator, can I speak to you for a minute.

Sure.

Senator, I am one of those students.

They were afraid of being deported if they raised their hand and identified themselves at the meeting. That has all changed now, and it has changed for the better. These young men and women are courageously stepping forward to identify themselves. It is no longer a mystery of who they are or what they want to be. They are real flesh and blood. They are children. They are the people you sit next to in church. They are the folks who are working hard next to your son or daughter in the library at school. You are cheering them on on the football field. You are watching them lead the USC Marching Trojan Band. You are watching as they are aspiring to become tomorrow's scientists, engineers,

doctors, lawyers, and teachers. They deserve a chance, and we should give them that chance by passing the DREAM Act.

I hope my colleagues will consider doing that as quickly as possible. They want peace of mind, they want a future, and we need them in America's future.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from North Carolina.

Mrs. HAGAN. Madam President, I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mrs. HAGAN. Madam President, I come here today to pay tribute to Senator BARBARA MIKULSKI on becoming the longest serving woman in the history of Congress.

First and foremost, I feel deeply privileged to be able to serve alongside Senator MIKULSKI. She blazed a path that allowed the rest of us, and people like me, to be here today. Along the way, she distinguished herself as not only a leader and tenacious advocate for the people of Maryland but for all Americans.

Senator MIKULSKI's path to the U.S. Senate prepared her well to be an effective fighter for her constituents. Ever the dedicated public servant, Senator MIKULSKI worked as a Baltimore social worker, community activist, and as a city council member. She brought an urgency and an unrelenting commitment to service to her work and the people she represented. It can be seen in the legislation she has fought for and the causes she has championed during her 25 years in the Senate.

I am proud to say the first bill I cosponsored when I came to the Senate 3 years ago was one of Senator MIKULSKI's—the Lilly Ledbetter Fair Pay Act. This bill—which ensures that no matter your gender, race, national origin, religion, age or disability, you will receive equal pay for equal work—the fight to get it signed into law is a perfect example of the tenacity and sense of fairness that drives BARBARA MIKULSKI.

I am particularly grateful to her for her mentorship. On the day I was sworn in to the Senate, I was standing in the back of the Chamber waiting to walk down to the well. My colleague from North Carolina, Senator BURR, was with me. Senator MIKULSKI came up to me and asked who was going to escort me to the well to be sworn in. I, obviously, said: My colleague from North Carolina. She said: Well, you need a woman too. And with that, I was both humbled and honored to have her escort me down the Chamber aisle to be sworn in as a U.S. Senator.

Her generosity in sharing her experience and her expertise did not stop on that day. She is always encouraging, supportive, and eager to foster a spirit of teamwork. I especially appreciate that Senator MIKULSKI embraces the need for bipartisanship, which no doubt is why she is and has been so effective, accomplished, and widely respected.

Everyone knows well and respects Senator MIKULSKI for her advocacy on behalf of women and families. In this regard, she is truly a role model. During the debate on health care reform, her tireless fight to ensure that women's preventive services, including screenings for breast cancer and cervical cancer, would be covered with no out-of-pocket expenses is legendary.

Her ability to see and understand people's needs is clearly reflected in her Spousal Anti-Impoverishment Act, which protects seniors across the country from going bankrupt while paying for a spouse's nursing home care. It is no wonder she is beloved, not only in the Third District, which she represented for 10 years in the House, but by all the people of Maryland whose interests she fights for every single day.

As one of the 17 women now serving in the Senate, it is hard to imagine what it must have been like when she arrived here 25 years ago as one of two women. I am grateful she and the other female Senators have paved the way.

BARBARA MIKULSKI is the dean of the women Senators, and her bipartisan women's dinners are among my favorite Senate traditions. I thank Senator MIKULSKI for her leadership and strong belief in the empowerment of women in our communities and in public office. For those of us who came to Washington to make a difference, BARBARA MIKULSKI has set a very high bar.

I congratulate Senator MIKULSKI for this extraordinary and historic accomplishment. I look forward to many more years of serving alongside her.

