we have reached will ensure that college students who are already facing enormous challenges in the Obama economy will not be paying higher interest rates next month.

Students can’t wait for the President to get the highway job done and actually work with Congress to prevent student loan interest rates from rising this year. So while the President continues to ignore the bipartisan proposals sent more than 3 weeks ago, Senate Democrats dropped their demand for an extension and worked with Republicans to find solutions. It is nice to finally see the Senate actually work as the Senate used to. It proves that if this body ignores the campaign attacks from the President and if our Democratic friends stop pushing job-killing tax hikes, we can actually get a lot done around here. I, once again, thank my colleagues for all their hard work on these important measures.

HEALTH CARE DECISION

Mr. MCCONNELL. Mr. President, the most important issue brought to the front page in the last 2 days is the state of the new ObamaCare law. Two and a half years ago, President Obama teamed up with Democrats right here in Congress to pass a health care bill they knew most Americans didn’t want. Americans have been very clear about what they thought of this bill. So Democrats settled on a deeply dishonest sales pitch aimed at convincing them otherwise.

Nearly every day since then, the promises that formed the very heart of that sales pitch have been exposed for the false promises they were. Americans were promised lower health care costs. But, of course, they are going up. Americans were promised lower premiums, and they are going up. Seniors were promised Medicare would be protected, but they are now being asked to pay for a new entitlement instead. We were promised it would create jobs; CBO predicts it will lead to 800,000 fewer jobs because of ObamaCare. People were promised they could keep the plans they liked; millions have now learned they cannot.

For 2 years, the list of broken promises has grown longer and longer and longer.

But yesterday morning, we got powerful confirmation of what many have been the biggest deception of all. For years, the President and his Democratic allies in Congress have spun us around and down—sworn up and down—that failing to comply with the individual mandate did not result in a tax on individuals or families. “It is not a tax,” they said.

The reason was obvious. If Americans knew that failure to comply resulted in a tax hike, of course, the bill would never have passed. If our friends on the other side had conceded the obvious—that it was, in fact, a tax hike—we all know it never would have passed. The President would not be able to claim his health care bill didn’t raise taxes on the middle class, as he did again and again and again.

Yesterday, the Court blew the President’s cover. In a narrowly upheld case on one basis only—that the penalty associated with the individual mandate is a tax—the Court spoke: Enforced, Congress doesn’t have the constitutional authority to mandate insurance coverage under the commerce clause. Congress doesn’t have the authority to mandate individual insurance coverage under the commerce clause. It obviously does have the power to tax. So they upheld the central provision of the bill on the fact that the penalty for failing to comply with it was a tax.

In the eyes of the Court, that is all the penalty tied to the individual mandate ever was: a tax imposed by a Democratic Congress—without a single Republican vote—primarily, interestingly enough, on the middle class. It is a tax on the middle class. Let’s be very clear about that. The tax connected to the individual mandate is not primarily a tax on the rich but on the middle-class Americans who will bear the brunt of it.

Listen to this, colleagues. According to the CBO, at least 77 percent of the people paying this tax will meet the President’s own definition of the middle class; 77 percent of the people paying this tax will meet the President’s own definition of the middle class. Those who pay it every year, they still will not have insurance.

Yesterday’s decision turns the President’s campaign rhetoric on its head. Those who will end up paying the heaviest burden for not buying government-mandated insurance are not going to be the wealthiest Americans—oh, no—but the very middle-class families the President claims to defend.

It is the truth the Court unmasked yesterday.

Most Americans thought the process Democrats used to pass the health care bill was unseemly, secretive, partisan, even antidemocratic. They also thought it was unconstitutional for the government to create commerce in order to regulate it—for the government to create commerce in order to regulate it.

All of that is still true. But what many Americans may not have appreciated when this bill passed was how empty all of the promises were—how completely empty all the promises were. And at the center of them all was the claim that failing to buy health insurance did not result in a tax. That was the central claim: Failing to buy health insurance did not result in a tax.

But the Court has now spoken: It is a tax—largely on the middle class. This is just one more reason this law needs to be repealed in its entirety. With every passing day we learn something new about this terrible law. Not only does it make the problems in our
health care system worse, it leads to a tax on middle-class families who are either unable or unwilling to purchase health insurance. What a terrible idea.

So it is time for Democrats to stop trying to defend the indefensible and join Republicans in wiping this colossal legislative blunder off the books. Yesterday's decision gives us the clearest proof yet this bill has to go. It needs to be repealed to clear the way for commonsense, step-by-step reforms that protect Americans' access to the care they need from the doctors they choose at a lower cost. That is precisely what Republicans intend to do.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, Senators are permitted to speak for up to 10 minutes.

The Senator from Iowa.

SPEECH BY RESOLUTION

Mr. GRASSLEY. Mr. President, yesterday the Supreme Court overturned the mandatory Medicaid expansion in the Affordable Care Act. As of yesterday, the States now have a choice to expand or not expand coverage to the poorest people in society without being subjected to harsh Federal penalties.

I would like to draw attention to a speech I gave on the Senate floor in December 2011 on the subject of the constitutionality of the Medicaid expansion. I expressed my concerns then about the potential impact of a Supreme Court decision on Medicaid expansion.

I said on the floor that day:

A Supreme Court ruling in favor of the States in this case could not only jeopardize the mandatory Medicaid expansion in the Affordable Care Act but could challenge the fundamental structure of Medicaid and have broader implications outside of health care.

The terms I expressed then have, to a degree, come true.

Reading from a Washington Post editorial this morning about the Court ruling on Medicaid:

This restriction of federal authority may have greater ramifications than the court's limiting of the Commerce Clause. One can imagine challenges to federal conditions across a wide spectrum of programs, including but not limited to the environment, education and transportation.

This decision overturns the mandatory expansion of the Medicaid Program. While I realize most of the focus is on the decision related to the tax mandate, we should spend a moment talking about the consequence of the Medicaid decision.

Mr. President, one of the goals of the health care reform was to provide coverage for people in need. I would argue the people most in need of coverage are people without a job, people without an income, the poorest of the poor. The Affordable Care Act required States to cover people below poverty through Medicaid. States were mandated to expand to cover people below poverty. Yesterday, the Supreme Court ruled that mandated expansion unconstitutional.

Writing for the majority, Chief Justice Roberts says:

Nothing in our opinion precludes Congress from offering funds under the Affordable Care Act to expand the availability of health care, and requiring the States accepting such funds to implement them on their own.

In my opinion, we should have required States to cover those in need of health care under the Affordable Care Act. What Congress is not free to do is to penalize States that choose not to participate in that new program by taking away their existing Medicaid support.

With this decision, States now have the option to expand Medicaid to cover people below poverty. Mr. President, the States had that option even before the Affordable Care Act was passed. So what does this decision mean in real terms?

It will be up to the States to determine if they will cover the poorest of the poor. The Federal Government cannot guarantee coverage. So now people with jobs will have to purchase insurance under the mandate. People without an income, people who are below poverty, are dependent upon the State in which they reside.

I know some people will believe the choice is perfunctory, that Medicaid expansion will move forward because the Federal Government has offered to pay for more than 90 percent of the expansion. But if you were a State, would you really trust a promise from a Federal Government that is $15 trillion in debt? If you were a State, would you really trust an Obama administration that proposed eliminating that special Federal payment rate through a proposal known as the blended rate?

States will very reasonably be risk averse. States can now expand if they choose to or not at all. No one should assume for a second all States will expand to cover as much as was mandated under the Affordable Care Act.

Of course, one might think people below poverty would still get health care through tax credits, but the people who wrote this bill made people below poverty ineligible for tax credits. That is right—ineligible. It is all or nothing for the poor with Medicaid.

With today's ruling, the answer is, nothing.

On December 15, 2011, I said on the Senate floor that the expansion of Medicaid and the coverage of poor people was in jeopardy because "the White House has pushed the Democratic majority to put their partisan goals ahead of collaboration with Republicans and States to build legitimate public policy." Today, that is the outcome. When people with income, people with jobs are mandated to purchase health insurance and face a tax penalty if they do not, while the poorest people in society, those without a job or without income have a guarantee of nothing, I think victory laps are premature.

After this decision, a person in a family with an income of more than $80,000 a year would be guaranteed access to a subsidy to buy private insurance, while a person in a family with no income would be guaranteed nothing. When people below poverty, the people who can least afford coverage or the consequence of not having coverage are left with nothing, it sounds like failure to me.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, regarding yesterday's Supreme Court decision, there have been a variety of very interesting editorials, op-ed pieces, and blogs—many of them erudite and very useful for the analysis of the Court's opinion. Of course, it will take a long time for us to know how all of this will work out over time. I thought I might refer to a couple of these opinions and op-eds and put them in the RECORD for people to see what a sampling might look like so they can more thoroughly analyze the opinion and then pose a question at the end.

I start with one of my friends, and I think one of the best columnists, even nationally, that I know. He writes for a local paper, the Arizona Republic. His name is Bob Robb, and he writes in his column on June 29:

Roberts' decision controlled the outcome, even though it was fully joined by no other justice. Here's what he concluded:

The federal government has no power under the Constitution's Commerce Clause to require individuals to purchase health insurance, as Obamacare does. However, the federal government does have the power to impose a financial penalty on people for not complying with the mandate the federal government sets.

There is nothing in the Constitution that mandates the federal government to impose a financial penalty on people for not complying with the mandate the federal government sets. In fact, that's precisely what the federal government did in this case.

Mr. President, I believe that Mr. Roberts' opinion is wrong. I believe that the mandate is a tax that Congress cannot impose, and I am very concerned that this decision will have adverse implications for the Affordable Care Act.

Yesterday's decision gives us the clearest proof yet this bill has to go. It was never a good idea. It was never a necessary idea. It was never a popular idea. It was never a fair idea. It was never the right idea. It was not a smart idea. It was not a good idea.

I think victory laps are premature. Congress was never in a position to make health care legislation. It was not making health care legislation. It was making health care policy.

After this decision, a person in a family with an income of more than $80,000 a year would be guaranteed access to a subsidy to buy private insurance, while a person in a family with no income would be guaranteed nothing. When people below poverty, the people who can least afford coverage or the consequence of not having coverage are left with nothing, it sounds like failure to me.

I yield the floor.
And Robb concludes: If Congress cannot do something directly, it shouldn't be able to do it indirectly through taxation.

Mr. President, this raises a very important question. If the taxing power can be exercised to institute mandates such as ObamaCare, is the issue of something else? What limits are there on such taxing power? I believe this may be one of the most important unanswered questions in Justice Roberts' opinion.

One attempt to make this sui generis—that is the Latin phrase for "one of a kind"—and that only in this particular case was the taxing authority be permissibly used for Congress to require the people to do something. I hope Hawley's analysis is correct. I am not so sure it is. Roberts' opinion certainly will make it more politically difficult for Congress to pass things that extend its authority because it will have to be clothed in the cloak of a tax, and Congress doesn't generally like to pass new taxes on people. But Congress and the lawyers who advise us are pretty clever about phrasing legislation in such a way that it would meet constitutional challenges.

Now that we have a new example of a power that we might exercise—namely, this expanded taxing power—it's important to keep in mind what Congress cannot do. I suspect we will see efforts in the future to clothe our legislation under the guise of that taxing power. If so, the constraints in Chief Justice Roberts' opinion would be no constraints at all.

There is an old saying that hard cases make bad law. I don't know that this was all that hard of a case, but it clearly wasn't a clear line on the reasonable and proper extension of the commerce clause power. But he also said the taxing authority Roberts uses to justify Congress's action in ObamaCare is actually very limited.

In Federalist No. 45, James Madison wrote: "The powers delegated by the proposed Constitution to the government are ill-suited for the exercise of them." It's as though Roberts were channeling Lewis Carroll in writing the opinion.

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penalty imposed for violation of the law was so trivial as to be in effect a tax. We have never held that any exaction imposed for violation of the law is an exercise of Congress' taxing power—even when the statute proscribes conduct that Congress called it a tax, much less when (as here) the exaction here is imposed for violation of the law. Congressional taxing power—even when the statute is more than two years off. Thus, when we are confronted with a constitutional question: whether Congress' taxing power is being used to force Americans to buy health insurance, it can make you buy insurance, it can make you eat vegetables. The government's logic, Roberts wrote, "authorizes Congress to use its power to compel citizens to act as the Government would have acted if the tax under consideration were the like-kind-and-appears accorded by the Government and its supporters. The Government's opening brief did not even address the question—perhaps because, until today, no federal court has accepted the implausible argument that §5000A poses a tax. Once respondents raised the issue, the Government devoted a mere 21 lines of its reply brief to the issue. At oral argument, the most pro- Cure Act's individual-mandate provision, §5000A, entitled "Requirement to maintain minimum essential coverage." (Emphasis added.) And several of Congress' legislative "findings" with regard to §5000A confirm that it sets forth a legal requirement and authorization of the regulatory power, not more taxing power... We have never classified as a tax an exaction imposed for violation of the law, and so too, we must classify as a tax any exaction described in the legislation itself as a penalty. To be sure, we have sometimes treated as a tax a statutory exaction (imposed for something other than a violation of law) which bore an agnostic label that does not entail the significant constitutional consequences of a penalty—such as "license" or "surcharge." Here, Congress intended to treat as a tax an exaction which faces up to the critical difference between a tax and a penalty, and explicitly denominates the exaction as a "penalty." Eighteen times in §5000A itself and elsewhere throughout the Act, Congress called the exaction in §5000A(b) a "penalty." Judicial tax-writing is particularly troubling. Taxes have never been popular, see, e.g., Stamp Act of 1765, and in part for that reason, the Constitution requires taxes be increased in the House of Representatives. That is to say, they must originate in the legislative body most accountable for raising money. The Federalist No. 58 "defen[ed] the provision to give the origination power to the House on the ground that the Chamber that is more accountable to the people should have a primary role in raising revenue." We have no doubt that Congress knew precisely what it was doing when it rejected an earlier version of this legislation that imposed a Requirement to maintain a tax. The requirement to maintain a tax is a requirement to maintain a tax. No, we do not to make you buy health insurance, it can make you eat vegetables. The government's logic, Roberts wrote, "authorizes Congress to use its power to compel citizens to act as the Government would have acted if the tax under consideration were the like-kind-and-appears accorded by the Government and its supporters. The Government's opening brief did not even address the question—perhaps because, until today, no federal court has accepted the implausible argument that §5000A poses a tax. 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The requirement to maintain a tax is a requirement to maintain a tax.
The dissent acknowledges that if an ambiguous law can be read in a way that renders it constitutional, it should be. It distinguishes, though, between construing a law charitably and rewriting it. This is what Chief Justice John Roberts has done. If Roberts believes that this tactic avoids damage to the Constitution because it does not stretch the text of the mandate, he is mistaken. The Constitution does not give the Court the power to rewrite statutes, and Roberts and his colleagues have no business doing so. And if the Court has been rendered less constitutionally objectionable, the Court has rendered itself more so. Chief Justice Roberts cannot justly take pride in this decision.

The Court has failed to do its duty. Conservatives should not follow its example—which is what they would do if they now gave up the fight against Obamacare. The law, as rewritten by judges, remains incompatible with the country’s tradition of limited government, the future strength of our health-care system, and the nation’s solvency. We are not among those who are convinced that we will be stuck with it forever if the next election goes wrong. The Court has also poignantly stated that we think it may well unravel even if put fully into effect. But we would prefer not to take the risk.

It now falls to the Republicans, and especially to Mitt Romney, to make the case for the repeal of the law and for its replacement by something better than the health-care policies that preceded it. Instead of trusting experts to use the federal government’s purchasing power to drive efficiency throughout the health sector—the vain hope of Obamacare’s Medicare-cutting board—they should replace Medicare with a new system in which individuals have incentives to get value from health-care dollars. Instead of Washington establishing a cartel for the insurance industry, they should give individuals tax credits and the ability to purchase insurance across state lines. Instead of further centralizing the health-care system, in short, they should give individuals more control over their insurance.

Opponents should take heart: The law remains unpopular. Let the president and his partisans ring their bells today, and let us work to make sure that they are wringing their hands come November.

(From the Daily Caller, June 28, 2012)

WHAT’S BEHIND ROBERTS’ SURPRISING DECISION?

(By Joshua Hawley)

Say this for the lead opinion in the health care case the Supreme Court handed down Thursday: nobody saw that coming. Chief Justice John Roberts has with the court’s more liberal wing to uphold the Affordable Care Act... as a tax? The result is, to put it mildly, counterintuitive. Scribes have been busily concocting the chief justice’s reasoning. Instead of an analysis from the instant the opinion went viral, here’s a different thought: doctrine may not be the key to this judgment. As Leo Strauss once made a point of telling his students, a text can be read in many different ways, and will mean different things depending on the lens with which one reads it. The text that Justice Roberts published on Thursday may or may not make good sense read as constitutional doctrine. But read it as constitutional politics and things get more interesting.

Not politics in the way the Washington punditry means, of course. Roberts’ opinion has nothing to do with helping or hurting President Obama’s re-election chances this fall. The truth is, Supreme Court justices are rarely interested in that sort of thing. They see themselves as above partisan allegiances and the grand questions of law they decide as more important than run-of-the-mill partisan disputes.

No, I mean politics in the constitutional sense, concerning the Supreme Court’s role in the Constitution’s structure. The danger this case held for the court from the beginning is that the political landscape—Westerly, Rhode Island—would—Roberts’ opinion would blow the lid off the political system, ending the impetus that would curtail federal power. That’s what the Constitution’s structure means, of course. The Constitution does not give the Court the power to rewrite statutes, and Roberts and his colleagues have no business doing so. And if the Court is rendered less constitutionally objectionable, the Court has rendered itself more so. Chief Justice Roberts cannot justly take pride in this decision.

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senior assistance programs, student tutoring, nutrition sites, job skills training, and financial literacy services.

United Way has enthusiastically embraced local institutions throughout our State. This wonderful organization has programs for at-risk teens at residential treatment centers, such as the Daymark around Kanawha Valley. It has supported comprehensive medical and health services at establishments such as the West Virginia Chapter of the Alzheimer’s Association, West Virginia Health Right, Cabell Huntington Children’s Hospital, Thomas Memorial Hospital, and the Putnam County Dental Health Council. United Way has supported family counseling at the Kanawha Valley Fellowship Home and at Family Counseling Connection. It has also benefited emergency assistance facilities, such as the Boone County Community Organization and Madison Baptist Church, Mountain Mission, and Nitro-St. Albam’s Care and Share.

In 2011 approximately 40 million Americans who were served by United Way-supported programs in West Virginia alone. More than 13,162 children and youth benefited from the services of United Way partner agencies, and more than 28,997 people received financial assistance from a United Way partner agency. In addition, nearly 28,000 people received health-related assistance from a United Way partner agency.

I have always been an avid supporter of United Way and their community service efforts. My wife Gayle also served as chairwoman of Marion County’s United Way. I applaud the organization’s ability to inspire members in their communities to work together and improve all aspects of their neighborhoods.

United Way has so many laudable goals. The organization is working to promote a healthier society by working with families to develop healthy life-style changes, and individuals to struggle in tough economic times, United Way has worked with families to help them achieve financial stability. For example, United Way launched the Financial Stability Partnership, which aims to halve the approximately 40 million Americans who are working in low-paying jobs without basic health benefits. United Way has also targeted key areas of education, addressing problems such as the student dropout rate and preparing children for success at an early age.

United Way also has identified community health care needs and focuses efforts on changing health policies and practices for Americans of all ages. About 47 million Americans don’t have health care coverage, and more than 80 percent are working families. The organization tackles tough health problems, such as health insurance coverage, along with the obesity epidemic and prescription drug abuse. These are tough issues that oftentimes have no easy solutions.

I applaud United Way and all of its staff members, its volunteers, and community leaders for their efforts to improve the quality of life in all of our communities. Today the United Way has every reason to celebrate its success as they face this impressive milestone. I once again congratulate their achievements, and I look forward to seeing what this wonderful organization will accomplish in the next 123 years and beyond.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Acting President. The PRESIDENT.

PILOT’S BILL OF RIGHTS

Mr. INHOFE. Mr. President, before the Senator from West Virginia leaves, I would like to publicly thank him for all his support in something that just happened a few minutes ago; that is, passage of the Pilot’s Bill of Rights.

Several—certainly Senator Begich—have been working hard, including Senator Pryor and Senator Manchin, as well as many on the Republican side. But it is a reality now.

Mr. President, I know a lot of people will want to talk about this. This is kind of a strange day for me because I have been working on two bills for 1 1/2 years, and both will become a reality on the same day: the highway bill that everyone knows about and then the Pilot’s Bill of Rights that only pilots know about.

I have been a pilot for 55 years, and I get the calls and complaints that come in. But pilots are really the only ones in our society who are denied access to justice like every other citizen has, and this is what I want to say to my friend that I very much appreciate his support in making this a reality.

Mr. MANCHIN. Mr. President, if I may say I appreciate the leadership of my good friend from Oklahoma and his unwavering support in bringing this to all of our attention. I have been a pilot for not quite 55 years, but 45 years, and I understand completely. Senator Inhofe brought it to the attention of all of us, and I say to the Presiding Officer because we are very close and he knows I have been active in aviation for a long time—one year ago in October, I went to land at one of the southernmost airports in America, in South Texas, one at which I have landed more than 200 times. I know every square foot of it. It is a noncontrolled field.

When I came in—there is a thing called NOTEM, Notice to Airmen. You are supposed to and you should find out what the NOTEMs are on the runway you will be landing on so if there is work on the runway—any towers going up, construction going on—you will know that in advance. That is your obligation.

The problem is there has never been a central location where that can be found. In this case there was no NOTEM that had been published. There I was at the foot of it. It is a noncontrolled field. When this happened to me, I can remember very well—and I say to the Presiding Officer because we are very close and he knows I have been active in aviation for a long time—one year ago in October, I went to land at one of the southernmost airports in America, in South Texas, one at which I have landed more than 200 times. I know every square foot of it. It is a noncontrolled field.

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have case after case. In fact, at the AOPA, Aircraft Owners and Pilots Association—we are talking about 400,000 pilots out there—they have as their No. 1 concern the lack of consistency and uniformity in medical certification. A person could be a pilot and have some condition that would give rise to a right heart attack or something, temporarily lose his license, then go back and have it reinstated. However, if he lives in another town, has a different doctor, that may not happen. So we have people out there who would lose some of their licenses. We are going to have a panel set up that is going to include the general aviation, include the medical community, and try to get uniformity. So those are three of the reforms we have in this legislation.

I yield the floor. I will be talking about that later and also talking about the upcoming highway bill. I want to remind people, my good conservative friends, people who are trying to say this is not a conservative bill—it is. The worst thing we can do is continue to operate our roadbuilding and our construction in this country on extensions. When you do an extension you lose about 30 percent of the money. Obviously, the conservative position is to do this.

We have reforms, incredible reforms, enhancement reforms. We will be talking about that during the course of the day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

ORDER OF PROCEDURE

Mr. COATS. Mr. President, can I ask what the procedure is regarding time?

The ACTING PRESIDENT pro tempore. The Senate is in recess until 1:30 p.m. The Senate will resume in 15 minutes.

Mr. COATS. Mr. President, I ask unanimous consent that I be permitted to speak up to 20 minutes. I do not intend to take much time, I do not think I will take that much time, but I think I will probably go over the 10-minute limit.

Mrs. BOXER. Reserving the right to object, Mr. President, and I will not object, I ask unanimous consent that I be allowed to have 20 minutes following my friend from Indiana.

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

SURFACE TRANSPORTATION

Mr. COATS. Mr. President, I rise here today to express my deep concern with this transportation conference report; in particular, about a provision that was slipped into the transportation conference report literally in the dark of night earlier this week.

This provision, which I will describe, could have had a devastating effect on my State as well as the State of Illinois. The Greater Chicago metropolitan region—which whether it is northwest Indiana or northeast Illinois—is a region that works together. It is part of the expanded metropolitan area. A critical part of this is a waterway, which allows goods to be transferred up and down all the way to the delta and the Mississippi and all the way out to the St. Lawrence Seaway. It is the middlewest access to commerce that centers around the Chicago-northwest Indiana area.

This provision, which was slipped in without debate, without consideration—it did not appear in the Senate bill, the transportation bill, and it did not appear in the House transportation bill and therefore is a blatant violation of rule XXVIII, which simply states you cannot do this kind of thing—but it was done anyway. I will at the proper point here raise an objection to that in a procedural way.

Let me first talk, if I could, about the way in which we do business around here. Throughout my campaign in 2010 to return to the Senate, I continually heard from people as to how frustrated they were with the process by which legislation was coming home and people say why did you vote against that? You say I voted against that because it included this over here which was not relevant to it, and even though I liked the rest of the bill I did not like this particular piece. I do not believe we need to like what it included because they packaged it all together and therefore there is nothing on record as to where I stand. They say to us where do you stand? We do not know whether your yes is a yes or a no. The way we package bills here, it is so confusing the way you mix the whole thing together.

That is exactly what is happening here today. We have taken a transportation bill, which was adequately led by the Senator from California and the Senator from Oklahoma, they did a marvelous job putting a transportation package together, and now it is merged with two other major provisions. So we get one vote on this. People say: I have a real problem with this loan bill or I have a real problem with the flood insurance bill, but I wanted to vote for the transportation bill. Now I am stuck in the position of having to vote yes on the whole thing, except what I have a problem with, another bill over here, or no, even though I want parts of the other bills to pass. Then we go home and explain this to the people we represent and they say: Why can't you guys and ladies take up one of these bills so vote no, come home, defend your vote, but we at least know where you stand? Instead of this gobbledygook, throw everything in one big pot and vote yes or vote your no. The way we package bills here, it is no wonder people are skeptical. It is no wonder our approval rating is where it is. This gobbledygook, so-called magic dust that we use around here to obscure what we stand for and stand against, is very frustrating for the American people. I cannot tell you how frustrated we were when I came home and people say when I can go home and talk to them and try to explain certain votes and procedures. They say be straight up, be transparent. Pick out something; you are either for it or against it. We will evaluate whether we want to support you or not support you in the next election on the basis of your voting, but when you cloud over the whole thing we do not know what is going on. That is one thing.

Second, we have a problem here, a major problem with our debt. We have known that. We spent the first 6 months of 2011 trying to come up with a long-term solution which would restructure some of our spending and put a lid on some of our spending. Finally, by August of 2011, Congress reached an agreement called the Budget Control Act which basically put caps on how much we would spend, trying to hold down this plunge into debt.

By the way, just before I came over here I checked the debt clock which I have on my Web site. The numbers of course turn faster than you can write them down because that is how fast we are slipping into more of as of probably minutes or so ago, our national debt stood at $15 trillion, nearly $16 trillion.

None of us can comprehend what $1 trillion is. It is impossible. There have been billions upon billions—you stack dollars on top of each other you can go to the Moon and back and so forth—but I think it is important that we understand the gravity of our situation in terms of our plunge into debt and what impact it is going to have on the future for this country and what a debt burden it is going to be on future generations now getting ever closer to—$15,935,594,616,879 was what our debt was. That is 14 digits; 15,935,594,616,879.

We took a little bit of a step in August, a mini step in August, saying we are going to cap this spending so we do not spend more than that going forward. That will at least slow down the rate of plunging into debt. It does not address some of our spending and putting a lid on some of our spending, but it will slow it down.

What have we done since? What we have done is bring a number of bills to this floor, all of which continue to spend beyond our means. I did not vote for the Budget Control Act because I had a lot of skepticism about it. First of all, I felt it was woefully short of what we needed and, second, I believe that, having served here before and seen how this process works, I thought we were going to waive points of order time after time.

We congratulate each other by voting for spending controls. "This is an important step to dealing with our budget crisis. We have committed now to spend more than the budget we deemed and did not.

The postal reform bill violated budget rules; the student loan interest rate extension, it looks as though we have the score now, and we are going to violate agreed-to bills. The Senate version that went over on the transportation bill violated budget rules; the payroll tax extension and the Violence Against Women Act—all violated what
we promised we would do. And we wonder why the American people are skeptical? We wonder why our approval rating is in the low double digits? I mean really low, almost into single digits—why people are frustrated and upset with us? Because we tell them we have made a promise to be fiscally responsible and virtually every bill we bring up here is irresponsible and we waive what we had agreed to. We can hardly blame them for their skepticism here.

Let me talk about this middle-of-the-night stuff. Another problem you have—you go home and what you simply can't explain is the fact that, no, this was not talked about in the Senate; no, this was not talked about in the House; there was no process—yet somebody, as we tried to merge the two bills, in the dark of the night, unnamed, no process, slipped in a provision and there it is. Usually we find out about this later.

In addition to read a process, Senator COATS from Indiana worked with Senator DURBIN, a Democrat from Illinois, and worked with another Democrat, the senior Senator from Ohio, to come to an agreement on a provision that the Illinois area, the State of Illinois, in terms of preventative measures. And by the way, the economic interests of this country—because what was dropped in, in the middle of the night, is something that could potentially cost our Government and therefore cost our taxpayers hundreds of billions of dollars.

We were fortunate enough to have discovered that because bringing those bills was delayed and we had time to dig into it and all of a sudden find out that this was done. What is egregious here is that this is not a partisan issue. We all know the House is controlled by my party, I don't know who put this in. I don't know exactly the motives as to why they put this in. But here it is, a dark-of-the-night slip it into the bill and overturn something that was processed through the appropriations committee, deliberated, discussed, and voted on.

So what are the consequences of all that? What does this have to do with what I am talking about here? It sounds minuscule. We are talking about Asian carp. Why is the Senator from Indiana talking about Asian carp and hundreds and billions of dollars of costs? Let me tell you why. Asian carp is a generic term for four species of nonnative fish: grass, bighead, black, and silverhead carp. These fish were introduced to the United States in the 1970s to assist agricultural interests in the southern States.

At some point—probably through flooding—the carp escaped into the Mississippi River in the westernmost part of the Great Lakes is a serious and pressing problem, and I am committed to addressing this, as is Senator DURBIN and Senator BROWN from Ohio. We worked out a compromise agreement in terms of how we should go forward with this.

A number of steps have already been taken by the Corps of Engineers. In 2002, the Army Corps of Engineers installed the first of a series of electric barriers along the lower reach of the Chicago area waterway system. In doing so, they believe, to date, they have successfully prevented the migration of carp into the Great Lakes.

In 2009, the Corps began DNA testing to detect Asian carp in locations up and downstream of these barriers. The testing showed these barriers have been very effective—to use the Corps' words—in preventing Asian carp from entering the waterway. In fact, when the Illinois Department of Natural Resources conducted the testing, they purposely dumped a bunch of toxins into the Chicago waterway to discover the extent of the Asian carp infestation. Those toxins killed tens of thousands of fish, but only one Asian carp was found among them. Since that time, the Army Corps has firmly held that the electric barriers are working as designed.

Furthermore, in 2010, the Indiana Department of Natural Resources conducted similar tests on the Illinois River in the Wabash area, the Indiana State has gone further or gone to greater lengths to address this question than my State of Indiana, as well as the State of Illinois, in terms of preventing the introduction of Asian carp into the Great Lakes system. It is economically devastating for us if this happens and it is economically devastating for us and for Illinois if what was proposed in this bill in the dark of the night by the House of Representatives goes through.

Currently, the Army Corps of Engineers is undergoing an extensive study. Despite all the attempts to take these steps, which so far have proven to be successful, this provision that was incorporated in there could result in the closing of the locks on this waterway system, and it would endanger about $14 billion per year of economic activity and over 100,000 jobs in this area that I described that rely on the Chicago area waterway system. Closing the locks also cost up to an additional $100 billion because it would require completely overhauling Chicago's underground water and sewage system. Closing the locks would also render worthless the billions of dollars that have already been invested to complete the Corps of Engineers flood control projects along the entire Mississippi watershed, and they may not even solve the problem.

While the Chicago waterway system is the only direct continuous connection between the Great Lakes system, other potential pathways could allow carp immigration in times of flooding. So if the only solution that closes the Chicago locks is not an economically viable solution for stopping Asian carp—and I do understand the concerns the Great Lakes States have on this issue and I share those concerns—as a result of all that, we worked out a bipartisan compromise solution to addressing this area. We would allow a study to go forward, allow an economic assessment of the various options that had been presented, and then give Congress the information so it can make a sensible decision as to which solution was best needed to go forward.

What this provision does in this bill is simply give the agency responsible the authority to go ahead with the project and what they think the solution is to the problem in the Chicago area waterway, and that is nothing to say about it whatsoever. It is a preauthorization on a new project which could include closing of the locks, and if it does, it would have hundreds of billions of dollars of financial implications for the taxpayers and for the Corps of Engineers but also have enormous negative economic impact.