SURFACE TRANSPORTATION ACT

Mrs. HAGAN. Madam President, I will speak for a couple minutes on the Transportation bill.

I have come to the floor to express my support for passing the Senate bill before the current Transportation authorization expires this Saturday. This would create and sustain nearly 41,000 jobs in North Carolina and across the country close to 3 million jobs.

Earlier today, the House passed a short-term 90-day extension. Unfortunately, passing another stopgap extension is not the solution that businesses, States, and the entire country needs.

Short-term extensions create instability and uncertainty in funding, and without that certainty, States such as mine, North Carolina, cannot plan or move forward with projects, which jeopardizes tens of thousands of projects and millions of jobs in America. Once again, that is 41,000 jobs in North Carolina.

Upgrading our infrastructure is not a Democratic or a Republican priority; it is truly an American priority.

The Senate Transportation funding bill makes critical investments in transportation and infrastructure in North Carolina and across our Nation.

The return on investment, when it comes to infrastructure, is high. Moody's estimates that for every $1 spent on infrastructure, our GDP is raised about $1.59.

Additionally, for every $1 billion spent on infrastructure, 11,000 to 30,000 jobs are created—jobs that North Carolina desperately needs.

Failure to pass the Senate Transportation bill could put these millions of jobs and $1.2 billion worth of North Carolina construction projects in jeopardy.

This Transportation bill we are talking about is truly an economic engine. My State currently receives only about 92 cents for every $1 we pay into the highway trust fund. This new legislation would ensure that at least 95 percent of North Carolina's payments to the highway trust fund will come back to our State—nearly 3 percent more than we currently receive.

Maintaining and upgrading our infrastructure is not just about creating jobs in the construction sector; it is the lifeblood of our communities. We need to make sure businesses have roads to access their plants and factories, rail, ports, and airport runways to export goods across the globe and to keep pace with the 24/7 global economy.

To put this in a global perspective, China currently spends four times as much on infrastructure as we do in the United States. We cannot allow this to continue. This is about staying competitive and leveraging commonsense investments that will enable our economy to grow.

This Transportation funding bill will be used to improve our roads, bridges, and mass transit systems—projects that will put North Carolinians back to work and help American businesses compete in our global economy.

I urge my colleagues to take up and pass the Senate Transportation funding bill without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 2264 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HOEVEN. Madam President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

JUSTICE GINSBURG ON CONSTITUTIONS

Mr. GRASSLEY. Supreme Court Justice Ginsburg, on a recent trip to Egypt, made comments that garnered public notice. She said:

I would not look to the U.S. Constitution if I were drafting a constitution in the year 2012. I might look at the constitution of South Africa.

She also spoke favorably of the Canadian Charter of Rights and Freedoms and the European Convention on Human Rights.

Although some people have criticized Justice Ginsburg for speaking negatively about the U.S. Constitution while abroad, I think she has a right to say what legal documents countries should consider that are now writing constitutions. But I do not agree with her those other constitutions are better examples of constitutions today than the U.S. Constitution is.

Some people who have criticized Justice Ginsburg's preference for the other constitutions she named have focused on the positive rights contained in those documents. Some of those constitutions, such as South Africa's, protect the right to ''make decisions concerning reproduction,'' to ''inherent dignity,'' and the right to have an environment protected ''through reasonable legislative and other measures that prevent pollution and environmental degradation.'' The European Convention on Human Rights guarantees a right to education. Of course, none of these constitutions contain anything like a second amendment right for the citizens to defend themselves.

Our Constitution is all about limiting the power of government. Americans do not fully trust the power of government, and Americans insist on rights that are protected against government action. In other words, our Constitution was intended to last for centuries, with the same meaning, even as those principles were applied to new situations. Our judges should reflect that philosophy, which is at the heart of our Constitution. If other countries feel differently, that is their right.

I think praise for those foreign constitutions rather than our own raises a much more serious issue—the role of the judiciary. Our Constitution made a judiciary that was the least dangerous branch, as Hamilton said. Policy is to be made by elected officials who answer to the voters and can be replaced; whereas, judges, under our Constitution, cannot be replaced. They have a lifetime position, short of impeachment.

The foreign constitutions that were named create a much different judiciary. The Canadian Supreme Court has stated their charter of rights and freedoms ''must be capable of growth and development over time to meet new social, political and historical realities often unimagined by its framers. The judiciary is the guardian of the Constitution and must, in interpreting its provisions, bear these considerations in mind.''

The European Convention has been interpreted by the European Court of Human Rights to be a ''living instrument.''

Madam President, these are explicit statements—that Justice Ginsburg's preferred constitutions are ''living constitutions.'' A living constitution is one in which the meaning changes over time. Judges decide that new circumstances require a living constitution to mean something it did not mean sometime before. They say the constitution must keep up with the times. A living constitution can mean whatever judges want it to mean, completely contrary to what our forefathers had in mind when they wrote our Constitution.

Our Constitution is not a living constitution. Judges are not to make up its meaning as they go along over time. Even President Obama's Supreme Court nominees told us the role of a judge under our Constitution is not to interpret words however they believe new circumstances might warrant. ''It's the law all the way down,'' Justice Kagan said. We should be skeptical of a living constitution that opens the door for judges to impose their values, not those of the Framers of the Constitution, on the citizenry of this country.

The Canadian Charter says it ''guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and Democratic society.'' The Canadian Supreme Court interprets that provision in light of a highly generalized four-part test that invites judges to insert their own policy preferences.

Similarly, the South African Constitution provides that its rights can be limited if they ''are reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom.'' It tells courts explicitly to apply a six-part subjective balancing test that allows judges to interpret this provision however they want.

How would you like to live under a constitution such as that?

These constitutions Justice Ginsburg endorses invite judges to rule however they want on any question of rights. That is not consistent with traditional American notions of the rule of law, of a government of laws and not a government of people. Some judges may prefer constitutions in which judges are free to displace democratic decision-making on policy questions that are to be decided by elected representatives of the people under our Constitution. I do not. Our Constitution does not. We do not live in a government of, by, and for the judiciary.

But no one should think that the Canadian or the South African Constitutions fully protect rights that Americans think are precious, such as freedom of speech. Under the Canadian Charter, reasonable limits on free speech include prohibiting so-called hate speech against a group.

Finally, it is important to recognize why some of us on the Judiciary Committee continue to press judicial nominees on their adherence to the Constitution without reference to foreign law. For instance, Justice Breyer has stated that foreign judges also interpret ''texts that more and more protect basic human rights.'' He has stated that he looks to the decisions of the European Human Rights Court and to Canadian cases as well, because they are ''relevant'' even if they do not control. He says, ''[W]e can learn something about our law and our documents from what happens elsewhere.''

What Justice Ginsburg did was to make very clear that which had only been implied in the past, making very clear that there are some in this country who feel that our venerable Constitution is outdated. If they treat that document as it was written and understood by the Framers, then their decisions will often lead to results they do not like as a policy matter. But if they can cite decisions from foreign courts and interpret constitutions that contain all kinds of different rights and that give judges unbridled power to make policy decisions at the expense of the elected representatives of the people, then they can reach decisions that our Constitution otherwise would not allow.

It is not simply a disinterested survey of what other courts around the world are doing. It opens the door to a search for preferred liberal activist outcomes. These are the very high stakes at issue when we discuss whether it is appropriate for judges to cite or rely on foreign law in interpreting the U.S. Constitution.

We need to preserve, protect, and defend the Constitution of the United States. We need to preserve, protect, and defend the rights of American citizens. Justice Ginsburg and others who have a judicial longing for other constitutions that protect different rights and give unelected judges power that, under our Constitution, self-governing people exercise themselves—I tell those judges, including Justice Ginsburg, that is the wrong approach.