I guess, in conclusion, there are two things one is the egregious procedures that continue to give the public such a negative slant on how we do business—this bundling of bills, where we are forced to vote yes or no on the whole bundling, up or down, and we can't let our yes stand for one purposeful interest or another or a no stand due to bundling; second, we need to address these midnight procedures, this issue of "slip it in there, without going through the regular process. This body of Congress, the House and Senate needed to return to regular process, where we bring an idea forward, it is worked through the committee, it is transparent to all who are looking at it, we give our yea or nay, and we move it through the system, rather than simply changing things in the dark of the night at the last minute, where we have no opportunity to amend it and no opportunity to address it.

As we go forward with this, I am going to object to the use of rule XXVIII. I don't know how it will all turn out, but I hope my colleagues will understand this is more than something that just affects Indiana, Illinois, Illinois, Mississippi and up down the St. Lawrence Seaway. The other problem with this is the new language also expedites the study, even though the Corps says they need more time to do so.

I guess, in conclusion, there are two things. One is obviously the procedures that continue to give the public such a negative slant on how we do business—as bundling of bills, where we are forced to vote yes or no on the whole bundling, up or down, and we can't let our yes stand for one purposeful interest or another or a no stand due to bundling; second, we need to address these midnight procedures, this issue of "slip it in there, without going through the regular process. This body of Congress, the House and Senate needed to return to regular process, where we bring an idea forward, it is worked through the committee, it is transparent to all who are looking at it, we give our yea or nay, and we move it through the system, rather than simply changing things in the dark of the night at the last minute, where we have no opportunity to amend it and no opportunity to address it.

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and the Great Lakes. This is something that affects the way we do business here. If we cannot enforce these rules, we will continue to follow these practices the American people have come to absolutely hate and think they have a dysfunctional Congress. We deserve better. And I hope my colleagues will agree with that.

I yield the floor.

The ACTING PRESIDENT pro tempore, the Senator from California.

Mr. SANDERS. Mr. President, I thank the Chair for yielding. As a member of the Transportation Committee, I would like to congratulate Senator BOXER for her extraordinary efforts in pushing this bill forward. This is an enormous important bill that took a lot of hard work, and I commend her for the work she and her staff have done. Senator INHOFFE and I have very little in common politically, but I am very pleased to see his staff and the staff for coming together on this issue and doing something that is extremely important and doing it in a bipartisan way.

Anyone who drives in the State of Vermont or, for that matter, drives around America, understands, to a significant degree, our infrastructure is collapsing. In Vermont, we have dozens and dozens of bridges that are in need of immediate repair. We have many miles of roads that need repair. Our public transit system needs help. What this bill is about is a start toward rebuilding our crumbling infrastructure, our roads, our bridges, our public transit and, in the process, putting a significant number of people back to work.

It is estimated this bill will save more than 1.8 million jobs nationwide in each of the next 3 years, and it will create millions of dollars worth through an expanded infrastructure financing program. What that means in the State of Vermont are thousands and thousands of decent-paying construction and other types of work that we sorely need. So this bill is an excellent start. Does it go far as it should? No, it does not. Compared to China, compared to Europe, our investments in infrastructure are minimal. When we invest in infrastructure, we make our country more productive, we put people back to work, and we make ourselves more internationally competitive. So I just want to say this is an important step forward, but we have more to do.

Today, we are focused on roads, bridges, public transit—very important—but that is not the entire infrastructure. We have to pick up the issue on rail. We are falling further and further behind China, Japan, and Europe in terms of high-speed rail. We have to invest in rail and there are great jobs in doing that. We have to invest in our water systems and in our wastewater plants. We need of jobs. So I want to say this is an important step forward, but we have more to do.

I am very grateful to Ranking Member RAHALL for the work we have done in this conference. This is a bill that everyone can be proud of, whether they are Republican or Democrat.

CBO has scored this, and it actually returns money to the Treasury. We have support from people who don’t agree on most matters. I am not only talking about Senator INHOFFE and myself, who do not see eye to eye on many issues; we have come together on this. Besides that, we see the AFL-CIO and the Chamber of Commerce walking hand in hand asking us to please pass this bill. So we have a few little hold-ups now, but I am very hopeful we can work through them.

The highlights of this bill: Overall,
I wish to discuss the Supreme Court ruling. In a very fascinating ruling, the Chief Justice decided that the Affordable Care Act is constitutional. I am not going to spend a lot of time discussing why he said it and why they decided it. What I am going to talk about is what will happen if the Republicans have their way and this law is repealed.

I want the American people to know—and I say this with no animosity at all—I am going to do everything I can to stop them from repealing it for a reason: The reason is the families in my State and all over the country who are getting the benefits of this law.

Governor Romney says it is going to be so devastatingly bad on the first day—he is going to repeal the health care law, if he gets elected, day one. Let me tell my colleagues very clearly what will happen.

There are 54 million Americans who are getting free preventive services such as mammograms and immunizations, if they have private insurance. That is most of our people. They would no longer get free mammograms, free checkups—over and out. Fifty-four million Americans lose if Governor Romney and the Republicans repeal this bill—6 million of my people in California.

My seniors, over 300,000, would no longer get help with their prescription drug benefits. Now they are getting help. They will no longer choose between taking their prescription drugs or eating dinner. I am sorry, I am going to stand in the way, if I can. Under Medicare, millions of seniors would lose access to free preventive services. The elderly, Medicare eligible, need these services for free, including cancer screenings and flu shots. Why on Earth would somebody or some party want to get up and say: I am repealing that?

There are 105 million Americans who will once again face lifetime limits on their health insurance plans. If someone is diagnosed with cancer and they look at their plan, it says they are covered up to $250,000. That sounds like a lot of money. I can tell my colleagues now, that is not a lot of money for someone who is battling cancer. Now, suddenly, in a person’s worst moments, when they are facing radiation and chemo, they have hit up against their lifetime limits and are done.

More than 6 million young adults, including 300,000 in my State, would lose their health insurance because now they have a guarantee. Because of the health care bill, they can stay on their parents’ coverage until they are 26. Why would anyone want to repeal that? Ask them. They do.

Insurance companies would no longer owe rebates to customers if those insurance companies spent too much on CEO’s, extravagant bonuses and paid hardly anything to help people with their health care. We are going to see 12 million Americans get back $1 billion in rebate checks in August. They will stop that. They want to stop that. How about millions of children who are now getting coverage because they have a preexisting condition. Before this law, they couldn’t. So if a child was born with a heart defect, even if it was something that could be treated, they couldn’t get insurance. We pity those families. I have had reports of people in my State crying tears of joy when the Supreme Court acted because they could not get insurance because the woman—this particular one—had a preexisting condition, and now she can get insurance.

Because of the work of Senator Sanders—and I helped him with it—we have community health centers across the country getting funding. So if a person has no insurance—or even if they have insurance—they can go to a community health center and, based on their ability to pay, get health care. That would be repealed. School-based health centers would be repealed. Training of our health care workers would be repealed.

I will tell my colleagues, that is just what the benefits are today. In 2014, there will be a slew of new benefits. This bill, while not perfect—and we can fix the problems—is a good bill.

Just remember that everyone in our country gets health care, but the difference is some of them walk into an emergency room, because they are looking for a premium even if they are wealthy, and they expect us to pay the bill in the emergency room. With the approach that Massachusetts Governor Romney took, he said if a person is responsible and can afford it, that person would pay it. That is what the Massachusetts Governor Romney did. President Obama got the idea from Governor Romney. I call it a personal responsibility premium. Some people call it a tax. Some people call it a fee. I call it a personal responsibility premium because the people I represent buy health care coverage, and a few just say: You know what, I feel terrific. I will wait until something bad happens to me and then I will go to the emergency room. And they can all pay.

That is what we have. We have the people who are responsible paying for the free riders. The idea that President Obama got was from then-Governor Romney.

So this is going to be a long election season, and there are going to be a lot of battles over health care.

I hope we will pass the bill that is in front of us and take care of the construction sector and transportation. I hope we will take care of flood insurance and student loan interest rates. We can do that with one vote on a bill shortly, if we get permission to move forward. If we don’t, we will be here all weekend or whatever it takes to get it done. I am not going to go home until this is done.

I will also tell my colleagues—as we look at this health care battle, the lines are pretty clear. There are millions and millions of Americans who are getting benefits today. Why would anyone want to take away those benefits? Yet that is where we are in the debate. So I hope cooler heads will prevail.

Let’s get on with bringing this economy back. Let’s allow this bill—with a few corrections because we can always fix things that don’t work—go forward. Let’s stop the heated name calling. Let’s make sure we work together, just...
as we did on the Transportation bill. I believe this is a good moment for this Senate today. I hope we can get our work done, and then we can actually celebrate something before we start battling over health care.

Let’s start by going to the construction sector: We need you to rebuild those broken roads, those broken bridges. We need you to make sure we get those transit systems up and running. Then, I honestly believe, the rest of these problems we will take up one at a time.

Thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. I ask unanimous consent to speak as in morning business.

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

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS BRAD THOMAS, LIEUTENANT RYAN DAVIS RAWL, AND SERGEANT JOHN "J.D." MEADOR, II

Mr. GRAHAM. Mr. President, I rise to pay tribute to three fallen National Guard members from South Carolina who died in Afghanistan on June 20, 2012, in Khost Province. They were members of the 133rd Military Police Company who were serving on this duty. There are now 16 members of the South Carolina National Guard who have died in combat in Iraq and Afghanistan since 2003.

With the July 4 weekend coming up, we are preceding one of our biggest holidays in America, and people rightfully will take some time off. I hope, to enjoy their families and friends and get away from work and have some family time. It marks a special event in our Nation’s history: The founding of our Nation through a declaration of independence that was not just words but end and remind us of one thing we do achieve our independence.

Here we are a couple hundred years later and we are still fighting. My belief is, as to the radical Islamists who would kill us all if they could, it is better to fight them over there so we do not have to fight them here.

Afghanistan was the place the Taliban took over after the Russians left and invited al-Qaida into the country, with bin Laden as their honored guest. He had sanctuary there and was able to plan the attacks of 9/11 from sanctuary provided to him in Afghanistan.

Our goal is to never let Afghanistan become a sanctuary for al-Qaida or other terrorist groups. Thus, we are in a long struggle. It has been 10 years. It has been hard, but we are making progress. The Afghan Army is getting better and stronger. The police are getting more proficient at their job. We are looking at unknown effects in the most noble tradition of the country—that they were trying to make our families safer, my family safer, and they died in the service of their country. And that is a life well lived. They died far too soon. They left behind young children, but they will never be forgotten.

May God grant them eternal rest and peace. May God bless and provide understanding and healing to the families left behind. And may, as Americans, we never forget that our freedom is dependent upon a few of us being willing to go to faraway places, with strange sounding names, and risk never coming back.

Mr. MCCAIN. Mr. President, if the Senator will yield, first of all, I thank the Senator for his eloquent statement on behalf of those who have served and sacrificed.

Since we will all be spread around at different places over the Fourth of July and celebrating our independence, I think those are very appropriate and moving words.

I am reminded of the saying at the battlefield, written:

They shall grow not old, as we that are let by the sea,
Age shall not weary them, nor the years condemn.

At the going down of the sun and in the morning
We will remember them.

Mr. President, I ask unanimous consent for a brief colloquy with the Senator from South Carolina.

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

SEQUESTRATION

Mr. MCCAIN. Mr. President, we are also facing another crisis as far as the military is concerned; that is, the looming prospect of sequestration. The Secretary of Defense has stated that sequestration would have a “devastating impact” on our national security. We are talking about layoffs, and some estimates are of as many as 1 million workers in the defense industry. We are looking at unknown effects of the strategic thinking that goes on as we plan to defend our Nation’s security—for example, our shift in emphasis from Europe to Asia Pacific, which requires significant air and naval assets amongst other things.

I would ask my colleague—I am not sure the American people are fully aware of the effects of something that is supposed to take effect, as I understand it, at the beginning of the next fiscal year, which would be the beginning of October 2012. Is that a correct statement? Would my colleague?

Mr. GRAHAM. Yes, it is.

Mr. MCCAIN. So we are asking the Defense Department to plan on what about this war, we all appreciate those who fight it, and we all suffer and mourn for those who lose their lives in this cause.

I believe this is a just cause. I believe these men who joined the military voluntarily and left their families to go to Afghanistan were doing in the most noble tradition of the country—that they were trying to make our families safer, my family safer, and they died in the service of their country. And that is a life well lived. They died far too soon. They left behind young children, but they will never be forgotten.

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Mr. GRAHAM. Yes, it is.

Mr. MCCAIN. So we are asking the Defense Department to plan on what
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our force structure will be, what our mission will be, what our capabilities will be, beginning the first of October, and all I can see so far is total gridlock on this issue.

Now, if somebody wants to say it is our fault because we refused to "raise revenues" or because of the other side's insistence on that and a resistance to spending cuts, I say to my colleague, I do not think people understand we still live in a very dangerous world. The Senator just talked about those who have already sacrificed. Don't we owe it to them and their families to stop something that all of us agree would have a catastrophic impact on our ability to defend this Nation?

Isn't it true—would the Senator agree—that it is time we sat down and started having serious negotiations, because there is no greater responsibility the Congress and the people's representatives have than to defend the security of the country?

I know the Senator from South Carolina—before I ask him to answer—traveled around his State, which I intend to do, to the various military installations and talked about what would happen with this sequestration. We are talking about a very limited period of time. We are about to go out of session.

We will be in during the month of July—most of the month of July—and probably the month of September. End of story.

Mr. KYL. Mr. President, might I ask my colleague to yield, if I could add one other question to his very important question for my colleague from South Carolina.

I have a recollection that during one of the hearings the Senator from South Carolina specifically asked the Secretary of Defense what the consequence would be, and I recall he had a very dramatic response. I wonder if the Senator might share that with us as well.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator KYL be included in the colloquy.

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

Mr. GRAHAM. Well, one, I hope my colleagues will stay around for a minute or two because this is an important topic to be talking about.

Let me put this in the perspective of what we are trying to do and what we are trying to avoid. We are about $16 trillion in debt. There is probably no stronger Republicans in the Congress than JON KYL and JOHN MCCAIN.

The Senator just spoke of war. JOHN McCAIN has seen his fair share of war. I think he understands as well as anybody in this body—probably better than anybody in this body—what happens in war, what people get hurt and people get killed and anybody who has been in the military is no fan of war. But the goal sometimes is to make sure those who are asked to fight a particular war can fight it quickly, overwhelmingly, win, and come home.

What we are doing is trying to get out of debt. The three of us are pretty big defense hawks, but we have all agreed the Pentagon has to reduce their spending too. I think all of us—particularly Senator McCAIN—believe there is a lot of waste in the Pentagon and that we could achieve $50 billion in savings by reforming the way the Pentagon does business and, quite frankly, do more with less. So count us all in—the three of us—for reducing defense spending to help get us out of debt.

But Senator KYL has us all upset. The supercommittee that was formed by the Budget Control Act had a mission of cutting $1.2 trillion over a decade to help get us out of debt. That is a pretty small number given what we are going to spend over the next 10 years. But the committee—Republicans and Democrats—could not find common ground as to how to cut $1.2 trillion over the next decade. There was a penalty provision in the law, and it said that if the sequester were not implemented, we would cut $1.2 trillion over the next decade as follows: $600 billion out of the Defense Department, $600 billion out of the rest of the government.

If that doesn't happen, then we will have cut $1 trillion out of the Defense Department over the next decade, blindly, across the board. Every account gets affected.

What did Secretary Panetta say? He signed up for $450 billion. I think we can get there. We will lose some capability, but we will be OK as a nation. We could fight Iran and win if we had to.

Then I asked him: What if we did cut $1 trillion over the next decade—if we over doubled what you are trying to cut? He said: We would be shooting ourselves in the head as a nation. We would not have the ability to go in and take out the nuclear program in Iran because the weapons we need we could not maintain and afford.

When it comes to personnel costs, we are reducing the Army by 80,000 people under the $450 billion plan. If we do sequestration in the next month, I say to Senator McCAIN, we are taking another 100,000 people out of the Army. Under sequestration, the Navy would be down to a little over 200 ships. We would have the smallest Navy since 1915, the smallest Air Force in the history of the country, and the Army would go back to 1940 levels.