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

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

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

OIL SUBSIDIES

Mr. BROWN of Ohio. Mr. President, just a few minutes ago, I was presiding over the Senate and I heard remarks from my friend, the senior Senator from Missouri, CLAIRE MCCASKILL, who sits next to me. I was intrigued by her response to the vote that had just taken place for my colleagues who

preach every day about deficit reduction. As Senator MCCASKILL said, they had an opportunity to pick the lowest hanging fruit there is, take away the tax breaks and the tax dollar subsidies that go to the oil interests in this country.

Think about that. We are giving incentives. Taxpayers are spending hard-earned dollars coming from workers in Dayton and Springfield and Akron and Canton that go directly to the most profitable industry in the history of the world, perhaps, particularly the big five oil companies, making billions and billions of dollars. Yet we are simply saying it is OK to give them those kinds of tax breaks and tax subsidies.

That is even putting aside the fact that every time there is a pipeline outage or every time there is a fire in a refinery or every time there is turmoil in the Middle East, the oil companies and the speculators use it as a chance to spike up oil prices. They do it over and over like clockwork. A problem in Iran? Prices go up. A fire in a refinery? Prices go up. An outage in a pipeline? Prices go up.

The Presiding Officer from Vermont, with his bill, has led this effort to get the Commodity Futures Trading Commission and the Department of Justice to put the government on the side of the motorist, of small businesses, of the consumer. Just as Senator MCCASKILL said earlier, to save tax dollars is really obvious and, on the other side, to make sure we go after the speculators when they rip us off.

According to a recent study, 56 cents of the price of every gallon of gas you buy when you go to the pump in gas stations all over America goes to the hedge fund operators and speculators. That is about $10 to $12 to $15 a tank depending on how big a car you drive.

On the one hand, we are not saying no more tax breaks. On the other hand, we are not saying to the speculators: Stop this. You are not going to get away with this anymore. The government has to be on the side of the middle class here and fight back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SURFACE TRANSPORTATION ACT

Ms. LANDRIEU. Mr. President, I am going to speak for about 10 minutes. If someone else comes to the floor, I will be happy to shorten that, but I had to come to the floor to support the leadership of Senator BARBARA BOXER and Senator INHOFE from Oklahoma, who have worked for over a year to bring a very balanced and fundamentally important and essential infrastructure bill to the floor of the House.

We have many arguments on this floor. We have been arguing about judges. I heard Senator GRASSLEY give a pretty tough speech voicing his opinion of some of our Supreme Court Justices. I do not agree with much of what he said, but he is entitled to his opinion. We have those debates. There are good people on both sides. We are debating oil taxes and whether the oil industry is paying too much or too little. You could have arguments about that.

But even our children in kindergarten and even our citizens who do not pay attention to some more difficult arguments understand roads, bridges, and mass transit. They understand hardhat jobs. They see people every day laying bricks, pouring concrete, going to work at steel mills and factories that produce the materials that build our infrastructure. They drive over potholes all day long. They ride down the interstates with 18-wheelers whizzing by them in smaller cars because they are trying to be more fuel efficient, with their heart in their chest, with their children in the backseat, and they look up to Congress, to the House of Representatives, and say: Where is our Transportation bill?

This Transportation bill was not written by one Senator and voted on by a slim majority. This Transportation bill that the House refuses to even consider was built by one of the more progressive and one of the most conservative Members of this body. It was voted on almost unanimously out of committee, brought to the floor of the Senate just a couple of weeks ago, and received over 75 votes in a body that cannot decide about our judges, really, we can't decide about the post office, we can't decide about oil and gas taxes. But 75 of us said that we are tired of running our highways and our transit on 90-day, 30-day, 60-day extensions. I think this is the 26th short-term extension since 2009. What way is this to run a government?

For the other side of this building that talks about putting business practices to work, let's be more efficient in the way we operate, and let's operate more like a business, do you know, Mr. President, any business in America, large or small, that operates with a 30-day vision? Do you know one? I don't know one. I understand businesses have 6-month plans, a year, but they always have that 5-year long range. They might have 6-month goals. I don't know one business in America that operates on a 30-day plan.

Here we are at the ninth hour again. We have a bill. We produced a bill. If the House had a bill—I am a centrist—if the House had a bill, I would be working with the middle of the road over there, trying to say: This is what your bill does. This is what our bill does. We can't have our way completely here in the Senate, although I would like to have our way more of the time, but I understand.