To my colleagues, do you believe the world has gotten that much safer that we can cut our way out of danger than in 1915, given the threats we are facing from Iran, China, North Korea? Do you think now is a good time for the country to basically disarm, given the threats we face from radical terrorism throughout the world?

So here is what we are going to do, and our congressional leaders need to be on notice. About 1 million people would lose their jobs if we put these cuts in place, and we would destroy the infrastructure base that provides good jobs to the economy and keeps us free and safe by giving our people technology better than the enemy has.

Three National Guardsmen were killed in June in Afghanistan. We have improved the National Guard. But when we first started this war, National Guard units were leaving to go to the fight with inferior equipment. They did not have armor. So if we do sequestration on top of what we are already trying to cut in the Defense Department, we will destroy the finest military in the history of the world at a time we need it the most.

This is a body known for doing some pretty dumb things. This would be the prize. So what Senators McCAIN, KYL, and myself are trying to do is avoid sequestration before the first of the year so our defense people can plan. If we do not set this aside before the election, that is political malpractice. I thank Senator McCAIN and Senator KYL for their leadership.

Mr. McCAIN. I wish to add—I note the presence of the Senator from New Hampshire who has also played a very key leadership role, working with the mayors of every city in America, who have issued a resolution about their concern about this issue.

I wish also to state to my friends and colleagues that I know the chairman of the United States Armed Forces, to whom I have had the opportunity of working with for 25 years, the Senator from Michigan, also shares our concern.

I hope we could at least get some of us together who have been involved with these issues of national security for so many years on both sides of the aisle, that we could reach some kind of an agreement. We know additional sacrifices have to be made when we are facing a $16 trillion deficit. But to take the overwhelming majority—all over 50 percent of these reductions—out of what is about, I believe, 12 percent of our spending is obviously not appropriate.

One other point. If the President of the United States shares the concern that the Secretary of Defense shares—catastrophic, impossible to plan on, so draconian that it would cripple our ability to defend this Nation; all of those are statements which the Secretary of Defense has made—I would argue that it would be appropriate, and I would sincerely ask that perhaps the President of the United States also be involved and members of his administration or charter members of the administration to sit down with us to see how we would resolve this.

So far the executive branch has not been involved in these efforts, with the exception of the Secretary of Defense, who has told us in the most graphic terms the devastating consequences. Again, I want to point out to my colleagues: You have to plan, especially in national defense, what weapons you are going to procure, the number of people you are going to maintain in the military, what those missions are going to be.

All of those right now, if held in abeyance in the Pentagon as far as planning is concerned, cannot have a
great deal of validity if we are staring at sequestration and these draconian reductions.

Mr. GRAHAM. Would the Senator yield?

Mr. MCCAIN. Yes, Mr. President, and I know our most eloquent member has arrived on the floor, not to mention other attributes we are lacking.

Mr. GRAHAM. I would like all three Senators to comment on this proposition. You have just challenged the President, who is the Commander in Chief, by the way, to fix the problem that your Secretary of Defense has said would be most devastating to our ability to defend ourselves. He said it would be catastrophic. It would be draconian. There is no way to plan for it. We would be shooting ourselves in the head. Mr. President, you are the Commander in Chief. When your Secretary of Defense and every general under your command is telling you and the Congress, you need to fix this before it gets any worse. Are you going to fix this, as Republicans and Democrats, to answer the call of the Secretary of Defense? You are the Commander in Chief, my friend. It is your job to make sure our military has what it needs to go fight and protect our nation.

But that is not enough. It is also our job as Members of Congress to take care of those who serve. So to our Republican and Democratic leader: Why do you not convene a group of Senators? And to our leaders in the House: Why do you not get a group of House members, and ask us to come up with a plan to do at least one thing, avoid the consequence of sequestration for 1 year in 2013, to take the monkey off their back?

I am willing to meet our Democratic friends in the middle to find a way to offset the $110 billion in defense and nondefense spending. But to our leaders and to the President, if you think the rest of us are going to sit on the sideline and let this matter be taken up in lame duck when it becomes a nightmare for the country, you can forget it. So we are challenging our leaders and the President to get a group together to fix this.

I ask Senator MCCAIN, do you think that is a good idea?

Mr. MCCAIN. I know it is the only way we are going to solve this. I ask unanimous consent that the Senator from New Hampshire be included. I know the Senator from Tennessee, our friend Senator CORKER, is waiting. But I think my friend from South Carolina, as usual, has stated the problem and a solution here. The problem is, we face a devastating impact on our national security. The solution is for our leaders and the President—if possible—to convene a group of Senators, whether it includes us or not is immaterial, on both sides of the aisle, on both sides of the Capitol, to sit down and work this out so we can avoid the sequester.

It will take responsibility for sequester if that is what is necessary. But I also say that without concrete, significant, and meaningful action to cause this sequester to be prevented, we are risking the lives of our young men and women who are serving in the military. I do not know of a greater responsibility than this.

I ask the Senator from New Hampshire if she agrees.

The PRESIDENTING OFFICER. (Mr. BLUMENTHAL.) The Senator from New Hampshire is recognized.

Mr. MCCAIN. Mr. President, I have with my colleagues over the concern, deep concern that keeps me up at night about sequestration, because we cannot do this to our national security. Both sides of the aisle have to come together. We need leadership from our Commander in Chief on this issue.

To put it in perspective, I asked the Assistant Commandant of the Marine Corps what the impact of sequestration would be on the Marines. Do you know what he told me? That the Marine Corps of the United States of America would be unable to respond to one major contingency. Talking about putting our country at risk and putting ourselves in a situation where unfortunately there are still so many risks around the globe that our country needs to be protected from. To think that our Marine Corps would not be able to respond to one major contingency. It is outrageous. It cries for bipartisan leadership on this issue, particularly leadership from our Commander in Chief.

To put it in perspective, it is not just an issue of our national security. You would think that would be enough to bring people to the table. But we are talking about jobs across this country. The National Association of Manufacturers has estimated it would be nearly 1 million jobs; George Mason University, the same.

To my colleagues, looking around how people are talking in some States in terms of the estimate of job losses: 24,000 for Alabama. When we look at a State like Missouri, 31,000, when we look at a State, for example, like Florida, 39,000 for Florida. This is an issue that will hit every State in this Nation.

But, most importantly, what I am concerned about is it is going to hit our military in a way that we break faith with our troops. In fact, General Odierno of our Army has said he expects to speak to 100,000 Marine troops from our Army on top of the reductions we are making right now, approximately 72,000, and 50 percent of it would have to come from the Guard and Reserve.

You think about the important function not only of protecting our country, we could not have fought in Afghanistan or Iraq without our Guard and Reserve. I am the proud wife of someone who served in the Iraq war. I can tell you, it is not only the function that they play in terms of protecting our overseas, but they also perform a very important homeland function. Every Governor in this country will be deeply concerned if we are going to diminish our Guard and Reserve. So this is an issue that cries out for leadership from both sides of the aisle. I look forward to working with my colleagues on this. It cannot wait until a lameduck session. We cannot wait until our national security in the balance, and nearly 1 million jobs at issue, to a lameduck session. This is something we should resolve right now.

I appreciate that my colleagues have come to the floor to talk about this issue today. We cannot wait until our national security in the balance, and nearly 1 million jobs at issue, to a lameduck session. This is something we should resolve right now.

The PRESIDENTING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I think Senator CORKER from Tennessee was on the floor before me. I do not know if we are going back and forth or how long he expects to speak. I wish to yield to him to see what his plans are.

The PRESIDENTING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I am going to speak for about 2½ to 3 minutes if that is okay.

Mr. DURBIN. I would be happy to yield to the Senator from Tennessee. I ask unanimous consent that I follow him.

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

BUDGET CONTROL ACT

Mr. CORKER. Mr. President, I appreciate the comments of my friends from New Hampshire and Arizona and South Carolina regarding the sequestration. I will say the reason we are in this sequestration mode is that six Republicans and six Democrats could not figure out a way, over a 10-year period, to cut $1.2 trillion in spending out of $45 trillion that is going to be spent by the Federal Government during that period of time. So I do hope there is a way to resolve this. But I am here to speak about something related, but in some ways very different.

Today we are getting ready to vote on some legislation dealing with flood insurance, dealing with student lending, dealing with highways. And these are all very popular programs.

What people who are listening, who may be paying attention to what the Senate is doing today, what they may not know is that for the third time, in a bipartisan way, this body is getting ready to spend more money than was deemed by the budget that was ultimately created by the Budget Control Act last year when the country almost shut down trying to save a mere $900 billion over the next 10 years. So a vote today for this piece of legislation is basically a vote to say the Senate cannot be entrusted to carry out what it laid out last August to keep us from spending more money. I know there are going to be some budget points of order that will be brought forth at some point later today.
I want to say as one Senator from Tennessee, it continues to be unbelievable to me that this body does not have the courage, does not have the will, does not have the discipline to even live within a very modest budget that was laid out last August. Today I am certain we will pass legislation that spends billions of dollars more than we agreed to in the Budget Control Act and especially the deemed budget that came after that, the deemed budget that was put in place as a result of the sequester.

I would say all those who vote for this today are basically saying we do not have the discipline to live within our means. The problems our Nation faces fiscally are only going to get worse. I think this is a very sad day for our country if that, in fact, is what happens within the next 2 or 3 hours on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

SEQUESTRATION

Mr. DURBIN. Mr. President, I thank the Senator from Tennessee for his comments. I share his concern about our deficit. I was a member of the Simpson-Bowles Commission, voted for the commission report, bipartisan effort to reduce the deficit by $4 trillion over 10 years. I think we set in place a description, maybe a guidepost for how we can do this.

I would ask him that we need to take care in the money that we spend now which will add to the deficit, though I have to say my understanding is this transportation bill is paid for. There are revenue sources that are part of this. I know the student loan continues to decrease in interest rates to 3.4 percent for student loans is paid for. I believe the changes within the Flood Insurance Program, which is part of this package as well, the Republican leader at this morning, refurms in that program will move it closer to sustainability and solvency. It is not where it needs to be, but it is moving closer.

But I want to address, if I can, for a minute what has been a topic on the floor this morning about the planned cuts in the Department of Defense. Let me say at the outset what we all agree upon. No. 1, never, ever want to shortchange America’s security, never shortchange our men and women in uniform.

A nephew of mine who serves as a doorman in the gallery recently returned from 1 year in Afghanistan. We were sending packages and were worried about Michael every day. He got home safely. That is happening over and over across America. I wanted my nephew to have all he needed to come home safely. That is happening over.

I think every day. He got sending packages and were worried about Michael every day. He got home safely. That is happening over and over across America. I wanted my nephew to have all he needed to come home safely. That is happening over.

As of this year’s budget, defense spending will have risen 73 percent since the budget was last in balance. We created a supercommittee, and Senator KERRY of Massachusetts, who is here, was a member. They said: Let’s find ways to reduce the deficit by $1.2 trillion over 10 years. They tried. I am sure Senator KERRY will speak to that effort. At the end of the day, they could not reach a bipartisan agreement on how it would be done. The law we passed said: If you cannot reach agreement, we are going to do it automatically. We are going to take $500 billion out of defense and $500 billion out of nondesense spending. That is what this is about. People are coming to the floor and saying that we cannot take another $500 billion out of defense spending.

I will tell you that I think that is a lot to be taken out in light of what we have already anticipated we are going to reduce in spending. I think it will total $1 trillion. We take from the annual base. I reject the notion that that $500 billion, if it is taken out of domestic discretionary, won’t have equally horrible results.

So I say to my friends on the other side of the aisle, when you had a chance in the supercommittee to deal with spending cuts of a lesser amount or deal with revenue, closing tax loopholes, you walked away from it. Now you are complaining that we may end up doing the same.

Incidentally, if the sequestration number went through—the additional $500 billion in cuts over the next 10 years—it would bring the amount of money we spend on defense to the same percentage of the GDP that it was when the budget was in balance.

So my friends who are speaking for national defense, I join you, but I also speak for investments in America when it comes to education, innovation, and infrastructure. That will help our economy grow. And sequestration on the domestic side is unacceptable, from this Senator’s point of view, as well.

We clearly need to get beyond this and talk about an honest answer to reducing the deficit. An honest answer, going back to Simpson-Bowles, puts everything on the table—everything. To my friends on the other side, I say that it puts revenue on the table, and it must. It puts entitlement programs and spending cuts on the table, and it must. That is the only honest way to address this issue. To pick it off and say that we are going to take the one area that has grown in spending by 73 percent and ignore it and then have them say that we don’t touch revenue leaves two possibilities: If we are going to do anything about the deficit—deeper cuts in programs such as student loans, medical research, or cuts in Medicare—that is what it comes down to.

There are hard choices, right? I think the Bowles-Simpson approach of putting everything on the table is the right approach.

I urge my colleagues on both sides to take this pain that we are facing December 31 and turn it into an opportunity to work on a bipartisan basis to reduce this deficit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRANSPORTATION

Mr. LEE. Mr. President, I stand to raise a concern I have regarding the conference committee report to accompany H.R. 4348.
Pursuant to paragraph 9 of rule XXVIII of the Standing Rules of the Senate, we are supposed to have adequate notice of a report like this before we have the opportunity to vote on it. The rule states:

It shall not be in order to vote on the adoption of the report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote.

The current version of the committee report was filed, as I understand it, at 8:07 p.m. last night. It is not even close to the 48 hours required notice.

What we have, ultimately, when we look at this, is the fact that we have a highway bill that was sent to conference, but it came back from closed-door negotiations with a student loan bill and also with a flood insurance bill attached to it. We were neither given the chance to debate nor to amend these provisions before they came to the floor. Now we are approaching a vote on that.

We did not provide our fellow Senators or the American people with an adequate opportunity to read the 596-page conference report, which is required by our own rules. This is somewhat reminiscent of a statement made a few years ago by then-Speaker of the House NANCY PELOSI when, speaking to Members of her body regarding the passage of the Affordable Care Act, she said:

We have to pass the bill so that you can find out what’s in it.

This is one of the problems we have in Washington of which the American people are becoming increasingly aware. It is a problem that I think we need to address. Time and again, we have a problem in which the Senate waits until the day before a holiday or the day before a scheduled instate work period before bringing something to the floor for a vote—without following their own rules. There is a bill that has gone through House and Senate with a Finance Committee report that has been operational for quite a number of years. Yet, when you read this, you have to refer to the Federal Register, which is hundreds of thousands of pages, to find out what they stuck in this bill in the dead of night. This isn’t the way we should operate.

The American people want to know why do we say the government is not doing anything for 3 days. What were they doing the previous 3 months? They didn’t produce a budget in 3 years. That is against the rules. The rules of the Senate say you must produce a budget, and they didn’t do it for 3 years. When we presented them with a budget that we wrote for them, nobody voted for it, and zero on the other side voted for their own President’s budget.

How are we going to compromise if they are not showing up for work? How are we going to get anything done if they don’t obey their own rules? I will raise a point of order in the next hour that says that we have broken the rules of the Senate, and I will ask them to vote on it. I fully expect that the Parliamentarian will rule in favor of the Senate; I will see. The other side will simply close their eyes to the rules, and they won’t care what the Parliamentarian says, and they will overturn this by saying: We are the majority, and we deem it so. We are the majority, and we don’t care what is in the bill, take time to read the bill; we just deem it so.

I think this is why the American people are unhappy with what is going on here. I object strenuously. I will vote against this, and I will raise a point of order that says we should read the bill before we pass it.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator PAUL for raising these issues. We are mismanaging the American people’s money. It is good to see Senator LEE, who just spoke, and Senator PAUL, both new Members of the Senate who have been working to make sure the American people and make commitments that they are going to work to try to improve the process here. I celebrate their activity, their vigor, and their determination, and a lot of others feel the same way in our body.

Shortly we will be moving a cobbled-together bill. An attempt will be made to accomplish this. I expect budget points of order and another point of order to be raised.

Let’s take what we call the LUST fund. I know it is an odd name. The true name of it is the leaking underground storage tank fund. People who have them have to pay fees, and it goes into a fund. The idea of the fund is to be available when cleanups need to be done. Many of the companies have gone bankrupt and there is no money, this fund will pay to clean up the waste. Maybe it makes sense. It has been operating for quite a number of years. It has run up a surplus. That surplus is in the LUST trust fund—leaking underground storage tank fund—and where does it go? What do you do with that money?