They do not have a bill. They do not have a bill to negotiate because they cannot even get a bill together among the three committees of jurisdiction over there.

Again, if they had a bill, I know Senator BOXER and Senator INHOFE would be happy to negotiate. Maybe they want a 4-year bill, we want a 2, maybe we negotiate a 3. They don't like the mass-transit portion; we like the mass-transit portion; we could come to some terms. They don't like the way the formula works; we like the general way the formula works; we could come to terms. I understand that.

But what I do not understand, what no one in the country understands—what the mayors are having a hard time understanding, what the Governors are having a hard time understanding and the businesses that operate in my State, represented by the chamber of commerce, the NFIB, and the Main Street Alliance of small businesses from the left to the center to the right—what they do not understand is how you do not have a bill at all and you have not been able to put one together. We have now been in this Congress for a year and a half. You have had 1½ years to put a bill together, and you have not come up with one.

We put one together that looks pretty good. No one that I know of from any group has said anything really bad about our bill. It is pretty plain in one sense. It is not changing the course of Western civilization; it is just trying to fund roads, bridges, and transit, which is fundamental to the operations not only of our government but our economy and, frankly, the economy of the world because without highways it is hard to import or export products. This bill has impacts way beyond America.

For the life of me, I cannot understand how the House of Representatives is going to leave and go on vacation and think they have done their job by giving us another 90-day extension.

I do not know what the leadership is going to do, but I want my vote recorded as no. I am not going to hold up everybody here over the holidays, but I want to say that I want my vote recorded as no. I am not going to continue to support 30-day, 60-day, 90-day extensions to a transportation bill that really, in the scheme of things, should not be that complicated to pass. There are other much more controversial things about which we could be having very serious debates. Building highways and roads and transit should not be one of them.

We are hurting jobs. We heard the Republicans—I cannot blame the Republicans in the Senate. I think they have been for the most part really terrific, actually, working with Senator BOXER. They have even given a majority of the votes. So I guess my focus is really on the Republicans in the House. I don't think they have taken the time to really look at the Senate bill to see how balanced it is, and one part I wish they would read, which is the part I want to talk about for the next 5 minutes—and I know other Senators are here to speak—I hope the gulf coast Members from Texas, Louisiana, Mississippi, Alabama and Florida—and together that is a pretty big coalition; I don't know the total number, but I think there have to be over 75 Members from Texas, Louisiana, Alabama, Mississippi, and Florida—I hope they read the section of the Transportation bill that talks about the RESTORE Act.

I have spent a great deal of time over here with my good friend and wonderful leader, Senator SHELBY, with Senator BOXER, with over 300 organizations, for over a year, to build a bill that is now part of the Transportation bill that, in addition to building highways in Florida and transit and roads in Alabama and Mississippi, will also for the first time in the history of our country—the first time—direct a significant portion of penalty money paid by a polluter, BP, that polluted the gulf coast—a good company in some ways but really messed up that well, though, and they just spilled gallons and gallons and millions of barrels of oil. We have shrimp that are coming in our nets with no eyes. We have turtles that are washing up on our shores dead. We have research needs in the gulf coast that—there has been no time in our history where we have needed that money more.

My question is to the gulf coast Republican Members and Democratic Members. What is it about this bill that is driving you so crazy that you can't accept $10 billion that the Federal Government is trying to give you? Because that is what the RESTORE Act could potentially send to the gulf coast, a portion of the fine. We don't know whether that fine is going to be $5 billion or $10 billion or $20 billion, but we do know it is going to be substantial because under current law they have to pay $1,000 for every barrel spilled or $4,200 if it was gross negligence.

In the Senate Transportation bill, this body showed rare bipartisan support and concern for the gulf coast, America's energy coast. We showed an understanding of the great erosion that is taking place in the delta of Louisiana, which drains 40 percent of the continent. We showed understanding that so much of our shipping and seafood industry relies on this coast—not that the other coasts are not vitally important—and we showed we understand the underinvestment that has been made. So 75 percent of the Senate basically stood and said: OK. Let's redirect this penalty money to where the injury is. That is the RESTORE Act, and that is in the Senate bill we sent over to the House, which they have absolutely just rejected.