The Treasury of the United States is spending more money every year than it takes in. This year we will spend approximately $3.7 trillion. We take in about $2.4 trillion, and we have a $1,300 billion deficit. That is how much we are spending. We spend around $3.7 trillion and are taking in about $2.4 trillion, and we have about a $1.3 trillion deficit this year—the fourth consecutive year that we have had almost a $1,000 billion deficit. We will have a big one again next year because we are systematically overspending.

Let’s look at a company fund—it has some real money in it, a number of billions of dollars—and what happens to it. Well, when the government spends more money than it takes in, it takes the money from the LUST fund. Well, how does it get it? It borrows it. So there is actually a debt instrument from the United States Treasury to the trustees or the holders or managers of the LUST trust fund, and they have loaned the money. They do not need it today, so they loan it to the government. They can take money that has been borrowed and has been spent.

The assets in the LUST fund are nothing more than debt instruments.
from the U.S. Treasury. But on the books, it appears this LUST fund has assets. I guess in a sense it does. It has U.S. Treasury notes. So the people looking around to spend money and to try to meet the demands of our constituents—to build highways in this case—decided they could take that money.

And you know something, it does not score as an expenditure in that fashion. It is an odd way this is done. It is seen as if they are just putting it in trust and spend. But where does the money come from? The money is not in the fund, remember? The fund holds Treasury bills. But the highway trust fund doesn’t want Treasury bills, it wants money that can be spent. So what happens is the U.S. Treasury, which has been borrowing money from another government agency and giving a debt instrument in return, has to come up with the money now. It is going to be spent. It is going to be taken out of the trust fund. Do they get the money? They convert an internal debt to an external debt.

The only thing they will do is borrow more money. So it will be this many billions of dollars more than $1.2 trillion. So that we have. The debt is converted to a public debt, and somebody in China or in Japan or in New York will loan money to the government and they will use that money to pay the highway trust fund with it.

You know what that means? It allows the money to be double counted. And that is actually what happened with President Obama’s health care bill. That $400 billion was funded this way. Social Security still has a surplus. Although it has been drawn down, it still has a surplus in its account—or Medicare does. So the Medicare trustees raise Medicare taxes, they cut Medicare benefits, and they save $400 billion. And that would be money of the U.S. Treasury. It is their money. But what happened with it? Under the conventions of accounting, the money was available to be spent by the U.S. Treasury, and the U.S. Treasury then would spend it on the new health care bill.

The Congressional Budget Office Director, Mr. Elmendorf, wrote me a letter the night before the bill passed—Christmas Eve—and he said this is double counting the money. You can’t simultaneously benefit Medicare and fund a new health care program, although the conventions of accounting might suggest otherwise. So the real smart financiers, what did they do? They figured out how to use the conventions of accounting in a way that obscured the fact they didn’t have the $400 billion and that it was, in truth, borrowed money.

Mr. President, I see my colleagues on the floor, and I am not going to read all of this. The chair read all of us a letter from the president.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I just have a couple of comments to make for clarification purposes.

First of all, I don’t think anyone is going to question my conservative credentials over the years I have been here. I have been really offended by a lot of the things that have happened structurally in this institution, over in the House, but so far as this bill is concerned, let me clarify a couple of things.

It sounds good to stand up here and say we have only had a matter of minutes to look at something that is 500 pages. We have had this bill for a long time—for several days. We have had it and gone over everything. On the bill we sent from the House, it is essentially the same thing.

I didn’t agree when they added the two provisions on student loan and flood insurance. I didn’t agree with that—those are lame, but I don’t think they should have been on here. Nonetheless, we didn’t have any control in this body over that. But as far as the provisions of the bill are concerned, these provisions we have seen, and it is true that it has been there when we have talked about the great reforms, and I have commented several times that I thought one of the problems was we did too good a job because we had too many reforms. But when it got over to the House, where they are inclined to have more reforms there, they had to start from a base where we had done a good job. Streamlining and enhancements and all that.

The only thing I can say, from a conservative perspective, is we have seen this bill. We have lived with this bill, not just hours but for days, and actually for weeks, the basic provisions of the bill. But what we have to realize is there is an alternative to what we are doing here today, and that alternative—and the only alternative—is to go back to extensions.

If we go back to extensions, a couple of things happen. No. 1, we don’t have any of the reforms we have in the bill; No. 2, we throw away about 30 percent of the money—Mr. REID: I addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Will my friend yield for a question?

Mr. INHOFE. Yes, of course.

Mr. REID. Through the Chair, I would ask my friend, the ranking member of this committee, is it true this is basically the same bill we are going to vote on today that passed this institution in November?

Mr. INHOFE. It is true, I say through the Chair. It passed this institution with 74 votes, as I recall.

Mr. REID. So again, people have had since March to read this bill and to get up to speed a little bit, don’t you think?

Mrs. BOXER. Mr. President, would you lend my friend yield for 1 minute? I want to correct the RECORD.

There are a few changes, there is no question. We have speeded up project delivery, as my friend knows. We gave a little more flexibility to the States in terms of the TE program. So a few things were changed. But my friends are right, primarily, this is a similar bill. It takes the money and we say we are going to spend the same thing, plus inflation. And it is true these bills have been out here for a long time. Actually, they passed our committee, I say to Senator INHOFE, in November of last year.

Mr. INHOFE. I respond, yes, that is correct. That is accurate.

I think that is very important too because we have been talking about this bill for a long period of time. We actually started trying to get a highway re-authorization bill way back in 2009, when the old bill from 2005 expired.

But the problem is—and I want to get back to where I was—there is an alternative to this bill. If we defeat this bill, we will go back to extensions. If we go back to extensions, first of all, we are losing about 30 percent of the money off the top. Everybody knows that. Secondly, we don’t get these reforms. If people are concerned out there—conservatives—that they want to defeat this and go back to extensions, they are not going to have reform with the enhancements. Right now the law requires 10 percent, depending on how we want to put it, in total funding or 2 percent of surface transportation. That has to be spent on transportation enhancements.

My good friend, the chairman of the committee, Senator BOXER, and I disagree on enhancements. She likes them; I don’t. I want money to be spent on concrete, on roads and bridges. This is what I think we should be doing. But that is a disagreement we had and so we had a compromise where she can have—and anyone can have—what they want. It is an oversimplification, but it means this bill has to be put into something. It can be enhancements. In my State of Oklahoma, it is not going to be in enhancements, it is going to be paying for some of the unfunded mandates. It will be paying for things we have to do in terms of the environment and things that are required. So we have solved that problem. If we don’t pass this bill, we go right back and it will have to go to enhancements.

On streamlining, all the streamlining is in this in terms of environmental streamlining. Talk to any of the road contractors out there and they will tell you about the waste of money and the number of miles of roads they can’t do
because of some of these requirements—these environmental requirements. We have streamlined those requirements. If we don’t pass this bill, we will go back to extensions and the same thing applies—we are going to lose all the opportunities. So not only will it cost more, we will not get the streamlining.

I am very proud of a group that has always supported me, the American Conservative Union. Is there anyone around here who doesn’t think the American Conservative Union is conservative? I made this a part of a speech yesterday, an editorial by Al Cardenas, the chairman of the American Conservative Union. It is an op-ed piece he wrote. But let me read now two short paragraphs from this op-ed piece from the American Conservative Union:

Article One, Section Eight of the Constitution specifically lists interstate road-build as one of the powers and responsibilities vested in the federal Government. In Federalist Paper #42, James Madison makes an early case for the federal government taking a major role in our highway infrastructure, by stating “Nothing which tends to facilitate the intercourse between states, can be deemed unworthy of the public care.”

And the article goes on to say—and, remember, this is the American Conservative Union.

Perhaps most importantly, those of us who believe in constitutional conservatism understand that unlike all the things the Federal Government wastes our money on, transportation spending is at the core of what constitutes legitimate spending.

That is from the American Conservative Union. I wanted people to understand that voting for this is the conservative approach. We get more for the money being spent, it has all the streamlining in it, and it is our constitutional responsibility. This is what we are supposed to do. There are only two ways: one way is to pass this bill and the other is to operate under extensions, and I think it is very important for people to understand that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUYE), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. AXELANDER), the Senator from Oklahoma (Mr. COOK), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. AXELANDER) would have voted “nay.”

The yeas and nays resulted—yeas 72, nays 22, as follows:

YEAS—72

Akaka
Barrasso
Begich
Bingaman
Blumenthal
Bunni
Boozman
Brown (MA)
Brown (RI)
Buche
Baucus
Bennett
Berman
Bayh
Brown
Burr
Cochran
Collins
Conrad
Coons
Dunham
Enzi
Fraser
Franken
Grassley

NAYS—22

Alexander
Bennett
Blumenthal
Brown (OH)
Boozman
Baucus
Akaka
Feinstein
Baucus
Menendez

NOT VOTING—6

Alexander
Bennett
Inouye
Warren
Baucus
 Udall (CO)
The yeas and nays were ordered.

The PRESIDING OFFICER. There is now 2 minutes of debate on the waiver. The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I jumped the queue. This gives me a chance to explain it twice. Let me say there was a bipartisan agreement that was reached on this. I will not name names, but after it went over to the House, somebody dropped something in the middle of the night to change this whole process.

The issue is not just so-called Asian carp; the issue is that if this language is allowed to proceed, we will be authorizing over $100 billion of potential spending to address this without any review by the Congress. All we ask for in our agreement was a simple opportunity to review the study by the Corps of Engineers so we can make a decision based on all the facts, which included over $100 billion of authorized spending. I urge my colleagues to oppose any effort to waive this rule.

Mr. LEVIN. Mr. President, the provision in question simply accelerates a study of invasive species such as the destructive Asian carp, a study essential to protecting the Great Lakes, a resource that is vital to the health, safety, and livelihoods of millions of Americans.

The study was included in the Water Resources Development Act of 2007 that authorized the Army Corps of Engineers to conduct a feasibility study to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins.

Since that time, Congress has provided over $13 million to the Corps to conduct this study. The Corps maintains that the study cannot be completed until the end of 2015.

The provision included in the conference agreement before us today would accelerate this study and require its completion within 18 months.

We should not minimize the threat of the destructive Asian carp entering the Great Lakes. If Asian carp got into the Great Lakes, they would not only pose a very serious threat to the environment but would have a devastating effect on thousands of local jobs and a $7 billion fishing industry.

Accelerating this study would put us on a path to protect one of our Nation’s greatest treasures and the thousands of jobs that depend on it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I know everyone is anxious to finish. I am too. This is a massive bill. It is so good for our country. This bill includes student loans, flood insurance, and 2.8 million jobs. There are a lot of disappointments. I have a few in this bill that I would be happy to share with someone at the right time. We must waive this.

This is one of the great accomplishments of this Congress. Please, everyone, vote to waive this.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The PRESIDING OFFICER. The yeas and nays resulted—yeas 66, nays 28, as follows:

199x762 CONGRESSIONAL RECORD — SENATE June 29, 2012

The yeas and nays resulted—yeas 66, nays 28, as follows:

YEAS—66

Akaka (HI)  Baldwin (HI)  Bennet (CO)
Baucus (MT)  Begich (AK)  Berkley (CA)
Blumenthal (CT)  Blunt (MO)  Boozman (AR)
Brown (MA)  Brown (OH)  Cantwell (WA)
Cardin (MD)  Carper (DE)  Casey (PA)
Cochrane (NH)  Collins (ME)  Conrad (WV)
Corker (TN)  Coons (DE)  Cornyn (TX)
Cruz (TX)  Crapo (ID)  Feynman (WA)
Gillibrand (NY)  Gillibrand (NY)  Grassley (IA)
Grassley (IA)  Graham (SC)  Hagerty (TN)
Hagel (NE)  Heller (NV)  Hirono (HI)
Hirono (HI)  Inouye (HI)  Inhofe (OK)
Johnson (ND)  Johnson (WI)  Kirk (IL)
Kirk (IL)  Kyl (AZ)  Landrieu (LA)
Lautenberg (NJ)  Leahy (VT)  Levin (MI)
Lopresti (NY)  Lieberman (CT)  Manchin (WV)
McCaskill (MO)  McCaskill (MO)  McCaul (TX)
Mendelson (MD)  Menendez (NJ)  Merkley (OR)
Menendez (NJ)  Mikulski (MD)  Moran (WY)
Murkowski (AK)  Murray (CO)  Paul (NV)
Nelson (NE)  Nelson (FL)  Portman (OH)
Portman (OH)  Pryor (AR)  Reed (RI)
Reed (RI)  Rockefeller (CT)  Sessions (AL)
Shaheen (NH)  Schumer (NY)  Stabenow (MI)
Sensenbrenner (WI)  Sasse (NE)  Tester (MT)
Sessions (TX)  Shuster (OH)  Tester (MT)
Shuster (OH)  Tester (MT)  Whitehouse (RI)
Sotul (CA)  Udall (NM)  Wicker (MS)
Wicker (MS)  Wyden (OR)  Wyden (OR)

The PRESIDING OFFICER. The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I cannot hear the Senator from Tennessee.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Tennessee.

Mr. CORKER. Therefore, I raise a point of order under section 311(a)(2) of the Congressional Budget Act of 1974. The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable points of order. I ask for the yeas and nays.

However, I ask unanimous consent that the letter from CBO be printed in the RECORD at this point, which indicates that not only is everything paid for in this bill, it reduces the debt.

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


HON. DAVID DREIER
Chairs Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the conference report accompanying H.R. 4348, Mr. Speaker's compromise bill, as posted on the Web site of the House Committee on Rules on June 28, 2012. CBO estimates that enacting H.R. 4348 would increase the budget deficit by 2012-2022 period by $16.3 billion. That figure does not include effects that may be counted for budget enforcement purposes in the House of Representatives. Specifically, the House passed budget resolution calls for counting transfers from the general fund of the Treasury to the Highway Trust Fund as new spending. Major provisions of the legislation that would affect the budget (see Table 1) would:

Reauthorize, through fiscal year 2014, the surface transportation programs administered by the Federal-Aid Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, and certain programs administered by the Pipelines and Hazardous Materials Administration.

Establish the Gulf Coast Restoration Trust Fund and require that 80 percent of any administrative and civil penalties paid to the federal government under the Clean Water Act connection with the April 2010 explosion at the Deepwater Horizon facility in the Gulf of Mexico be deposited into that trust fund and made available to be spent.

Change the interest rate that pension plans use to measure their liabilities, increase pension premium rates for both variable and flat rate premiums paid to the Pension Benefit Guaranty Corporation, and establish a cap on the variable rate premium.

Provide payments to certain states by reauthorizing the Secure Rural Schools and Payments In Lieu of Taxes programs.

Allow eligible federal employees to enter into a phased retirement, during which they can continue to work part time while drawing a partial salary and a partial civil service retirement annuity.
Reduce the additional Medicaid payments to Louisiana that it would receive based on prior declarations of federal disasters; 
Repeal a requirement that the Department of Transportation reimburse the difference in cost between shipping foreign food aid on a U.S.-flag ship and a foreign-flag ship; 
Reduce mandatory payments to states that have completed certain reclamation projects on land formerly used for mining; 
Reauthorize the National Flood Insurance Program through 2017 and increase premiums for some subsidized policies; 
Retein an interest rate of 3.4 percent on all new subsidized student loans until June 30, 2013, and change the interest the federal government pays on behalf of some borrowers who are attending school; and

Raise additional revenue by increasing the ability of businesses with excess assets in their pension funds to use them for retiree health and life insurance benefits, and by defining businesses that make roll-your-own machines available for consumer use as tobacco manufacturers.

CBO estimates that implementing the legislation would avoid discretionary spending of $95.9 billion over the 2013-2017 period (see Table 2); such spending would be subject to future appropriation actions. Of that amount, the spending on transportation programs would total $94.3 billion, which reflects estimated obligation levels for 2013 and 2014 that are approximately equal to the obligation levels for 2012, adjusted for inflation.

I hope this information is useful to you. If you need additional details in the way that will be most pleasing to provide them. The staff contact is Sarah Puro, who can be reached at 226-2860. Sincerely,

DOUGLAS W. ELMENDORF, 
Director.

### Table 1—Estimate of the Effects on Direct Spending and Revenues of the Conference Report for H.R. 4348, MAP-21, As Posted on the Web Site of the House Committee on Rules on June 28, 2012

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Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation. Note: N/A = Federal Medical Assistance Percentages. * = between $500,000 and $500,000. ** = amounts may be subject to future reprogramming. Table 2 presents a projection of future spending, revenues, and remaining balances in the Highway Trust Fund over the next 10 years.

### Memorandum

In addition, CBO estimates that implementing provisions of the conference report for the remainder of 2012, 2013, and 2014 would result in an end-of-year balance in 2014 of approximately $4 billion in the Highway Trust Fund and about $1 billion in the transit account of the Highway Trust Fund. Table 3 provides a projection of future spending, savings, and remaining balances in the Highway Trust Fund over the next 10 years.
Mr. REID. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second. The yeas and nays are ordered. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, if I could have everybody’s attention, according to CBO, this is paid for the old way, where we spend all the money in a year or two and then it is paid for over 10. This body came together last August in a bipartisan way to put in place the Budget Control Act, and this bill violates the deemed budget by $2.5 billion. This will be the third time we violate the Budget Control Act deemed budget. For all of those people who are meeting in the evenings, meeting in groups in rooms trying to solve our Nation’s fiscal issues, a vote to waive this motion says we don’t have the discipline, the courage, or the will to do what we told the American people we would do to try to get our fiscal house in order. I urge my colleagues to vote against this motion to waive right now. Thank you, Mr. President. The PRESIDING OFFICER. The majority leader. Mr. REID. Mr. President, the Congressional Budget Office is a non-partisan body that determines what spending is for the Congress, and they have determined that this bill is paid for and it reduces the debt. The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays are ordered. The clerk will call the roll. The legislative clerk called the roll. Ms. SNOWE (when her name was called), Present. Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUYE), and the Senator from Colorado (Mr. UDALL) are necessarily absent. Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. CORBURN), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay.” The yeas and nays resulted—yeas 63, nays 30, as follows:

[Rollcall Vote No. 171 Leg.]

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Note: Yeas and nays are ordered as follows: YEAS—63: Akaka, Begich, Bingaman, Blumenthal, Bynum, Boxer, Brown (MA), Brown (OH), Cantwell, Cardin, Carper, Casey, Cochran, Collins, Conrad, Coburn, Durbin, Feinstein, Franken, Gillibrand. NAYS—30: Akotte, Barasso, Bennett, Burr, Burr, Burr.
Mr. JOHNSON of South Dakota. Ab-

solutely. Nothing in this bill changes the fact that decisions to use public or private service should be up to local policy. We firmly believe the public versus private question should be decided on the basis of local needs, not ideology. And most importantly, the Federal Government should remain neutral, and it should not intrude on local decisionmaking. The language in current 49 U.S.C. 5306 regarding private sector participation states that such issues are guided by local policies, criteria, and decisionmaking. This bill maintains this language, reaffirming the Congress’ commitment to local control on this issue.

Mr. MENENDEZ. I thank the chair-
man. I look forward to continue work-

ing with you to oversee the implementa-
tion of this and other provisions in the bill and continue to do all we can do to support a robust, well-funded public transportation program.

Mrs. FEINSTEIN. Mr. President, I rise today to thank my colleagues on the transportation conference for in-

cluding the National Flood Insurance Program reauthorization and for re-

moving the controversial residual risk provision.

That provision was a real concern to me and more than a dozen cities and counties in California. It would have required nearly 1 million residents in my State to purchase flood insurance even though they live behind fully functioning levees that meet or exceed Federal safety standards. That provi-

sion alone could have quadrupled the number of homeowners in my State who have to buy flood insurance.

The flood insurance bill called this low-level risk behind levees “residual risk.” It is the risk left over after a levee has been built—the risk of levee failure, in essence.

These are levees that homeowners funded with their own tax dollars, and the provision would have forced them to spend even more money. That is just not good policy. And I was proud to add my voice to that of the Senator from Arkansas in strong opposition to in-

cluding it in the bill.

The bottom line is this: Until the re-
sidual risk provision was removed, the National Flood Insurance Program re-

authorization would have had a dev-

astating effect on communities in Cali-

fornia and across the Nation.

Even homeowners in communities who maintain their levees to Federal safety standards with their own tax dollars would have been forced to pay for Federal flood insurance. I simply could not support such an unfair pol-

icy. It sent the message to homeowners
and local communities that regardless of their investments in flood protection, it is simply not good enough. That is not the message we should be sending when this country needs to invest more in flood control infrastructure, not when homeowners are struggling, not when housing starts are near all time lows, and not when our economy is still struggling to get back on track.

I was not alone in my opposition to the residual risk provision. I received letters from officials across the State—Oceanside, Long Beach, Lake-wood, Los Angeles, Santa Maria, Stockton, Sacramento, Yuba City, Del Norte, Sutter, Yolo, and Butte Counties were opposed, as well as San Joaquin County.

This was not a regional issue. The letters came in from southern California, the central coast, northern California and the Central Valley.

In San Joaquin County, in the middle of my district, a provision would have meant 280,000 additional residents had to purchase flood insurance. This is a county where 1 in every 194 homes is in foreclosure—3.3 times the national average. At even $1 a day, this added expense jeopardized the county’s already shaky housing market.

The purchase requirement would have covered most of the city of Stockton, with a population of nearly 300,000. This would have further devastated a city that suffered the second highest foreclosure rate in the Nation last year.

In Palo Alto, this provision would have required another 5,500 homeowners to buy insurance.

In Sutter County, an estimated 28,000 of the 34,308 parcels would have been affected. That is 81.6 percent of all parcels in the county.

In Butte County, 14,000 parcels would have been affected.

In Los Angeles County, supervisors Mark Ridley Thomas and Don Knabe tell me that at least 200,000 properties and 800,000 residents would have been impacted. These homeowners are currently protected by 130 miles of levees and 18 dams in L.A. County.

Many of the affected homeowners live along the Los Angeles River, which isn’t really a river at all—it is a concrete channel. And it is very hard to imagine a flood ever occurring there. More than $200 million has been invested to minimize the risk.

The federally authorized Los Angeles County Drainage Area Project reinforced levees along the Los Angeles River to protect against floods well beyond a 100-year event. Local taxpayers contributed $55 million to complete this project; Federal contributions totaled another $155 million. This investment was made so that residents could avoid $32 million in yearly flood insurance premiums. With the inclusion of the residual risk provision across the owners in the area would have once again had to pay flood insurance bills every year.

I appreciate the efforts of Senators COCHRAN and the chairman and ranking member to address this problem, but changes they made to the original draft did not go far enough. Even with their changes, the provision could have further depressed home prices by driving up ownership costs in many areas.

Let me be clear: This policy wasn’t proposed because homeowners lived behind unsafe levees. These were safe levees that meet Federal standards. Some believe this provision was added to the conference report to restore the fiscal solvency of the program. By bringing in new, low-risk properties, it is true that the fiscal health of the Flood Insurance Program would have improved. But I, for one, oppose propping up the Flood Insurance Program on the backs of constituent property owners who played by the rules.

If the goal is to ensure that people are informed about the risks they face, I continue to be willing to work with my colleagues to accomplish that. In fact, California already offers to purchase mandatory flood insurance. Candidly, I was shocked that we even considered adding this provision without a full floor debate because it was not a trivial extension. The bill would have imposed substantial new costs to nearly 1 million homeowners in California alone.

Again, I thank my colleagues on the conference committee for removing this provision. This conference report was not the time or place for it to be considered.

Now, with the 5-year reauthorization of the National Flood Insurance Program in place, we will be taking an important step to stabilize our housing market. As my colleague Murphy very well knows, responsible steps to put the program back on the path to fiscal solvency is long overdue.

I commend my colleagues on putting together this package of bills. I know they had a tremendous challenge, and I think they have done an exceptional job.

Mr. BAUCUS, Mr. President, I would like to turn to discussing the vital contributions of staff who worked on this bill. We are very fortunate in the Senate to be able to rely on the expertise and the support of so many talented and dedicated staffs whose efforts enabled us to finalize this conference report.

This bill turned out to be unique because it addressed so many different issues. In addition to the ones I have already mentioned, my staff also had to work on pension matters, flood insurance, Federal trust funds, labor, and a range of other issues. All of this combined to make this a very complicated bill.

Accordingly, I want to take this opportunity to publicly and professionally thank the following staffers for guiding this bill through markups in different Senate committees, negotiating with counterparts from the House of Representatives, and getting us over the finish line with a conference report that provides the American people with the good policies included in this bill:

There was Tom Lynch, who worked on both the Environment and Public Works Committee’s portion of the bill and the Finance Committee’s portion.

Tax Counsel Ryan Abraham, whose work along with Tom Lynch on the highway trust fund was key to being able to fund highways and transit projects under the bill.

Tom, Ryan, and Lily Batchelder, chief tax counsel and head of Finance Committee’s tax team, held more than 20 staff meetings with Democrats and Republicans before our Finance Committee markup.

Mark Hybner, who was critical to refining the Indian Reservation Roads Provision; other things, a program that is very important to the seven tribes in my State.

And benefits counsel Tom Reed, a true seasoned professional without whom we couldn’t have found the right offsets to purchase the program that is very important to the seven tribes in my State.

Dave Hughes and Ann Cammack, who made critical contributions both to raise revenue and in tracking policy.

Seán Morrison and Blaise Cote, the Finance Committee’s two excellent research assistants.

Heather O’Loughlin, easily one of the most versatile and capable staffers working in the Senate, who was key both to the education and the flood insurance portions.

Amber Cottle, Bruce Hirsch, Gabriel Adler, Hun Quach, Chelsea Thomas, and my newest addition, Sean Neary, have been very helpful in the effort to develop offsets during the Finance Committee markup.

Department of Transportation detailie and Billings Montana native Avital Barnea, who lent helpful assistance at a crucial time.

Jeffrey Arnold, who was very helpful in assisting on Pension Benefit Guaranty Corporation provisions and phased retirement.

Intern extraordinaires Pete Marcuson, who logged a lot of meaningful hours.

The outstanding press team of Jenny Donohue, Meaghan Smith, Ryan Carey, Kate Downen, Kathy Weber, and our newest addition, Sean Neary.

And my indispensable leadership staff of Jon Selib, Russ Sullivan, and Paul Wilkins, who as always remained focused and unflappable despite the challenges.

Finally, I also want to use this opportunity to thank Bettina Poirier, David Napolitano, Andrea Dittmann, and Grant Cope from Chairman BOXER’s Environment and Public Works Committee staff; Ruth Van
June 29, 2012
CONGRESSIONAL RECORD — SENATE

Mark, James O’Keefe, Murphie Barrettt, Kyle Miller, Dmitri Karakitsos, and Alex Renjel from Senator INHOFE’s staff; Charles Brittingham with Senator VITTER; Tyler Rushforth with Senator RICH; Ellen Doneski, James Reid, Ian Jeffries, and Rich Swayze, Richard Russell, and Ed Baer of the Senate Commerce Committee; and Chris Campbell, Mark Prater, Jim Lyons, Nick Wyatt, and Preston Rutledge from the Finance Committee.

Without the individual and collective contributions of each one of these people I have mentioned, we would not have pulled this off. For them and their efforts to help support American jobs, all of us should be very grateful.

Mr. LEVIN. Mr. President, the bill before us today takes several important steps in several policy areas to move our Nation forward. It prevents a pending student loan interest rate hike that would make college less affordable for American students and their families. It provides important improve- ments in our roads, bridges, and other transportation infrastructure, investments that will put Americans to work today and make our economy more competitive for years to come. It reauthorizes the Flood Insurance Program that provides security to millions of Americans, while making the program more efficient and more fair to States such as Michigan that for too long have paid more in premiums than they receive in benefits. This legislation does not include everything I had hoped for or supported, it makes significant progress on issues our constituents need us to address.

Millions of Americans will be relieved that this bill avoids a looming increase in student loan interest rates. On July 1, those interest rates are scheduled to double, an increase that Americans already struggling to pay for higher education simply cannot afford. Extending the current 3.4 percent interest rate for another year lifts a significant burden, financial and emotional, from students and their families who were looking to us for aid.

I am pleased Senate and House conferees have come to an agreement on a transportation reauthorization. Reau- thorization of our Nation’s transportation programs is long overdue.

Investing in transportation infra- structure creates jobs and improves our competitiveness. We need more than 35,000 jobs for every $1 billion in Federal funds we spend on transportation infrastructure. The bill will create or preserve an estimated 3 million jobs nationwide. In Michigan, the bill will provide more than $2 billion over the next 2 years for road projects and another $261 million over the next 2 years for Michigan transit projects. Funding transportation infra- structure improvements at robust lev- els is one of the most obvious things we can do to help boost the U.S. economy.

The conference report extends Fed- eral surface transportation programs at current levels, with a small adjust- ment for inflation, through September 2014. Given the difficult budget cli- mate, this has to be viewed as a vic- tory. Our State transportation agen- cies need to be able to do long-term planning. This bill helps that cause and is surely better than the short-term exten- sions that have been living under. Given the negative budget climate and the difficulty we had finding the rev- enue to offset the highway trust fund shortfall, a 2-year bill is what is pos- sible, although I would have preferred a longer term.

I am pleased the agreement includes a provision that would direct the Corps of Engineers to accelerate its feasi- bility study of preventing the inter- basin transfer of aquatic invasive spe- cies, such as the destructive Asian carp, between the Mississippi River and the Great Lakes basins. While the Corps is planning to produce an in- terim report at the end of 2013, this provision would require a full feasi- bility study. The agreement also includes a recommendation for implementing pre- ventative measures. Accelerating this study will put us on a better track to protect our $7 billion Great Lakes fish- ery that supports thousands of jobs.

The conference agreement also includes a provision regarding harbor main- tenance that is based on an amendment to the Senate Transportation bill. This is the first time we have addressed har- bor maintenance in a transportation bill, and including this language will help lift a very important issue and strengthen momentum to use trust fund receipts for harbor maintenance.

I am disappointed, however, that the provision in the conference agreement does not include the strong enforce- ment language I urged conferees to in- clude that would ensure that appropri- ators actually include funding for har- bor maintenance that is collected for this purpose.

Navigation infrastructure is a vital link in the transportation system, one our economy depends upon. Maintaining our harbors and ports is vital to our economic competitiveness. I will continue to work to ensure that we provide sufficient Federal funds to properly maintain our harbors.

The conference agreement also ex- tends for 1 year mandatory PILT funding, or payments in lieu of taxes, that will provide about $4 million to Michi- gan local governments to help offset losses in property tax revenue due to non- taxable Federal lands within their boundaries. These payments can help support a variety of infrastructure and educational needs. I had urged conferees to include this provision in the bill, and I am pleased it was included in the final agreement.

The conference report will phase out subsidies for repetitive-loss properties that continue to be rebuilt in high-risk areas. It will also phase out subsidized rates for vacation homes and busi- nesses located in high-risk areas, many of which have received subsidized rates for more than 30 years.

This bill will clarify the law to allow property owners to purchase flood insur- ance from a private insurer, rather than the Federal Government, if they so choose. This means private compa- nies can compete with FEMA to offer consumers a better price.

Finally, I am very disappointed that the conference report removes an off- shore tax provision that I authored with Senator CONRAD to fight against tax evasion. This provision was included by voice vote in the Senate bill and is similar to a provision I in- troduced as part of a broader offshore tax bill, was scored as raising over $1 billion over 10 years and could have provided funds for transportation programs or reduced the deficit. I am dis- appointed that Congress has yet again missed an opportunity to fight offshore tax evasion, which robs billions of sorely needed dollars from our Treasury and our economy.

The legislation before us today does not include everything I had hoped for or supported, but it is necessary, and we should pass it without further delay.

Mr. HATCH. Mr. President, at the first public meeting of the conference committee charged with producing transportation reauthorization legisla- tion, I laid out a series of basic prin- ciples that I think should guide our ef- forts. If we are to have a sensible policy, I had voted against the Senate bill in large part because it failed to follow these basic principles.

Boiled down, these principles are simple. The user-pays model that is the reason for the creation of the Highway Trust Fund should be preserved. Re- venues and spending should line up on a year-to-year basis. We should avoid spending down the trust fund. And we should not raise taxes, but rather should examine the spending side of the ledger.

The conference agreement is an even further departure from these principles than the Senate bill was. The con- ference agreement by and large uses sources of revenue that are problem- atic in and of themselves to facilitate yet another general fund transfer that requires our Nation to make payments for 10 years on 2 years of programs.

Despite all of the committee mark- ups, and staff meetings, and press con- ferences, and frantic press accounts, at the end of the day we simply got the fourth in a series of general fund trans- fers that stretches back to 2008.