I don't know what magic there is about the next 90 days, but I know what I am going to do. I am going to register my vote as no, and I am going to go home and work harder in Louisiana and along the gulf coast to explain to the people of our region how much is at stake by getting a longer term Transportation bill. Maybe 2 years is not as long as we would like to have, but it is better than 30 days, it is better than 60 days, and it is better than 90 days.

I will ask and explain that not only is the Transportation bill vital for Louisiana's projects but for approving the RESTORE Act, which I know the House has indicated their support for. They have indicated a support for the concept of the RESTORE Act, but the act itself is in the Transportation bill.

So I am going to wrap-up. There are other Members on the floor who will speak. I thank the leader, BARBARA BOXER, who is here.

But for 90 days let's get back to work and go for a long-term Transportation bill that is a real jobs bill that will help the whole country but particularly the gulf coast with the RESTORE Act.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I see the Republican leader is on the floor, and I understand there may be a unanimous consent that is propounded, and I can offer some remarks in the context of an objection and a counterproposal, if the minority leader would like to proceed now.

Mr. MCCONNELL. I would say to my friend from Rhode Island, I am not the one who will be asking consent.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak until I get a signal from the majority leader that he will seek recognition, at which point I will yield the floor.

I wished to follow in the footsteps of Senator LANDRIEU of Louisiana and reflect my own dismay and dissatisfaction with the situation we are in right now. The House extension on the highway bill, which we are going to be asked to proceed with, is going to cost—as far as the estimates I can see so far—around 100,000 jobs, and that is damage to our economy. That is a self-inflicted wound. More specifically, it is a House-inflicted wound, and I would very much like to see the Senate fight to force action on the Senate highway bill. It is a bipartisan bill with amendments and is fully paid for. This is a serious bill, as opposed to inflicting this kind of damage on our economy with a short-term extension.

Does the majority leader seek recognition?

Mr. REID. Yes, I do.

The PRESIDING OFFICER. The majority leader.

SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 4281, the Surface Transportation Extension Act, which was received from the House and is now at the desk; that the bill be read three times and the Senate proceed to vote on that matter.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. There are several of us who reserve our right to object. What the House has done is guaranteed job losses for this country. They are already dithering on the Senate bill. Their not taking it up for a vote has cost us about 100,000 jobs. Thousands of businesses are at stake, and eventually we are talking about 3 million jobs at stake. The fact that they would do this without any commitment to get to conference, without any commitment to finish their job and run off on vacation is the reason I am reserving the right to object.

I ask that the unanimous consent request be modified so an amendment, which is at the desk, the text of S. 1813, the surface transportation bill, passed by the Senate on March 14, 2012, by a large bipartisan majority vote of 74 to 22, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the request for modification?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. The problem with accepting the Boxer amendment is that it would shut down the Federal-Aid Highway Program, which means States wanting reimbursement for projects will not get paid. It will cause already nervous State Department of Transportation directors to cut back further on the work because there will be no reimbursements on Federal projects, and it would cost the highway trust fund $100 million per day for any day the gas tax is not collected, thereby adding to the deficit.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. CARDIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Reserving the right to object, and I was listening to the distinguished Republican leader, let me challenge some of the assumptions so maybe we can get to a consent. In talking to Members of the House of Representatives, I am very confident there is ample support to pass not only the bipartisan surface transportation bill that passed this body by an overwhelming vote but a consensus bill that came out of our committees by unanimous vote in both the Environment and Public Works Committee and the Banking Committee. There is general agreement that this bill should be enacted into law.

I am confident that if the Speaker of the House brings this bill to the floor of the House of Representatives, it will be passed. There are adequate votes for it.

To my friend, the distinguished Republican leader, here is the problem: If we pass another short-term extension, we are going to lose jobs. In my own