Mr. LEVIN. Mr. President, the conference report should provide some much needed equity to Michigan and other States through a 5-year reau- thorization of the National Flood In- surance Program. This bill will clarify the law to allow property owners to purchase flood insur- ance from a private insurer, rather than the Federal Government, if they so choose. This means private compa- nies can compete with FEMA to offer consumers a better price.

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Despite all of the committee mark- ups, and staff meetings, and press con- ferences, and frantic press accounts, at the end of the day we simply got the fourth in a series of general fund trans- fers that stretches back to 2008.
I think the supposed consensus the conference committee product represents can best be summed up by the Margaret Thatcher quote I cited at the Finance Committee markup of a revenue title held on February 7.

"The consensus seems to be the process of abandoning all beliefs, principles, values and policies in search of something in which no one believes, but to which no one objects the process of avoiding the very issues that have to be solved merely because you cannot get agreement on the way ahead ...

""

Well I object. The taxpayers of this country deserve better than this legislation, and I will be voting against it.

Mr. LAUTENBERG. Mr. President, I rise today to oppose to the flood insurance language that is included in the conference report to accompany H.R. 4348, which the Senate will consider today.

The Senate had been debating a stand-alone bill to reform the National Flood Insurance Program for several days, but we were prevented from voting on amendments to the bill and ultimately passing the legislation. Since agreement on a process for considering flood amendments was blocked, we are now forced into an up-or-down vote on a conference report that contains provisions that will save or create millions of jobs in the transportation sector and keep Federal student loan rates from doubling. I will support the conference report because of those provisions, but I oppose the flood insurance portions.

Last September, I saw firsthand how Hurricane Irene’s floods devastated communities in my State of New Jersey. President Obama and I toured the wreckage together. It was heartbreaking. We saw families with their belongings on their front lawns, and much of their homes destroyed. Unfortunately, Hurricane Irene was not the only storm to cause major flooding in New Jersey recently. In just the last 3 years, FEMA has declared five federal disasters that caused major flooding in New Jersey. For many of the people who have been hit by these floods, their homes are all they have. Many of them have owned their homes for generations. They have raised their children and built their lives in them. For these homeowners, it would be wrong to turn our backs on them. But I am afraid the flood insurance language in the conference report could do exactly that.

The flood insurance language we are considering will require major insurance premium increases for people living in certain homes built before FEMA’s flood maps were finalized. For years, families who bought homes built before floods maps were available paid lower rates for their flood insurance. We did that because we recognized it would be wrong to charge extremely high premiums for homeowners who did not know their flood risk when they purchased their home. But the flood insurance reform proposals on the table would bring the hammer down on those families. Most families affected by the change would see their premiums double. Some may even see their premiums increase five-fold. In New Jersey, we know of families in over 1,800 homes that would see their premiums increase. Residents in other States, including Louisiana, Texas, New York, Pennsylvania, and Florida, would also face these dramatic rate hikes.

To address one of these concerns, I introduced two amendments on flood insurance this week. One would have prevented premium increases for primary residences built prior to 1974, and the other would have allowed the increases to occur for some homeowners, but provided for a hardship exemption from premium increases for families that cannot afford the higher rates. Let’s remember, many of these homeowners rely on fixed incomes, are retired, and have budgeted with the expectation that their rates would stay steady. We should not change the rules in the middle of the game when homeowners have played by those rules from day one. Many of these families simply do not have the means to raise more money if rates increase.

I also cosponsored an amendment from Senator Pryor to eliminate a requirement in the stand-alone bill that owners of homes behind dams and levees obtain flood insurance. I am pleased that the language in the conference report does not include that requirement.

Flood insurance reform will have real implications for millions of people throughout the United States, including in my home State of New Jersey. Changes to the National Flood Insurance Program should not be taken lightly, and deserve to be debated and amended on the Senate floor. I am disappointed my Republican colleagues have not taken conducting important flood insurance amendments this week. I also hope including flood insurance reform in the legislative package we are considering today.

The PRESIDING OFFICER. Under the previous order, the question is agreeing to on the conference report to accompany H.R. 4348.

Ms. MIKULSKI. Mr. President, I rise in support of the transportation conference report. This legislation will establish for the first time Federal safety standards for metro systems. My promises made are promises kept. After the deadly DC Metro crash on June 22, 2009, I promised two things to the workers at Metro and my constituents who ride Metro. One, I would deliver the $150 million in dedicated funding for Metro’s capital improvements in the annual Transportation appropriations bill. I have done this every year. Two: pass legislation giving the U.S. Department of Transportation authority to establish safety standards for metro systems across the country. Today, this legislation delivers on that promise.

We always say a grateful nation will never forget. Then we pound our chests, hold hearings, and nothing is ever done. Well, not this time and not this Senator. Immediately following the Metro crash, I was the first to introduce a bill, the National Metro Safety Standards Act, to create the necessary Federal standards. My bill required the U.S. Department of Transportation to work with the National Transportation Safety Board to implement their most wanted safety recommendations: crashworthiness, emergency egress design standards, and data event recorders for rail cars; and hours-of-service regulations for train operators.

Now, 3 years later, Congress has finally acted. This highway bill includes similar language to my transit safety bill. It requires the Secretary of the U.S. Department of Transportation to create and implement safety standards and a safety training program. The Secretary must also consider the recommendations of the National Transportation Safety Board when establishing the safety performance standards for railcars.

This bill before us today also requires transit authorities to complete comprehensive safety plans and States to have a safety oversight program approved by the U.S. Department of Transportation. The Secretary must certify that these oversight programs meet the Federal safety standards each year. If a State oversight agency is not doing its job, the Secretary can withhold Federal funding or require that 100 percent of funding be used to fix the metro system’s problems.

In addition, the U.S. Department of Transportation has the power to conduct inspections, investigations, and audits of transit system railcars, facilities, and operations. It can also investigate incidents and provide corrective guidance. The Secretary has the authority to issue a subpoena when investigat- ing an accident as well as require additional reporting and recordkeeping.

Every weekday more than 7 million people board railcars. Now they can breathe a bit easier knowing their metro will soon have Federal safety standards just like commercial buses, airplanes, and commuter rail systems. I want to thank Senators Tnt Johnson and Boxer, Senate Finance Committee, which is responsible for authorizing the public transportation portion of the bill, I was proud to serve as one of the conferees.

After intense and exhaustive negotiations our conferees committee reached an agreement on a bill that will benefit every American. In my home State of South Dakota alone,
this bill will support 10,000 jobs and across the country it will support nearly 3 million jobs. It will improve rural transit service and make our Nation’s highways safer and more efficient. I am relieved that we will not let another construction season go by without certainty of Federal funding.

From the start, the Banking Committee worked in a bipartisan fashion on the transit reauthorization which is why we were able to pass our portion of this bill out of committee by a unanimous voice vote. I am happy to say that most of our committee-passed bill is still intact in the final product we have before us today.

This conference report will increase funding for public transportation through the end of fiscal year 2014 and deliver critical investments in the Nation’s aging transit infrastructure.

In addition, the bill will institute much needed reforms such as speeding the construction of public transportation projects. The bill also includes transit safety provisions that have been stalled for 3 years.

Finally, our bill increases formula funding for all types of transit: additional urban and rural formula funds, new competitive formula funds to address state of good repair needs, and more money for tribal transit. Our Nation’s transit systems need more than $77 billion to address backlogged repairs. This bill can’t address all of those needs, but it does ensure that our transit systems don’t fall further behind.

Americans make 35 million trips on public transportation every weekday. Many of these trips are in our cities, but in places like South Dakota, rural transit service connects seniors with their doctors and helps our workers travel long distances to get to jobs. Everyone benefits from public transportation, and this is a bill the American people deserve.

The bill wouldn’t have been possible without the hard work and determination of more people than I can name today. However, there are a few in particular that I must single out.

We would not be at the finish line today if we didn’t have Senator Boxer, Senator Menendez, our Transportation Subcommittee chairman, worked side-by-side with me on transit since we started work on this bill last year. I thank them for their support.

And we would not be here if I did not mention my staff. Homer Carlisle, my lead transit aide, did outstanding work in helping craft this bill. In the last year, he worked countless late nights that often lasted into the early morning, including midnight. Charlie Wright and Dwight Fettig were instrumental in getting us to this point today.

There is just so much credit to go around. We had four committees working on this bill and without such dedicated hard-working staff we could not have reached this agreement.

I am also pleased this conference report will provide stability to the Flood Insurance Program by reauthorizing it for 5 years. The National Flood Insurance Program protects millions of homeowners and is critically important to our Nation’s housing market.

As the people of South Dakota and other parts of the country have experienced firsthand, flooding is responsible for more damage and economic loss than any other type of natural disaster. It affects people across the Nation, in every State, which is why we are going to do the right thing today to pass bipartisan legislation to provide stability and much needed reforms for the program.

Since 2008, when our last long-term reauthorization expired, we have passed 18 short-term extensions of this program. During this time, the program has lapsed 5 times, for as long as 33 days, with detrimental effects on homeowners and the insurance and housing markets.

By passing this bill, we will end the uncertainty of month-to-month extensions for the NFIP and the families and businesses that rely on its $1.2 trillion of coverage.

This bill is not perfect, and no one has gotten everything that they want. Unfortunately, we were unable to reach a bipartisan agreement on addressing the outstanding debt of the program that has accumulated since Hurricane Katrina. But we have found enough common ground to move critically important reforms forward. As part of that effort, I want to thank my colleagues on the Banking Committee and in the House for their cooperation and input.

The flood insurance bill didn’t just come together in one night. It came together in countless late nights worked by staff over the last year. So I want to take this opportunity to thank my committee staff—Beth Cooper, Brett Hewitt, Chris Ledoux, Glen Sears, Laura Severson, and Charles Yi for their work on this legislation. Additionally, I want to thank Alison Wright MacDonald and James Ollen-Smith from the Office of Legislative Counsel.

Lastly, I am pleased that the conference report includes a provision to avert a catastrophic interest rate hike on student loans. If Congress had failed to act, over 7 million students, including an estimated 31,000 undergraduates in South Dakota, would have seen their interest rates double.

Earlier this month, I talked with students at Southeast Technical Institute in Sioux Falls. They told me a rate hike would make it harder for them to complete their schooling and would likely deter countless students from pursuing their higher education goals.

At a time when too many students are graduating with enormous debt loads, we should not make it more difficult for students to finance their education and manage their debt. I am glad we have reached an agreement that prevents the rate hike from taking effect. This is an important victory for students across South Dakota and throughout our country.

In passing this conference report we will send a clear message that it is still possible to work across the aisle and pass commonsense bipartisan legislation in the interest of the American people.

I urge my colleagues to support this bill and I yield the floor.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on adoption of the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUYE), and the Senator from Colorado (Mr. ULLERY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 74, nays 19, as follows:

(Rollcall Vote No. 172 Leg.)

YEAS—74

Akaka   Hagan
Baucus   Harkin
Begich   Heitler
Bingaman   Hoeven
Binness   Hutchison
Boozman   Inhofe
Boxer   Isakson
Brown (CA)  Johnson (SD)
Brown (OH)  Kerry
Burkett   Kobuchar
Cardwell   Kyl
Cardin   Landrieu
Casey   Lautenberg
Chambliss   Leahy
Cochran   Levin
Collins   Lieberman
Conrad   Lieberman
Durbin   Lugar
Feinstein   Manchin
Franken    McCain
Gillibrand   McCaskill
Grassley   McConnell
Hagel   Menendez
Harkin   Merkley
Hoeven   Mikulski
Hutchison
Inhofe
Isakson
Johnson (SD)
Kerry
Kobuchar
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Manchin
McCaskill
McCaskill
McConnell
Menendez
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Robert Bon
Risch
Sander
Sessions
Shelby
Stabenow
Tester
Thune
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—19

Acosta   Risch
Larsen   Paul
Coats   Graham
Corker   Hatch
Corry   Johnson (WI)
Cowan   Lee
Crapo   McCain
DeMint   Moran

ANSWERED “PRESENT”—1

Snowe

NOT VOTING—6

Alexander   Coburn
Baucus   Inouye
Blumenthal
Boozman
Blunt
Baucus

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this conference report, the conference report is agreed to.
The title was amended so as to read: “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”

The PRESIDING OFFICER. The Senator from Colorado?

Mrs. BOXER. Mr. President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

VOTE EXPLANATION

Mr. ALEXANDER. Mr. President, I want the record to reflect that I would have voted in favor of H.R. 4348, but I went home to Colorado to be with my constituents, many of whom have lost their homes and are facing severe challenges. As several fires continue to rage across the State.

By finally reauthorizing our transportation programs for over 2 years, we will provide some measure of certainty for States, municipalities, and businesses across the country urgently in need of more than just a 2-month extension. The bill includes resources, modeled on legislation that I introduced with Senator MARK WARNER, for transit-oriented development competitive grants to help local communities work with private investors to promote long-term transit planning, and the legislation also contains a common-sense modification to the rural transit formula for which I advocated. These provisions will benefit transit agencies across my State as they provide quality service to Coloradans. The bill also maintains continued funding for the Payment in Lieu of Taxes (PILT) Program and Secure Rural Schools and Community Self-Determination (SRS) Act. These programs are lifelines for financially strapped rural counties and local businesses.

Of course this is not a perfect bill. I am disappointed that the conference committee decided to continue to television funding the Land and Water Conservation Fund, a program that has been vital to preserving Colorado’s western heritage. And I would have liked to see a longer reauthorization, with structural reforms to the highway trust fund to enable us to continue to finance improvements to our public infrastructure and leave more—not less—for the next generation. That said, I commend my colleagues for all their hard work getting this bill across the line.

I am also pleased that this legislation will prevent loan rates from doubling and averts an increase that would have put the dream of a college degree further out of reach for thousands of Colorado students, and increased an already crushing debt burden on the middle class.

Mr. BOXER. Mr. President, it has been an incredibly long and winding road to get to this place. I am overwhelmed with the amazing votes we just had—the margin of success, the fact that this is the product that is not only bipartisan but bicameral. I understand that the House vote was equally lopsided in favor of this passage. I think it sends a tremendous signal to the people of America, and that is that we can work together. Do not give up hope. When it comes to the well-being of our people, we must get together.

I know the President must be smiling broadly because he has stated over and over how important it has been for us to pass a highway bill and to pass a reduction in student loan interest rate bill in order to help our people.

I have three things that kept going through my mind as we were struggling. I think my Republican counterparts do not like? Absolutely. Are there things in this package that I do not like? Absolutely. Are there things in this package my Republican counterparts do not like? Absolutely. Are there things in this package that I do not like? Absolutely. Are there things in this package my Republican counterparts do not like? Absolutely. We had to give. We had to take. We struggled.

I am going to read into the RECORD the names of these staffers. This is an unbelievable list. I am going to do it quickly. I am going to say to these staffers from the various committees that they knew how important their work was.

If we didn’t succeed, there would be no more money in the highway trust fund, and all of the repairs on our roads would stop and the repairs on our bridges because everybody out there, since President Dwight Eisenhower was President, depends on the Federal share.

We cannot have a strong economy with these scraps of highways. Here are the names. I am not reading Democrats and then Republicans; I am reading the bipartisan list of staffers: Bettina Poirier, Ruth VanMark, David Napoliello, James O’Keeffe, Andrew Doehrn, Murphy Barrett, Tyler Riechert, Kyle Stiles, Jason Albright, Grant Cope, Mike Burke, Tom Lynch, Mark Hybner, Charles Brittingham, Alex Renjel, and Dimitri Karakitsos.

I also thank the leadership staff. When things were looking glum, there they were. They are David Krone, Bill Dauster, and Bob Herbert.

Here are the staff directors of the key committees who worked on this—remember, this was a four-committee package, including EPW, Banking, Commerce, and Finance. I thank Russ Sullivan, Dwight Fettig, Ellen Doneski and their extraordinary staff. They include Ryan Abrahams with the Finance Committee; Ian Jefferies, David Pettigrew, and Ana Laffin with the Energy Committee; and Homer Carlisle with the Banking Committee.

I also want to thank the Senate legislative counsel, Rachelle Celebreeze Bonelli, Anna Laitin, and James Reid for their extraordinary staff. They included Ryan Abrahams with the Finance Committee; and Homer Carlisle with the Banking Committee.

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the RESTORE Act. Then she went to all of the other colleagues of the gulf cost and said: You have to help me. They put together a great package. What it means—without going into detail; she will do that—is that when the court decision goes down and the funds go to the Federal Government, for all the violations of law that took place with the BP spill, 80 percent of the funds will be directed to the very people who got hurt.

Senator LANDRIEU, it is an honor and a privilege to work with you. You have been a model of a Senator who never, ever stops fighting. I am so grateful I was able to step to the plate and help you.

I will add more names of colleagues, but I don’t have time at this point. Others want to speak. This is a great moment. The bill we passed is a good bill. It is going to speed up project delivery without waiving any environmental laws that we keep the protections of the more flexible to the States on the alternative transportation routes. But, believe me, we also add a new piece that gives more power to the local people to decide on these projects. I am so pleased.

I want to thank Senator ROCKEFELLER, for Senator ROCKEFELLER was there to forn the chairperson of this committee. He came up with it. I thank them and the extraordinary staff, let me be one of the first to thank her, to join my colleagues who have thanked her for her leadership.

This Transportation bill would not be a reality for the Nation—not for California, Texas, New York, or Louisiana—for the leadership of the chairperson of this committee. Senator ROCKEFELLER was there to push, Senator BAUCUS was there to push, Senator JOHNSON was there to push, but the leader of this victory was Senator BARBARA BOXER.

Her colleague, Senator INHOFE, stood bravely against winds of opposition, ideology, without common sense—ideology without regard to the needs of the Nation. Senator INHOFE, a Republican, stood against those winds and with us from California to produce a jobs bill for the Nation.

I hope people appreciate the extraordinary accomplishment this is in the context of the political quagmire we find ourselves in just a few months before a very significant national election, with both sides hugging the opposite wall. For these two to come forward today and meet in the middle of where the bill is now, with this kind of vote, people did not think it was possible up until just a few weeks ago. There was still the majority saying it will never happen.

I particularly thank Senator Ray Mabus, whom we will remember led the President’s first commission, former Governor of Mississippi, who knows the gulf coast well and understands Louisiana’s coast as a neighbor for so long. He stepped up and said: Yes, this is the fund going to the people—and, really, thousands—of individuals and hundreds of organizations that started to come forward.

Let me name a few: the Environment Defense Fund is absolutely instrumental, National Audubon Society, National Wildlife Federation, Nature Conservancy, Ocean Conservancy, Oxfam America, and GNO, Inc.—Great New Orleans, Inc. They were some of the first organizations to step up.

The Greater Houston Partnership was invaluable in the early days to build support among the business community, as were the Mobile Chamber of Commerce, Ducks Unlimited, America’s WETLAND Foundation, Restore the Coast—a vital dynamic organization in south Louisiana—Chamber of Southwest Louisiana, Baton Rouge Area Foundation, and Women of the Storm—representing thousands of women, not just through the Gulf coast, but from your State and every State. Women stepped up who said this kind of accident has to stop. This kind of explosion should never happen again.

Most important, they said the people who were hurt the most, the area damaged the worst should be compensated by this fine. This money should not come to the general fund of the United States to be spent everywhere else in the Nation for a variety of unrelated purposes. The RESTORE Act says: No, the right way for this money to be allocated is to the area where the accident occurred, where the injury occurred, and that is exactly what RESTORE does—no more and no less.

There is one other person who deserves particular thanks and a shoutout, and that is the Senator from Rhode Island SHELTON WHITEHOUSE. When Senator SHELTON and I finished drafting this bill, which was introduced by a few colleagues—a similar bill—on the House side, Representative STEVE SCALISE, CEDRIC RICHMOND, and Representative BONNER from Alabama—we were having a great deal of difficulty moving a bill through a committee that had two gulf coast Members and Senator BOXER.

The other Members were sympathetic but not that enthusiastic, and I can most certainly understand why. As you know, this is going to be a tremendous amount of money. It is going to direct these funds to only five States. They were sympathetic, but what was in it for everyone else? SHELTON WHITEHOUSE and I put our heads together and came up—it was his idea—with the bill itself. And, though, Frankly, I could, as part of RESTORE—an integral part of RESTORE—say perhaps the oceans deserved justice as well because water knows no boundaries. What happened.
in the gulf could have impacts in the Atlantic, up the Atlantic, and out to the Pacific. Who knows. And that is the problem. We don’t have enough scientific research going on in this Nation about our oceans, which is 70 percent of our planet. In Louisiana, we derive great access and income from our oceans, and from our oil and gas exploration, which is usually safe, on any normal day. This was not a normal day in the gulf, not a normal operation when the Horizon rig blew up. We get our fish, our oysters, our seafood industry, our restaurant industry, our hotels, and our ecotourism—and I could go on and on—from the ocean. We make our living from the ocean. Senator WHITEHOUSE and I thought—and I think most reasonable people agree—the oceans deserve something out of this. So at no cost to the five States, we put in a provision that a small portion—a half percent of the interest earnings that would be generated—not the fund itself, not taking money away from the fund, as some might claim, but appropriately saying interest earnings—would create a trust fund for the oceans so that every State could use it for research along their coast.

But that was a bridge too far for the Republican leaders in the House who think we can learn nothing, who want no partnerships, no research whatsoever, I guess, to go on in the oceans. So as that amendment became a part of the conferences over the Gulf of Mexico that had that amendment connected to RESTORE at the committee level. It was part of RESTORE. It was moved to the floor and it enabled us to build a broader coalition, which is the way legislation is built. It is not one person’s work. It is not one person’s work. The best of the bills and legislation we pass are about teams, about generosity and sharing and understanding, a little give here, a little take there.

It is a shame there are some people on the other side of this Capitol who don’t seem to know that is the basic operation of a democracy. I am not sure what books they read in school, but they weren’t the ones we read at Ursuline Academy, taught by the Ursuline nuns. But SHELDON WHITEHOUSE read those same books, and we put this bill together. I couldn’t have been happier. Not only could I go home and say we did the greatest thing for the Gulf of Mexico and that everyone came together to help us in our time of need, but I could also look at our great friends from other parts of the country and say there is a portion in here for the other 70 votes. That is how the bill came to the floor. One of my proudest days, in my 16 years here in the Senate, was when this Senate voted, under the leadership of Senator BOXER and myself and Senator SHEM BLY, for this bill—the RESTORE Act. We thought the transportation bill itself got 76 votes, to indicate how difficult it is to get 76 votes. Other than just for material items, it is hard to get 76 votes for apple pie and Mother’s Day greetings. But we got 76 votes, and I was so proud. Not only was it the right thing to do—a great help to the region I help to represent—but also very fair, with the inclusion also of the land and water, which was not part of RESTORE, but an amendment that was put on to help this effort with other parts of the country. So the good news is we passed that bill and paid for it in full over here with a pay-for that was also agreed to by Republicans.

But when the bill went over to the House, one of the first and most serious detrimental things that happened was the oceans endowment trust fund was stripped out. I want those who stripped it out to know this: We will be back. We are going to lead a coalition of Democrats and Republicans in the Senate who are going to send a strong message to House Republicans that the oceans do deserve our time, our attention, our heart and money. We can’t do this on a wish and a prayer. We have wildlife and fish and migratory birds that depend on healthy oceans. The people of our country and the world depend on that.

This will not be the last time they see the national oceans endowment. I will be proud to have my name right next to SHELDON WHITEHOUSE’s and we will go into battle again. But around here, you don’t win everything every day, and so they cut it out. And I know, if it was bigger and stronger than it was then they took it out.

The other thing the House Republicans did, which I have no understanding of why, to pay for this RESTORE Act, the student loans, the transportation bill, and the flood insurance bill, is they took $700 million away from Louisiana’s Medicaid budget. I will have more to say about the details of that later, because I want to be fair—indeed, I was so upset but I want to put in the record what our Commissioner of Administration said, who, of course, works for Republican Governor Bobby Jindal, and Republican Secretary of Health and Hospitals Bruce Greenstein:

And that was in fiscal year 2013, and it was another $250 million, so it was $650 in 2014.

—In so-called FMAP money, already built into the state’s Fiscal 2013 budget passed by the Legislature and signed into law by Gov. Bobby Jindal, would altogether lead to a loss in Medicaid dollars that would require $1.1 billion in cuts.

Mr. President, I ask unanimous consent to have printed in the Record a copy of this letter from Paul Rainwater and Bruce Greenstein.

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

Louisiana Commissioner of Administration Paul Rainwater and Secretary of Health and Hospitals Bruce Greenstein said the loss of more than $400 million in so-called FMAP money, already built into the state’s Fiscal 2013 budget passed by the Legislature and signed into law by Gov. Bobby Jindal, would altogether lead to a loss in Medicaid dollars that would require $1.1 billion in cuts.

Ms. LANDRIEU. The House Republicans who came up with this idea insisted on this offset when there were others that could have been offered that were much more fair, much less impactful, and much less hurtful. There were some Republican Members who absolutely insisted it had to be there. And so the Republican Governor Bobby Jindal, with a Republican legislature and a Republican delegation in the House, will have to find a way forward. I am not sure what that way is going to be, but when the bill left the Senate that was not even discussed under any circumstance whatsoever.

But even this terrible action taken on the House side cannot diminish the extraordinary victory of the RESTORE Act. Bills such as this, that basically say we want to give the Gulf of Mexico—$20 billion for coastal restoration efforts, take years, even decades to pass. We did this in 2 years, working together, staying focused, and building a support structure nationwide from the business community to the environmental community. The Chamber of Commerce stepped up, the American Petroleum Institute did their part, and many of the oil and gas companies stepped up as well. With the coalition of environmentalists, business organizations, wildlife enthusiasts, who were able to get this significant bill passed. It is going to be a tremendous down-payment for the challenge in the Gulf Coast.

Let me, for the record, say again that there were 86,985 square miles of water closed to fishing after the Gulf of Mexico oil spill, approximately 30 percent of Federal waters in the Gulf that were closed to fishing for months, causing a loss to the industry of $2.5 billion. There were 600 miles of the Gulf coastline that were oiled. Over half of those miles were in Louisiana, and some oil is still lingering. The legislators who have been studying the baseline said the erosion of the marsh that was oiled was eroding at twice the speed as normal, and that normal erosion is pretty breathtaking in terms of its rate.

We have lost basically the size of the State of Rhode Island in the last 50 years. If our delegation is not successful in continuing to have victories such as this, it is conceivable, with the climate change that is happening, the rising of the tides and the frequency of these great storms, that one day, if we are not successful in preserving these wetlands—and these are wetlands of all of America, that drain 40 percent of our Nation, that supply 40 percent of the fisheries to everybody, and 80 percent of the oil and gas to everyone—that New Orleans will be existing as a city with a 30-foot concrete levee around it and everything else washed away—our culture, our hope, our way of life.
I have said this a thousand times: We are not sunbathing here in south Louisiana. We are not vacationing in south Louisiana. We have fun, we have weekends where we fish and we hunt, but we are not vacationing for weeks and weeks in south Louisiana, laying on the beach and getting a tan. There are no beaches to lie on. We only have two. Grand Isle is 7 miles long, and Holly Beach, which got washed away in Rita and still has not been rebuilt.

The Congress continues to tell me there is nothing they can do for the last inhabited island off the coast of Louisiana. Well, there is a lot they can do, and we will see to that in another bill. But we want these wetlands preserved for our children, for our grandchildren, and for the economic vitality of the Nation. This is the mouth of the greatest river system in North America and we intend to save what we can. We will never get everything back. We have lost 1,900 square miles since 1930. We lose 25 square miles of wetlands each year, and we lose a football field every 30 minutes.

Two million people live in coastal Louisiana, about ½ million in Mississippi, and probably about 4 million in Texas. We cannot get up and move. There is no place to go. We don’t want to live in Arkansas and Missouri. We want to live on the gulf coast, and we have been there since before this Nation was a nation, and we are not leaving. We are tired of retreating. We know this can be done. We have been to The Netherlands and places around the world where wetlands have been saved—levies built that don’t break. It is cost effective in the long run. In the short run it costs investment. In the long run, it creates wealth for everyone.

Three trillion dollars is contributed to the national economy by the gulf coast. Nearly 25 percent of the national GDP comes from the gulf coast every year. 50 percent of all the oil and gas that fuels this Nation comes from the gulf coast, and 80 percent comes from offshore. Every year, despite how much we do, we get zero back from offshore. The interior States have received 50 percent since 1923, but not Texas, not Louisiana, not Mississippi, and not Alabama. We drill, drill, drill, and send oil everywhere, keeping lights on everywhere. Just look around through our State. We are happy to have the industry, but we would like to share the revenues with the Federal Government. We send to the Federal Government about $6 billion a year, and have for decades. So when people say, don’t you ever get embarrassed by asking for so much money? No. I could not possibly ask for as much money from Washington as we have already sent here. So I am going to continue to ask for funding for our State because we support our coast, and we are happy to do it, but we believe in fair partnerships and mutual respect. And until we get that, I am not going to stop advocating for our State. So RESTORE is a first step. It is the right step.

It is the fair step and justice for the goals for right now. This isn’t taxpayer money. No taxpayers are paying this. It is the oil companies paying this. But we are going to come back next year and talk about the sharing of the tax revenues that the oil companies—not individuals but the oil companies—pay to the Federal Government every year for every barrel of oil and every foot of gas they take out of the gulf. That sharing should be done not just here in America, it should be done off the coast of Africa, off the coast of South Africa, off the coast of Brazil, off the coast of China, the entire gulf coast. We are happy to share with everyone. We will never get everything back. That is where the drilling and the exploration is taking place.

Just as people in North Dakota and Utah and Wyoming share their revenues with the Federal Government, we intend to have a more robust revenue-sharing effort in the future. But until the day that happens—and I am confident, as sure as I am standing here, it will—the RESTORE money will go as a significant downpayment to help jump-start coastal efforts. We are not doing it like every man or woman for himself. It is not a grab bag for Governors, Senator SHERRY and I carefully crafted this so that we will be spent wisely, well, and efficiently in coordination with the Federal and State governments.

Is it going to be perfect? No. I am sure we are going to have some stumbling blocks, but this is unprecedented in its nature. This kind of public works effort has never been undertaken in this great way. So the scientists hopefully will lead us, the engineers and designers will design what we need, and we can continue giving our best effort in hopes of saving a great place on this Earth; that is, the great marshes of the gulf coast and the great delta that this mighty Mississippi River built thousands and thousands of years ago and leave it beautiful for our grandchildren than most certainly we found it.

It has been a wonderful part of my life’s work. It has been a worthy project to work on. There are others who have most certainly joined me in this leadership. But I am very proud of the work this Senate did and very disappointed in some things the House did on it. But as Senator BOXER said, it is legislation and we just can’t have a perfect bill, to get this than to leave it on the cutting-room floor, even though they did leave important pieces of it there.

I wish to thank Senator BOXER’s staff, in particular, Senator INHOFE’s staff for helpful, and Senator BOXER’s staff for being very tenacious—to Tina and Jason particularly—to help us negotiate one of the great environmental pieces of legislation in decades.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise today to discuss the transportation reauthorization bill that passed today. Having served on past transportation bill conference committees, I know the long hours and intense negotiations that were required to prepare this bill for consideration today, and I extend my congratulations, appreciation, and respect to Senators BOXER and INHOFE. I know from past experience that they are both principled, tough negotiators, and I am sure that is why the transportation bill returned from conference with so many key provisions intact.

In March, the Senate acted in a bipartisan manner to pass a transportation bill that contained significant achievements for our country, and would have greatly benefited my State of Connecticut. The bill would have reduced red tape for transportation projects while still protecting our environment and resources. It included a provision I worked on with my colleague from Delaware, Senator CARPER, which would have required cities and States to take air quality goals into account when drafting transportation plans. It also would have provided mass transit benefits the same tax beneficial treatment that parking benefits and would have funded Connecticut’s transportation programs at a level that met our basic needs for the next few years.

The bill that came back from conference committee negotiations contained many of these provisions, but I regret to see that it weakened others and discarded some of the rest. As I stated earlier, I am no stranger to working on a conference committee, and I fully realize that the best legislation is produced through a give and take on various issues. Clearly, that was the case here. Despite my disappointment on some of these compromises, I believe that it was essential that we acted to ensure that our national transportation programs did not lapse on July 1, so that the people will be spent wisely, well, and efficiently in coordination with the Federal and State governments.

Is it going to be perfect? No. I am sure we are going to have some stumbling blocks, but this is unprecedented in its nature. This kind of public works effort has never been undertaken in this great way. So the scientists hopefully will lead us, the engineers and designers will design what we need, and we can continue giving our best effort in hopes of saving a great place on this Earth; that is, the great marshes of the gulf coast and the great delta that this mighty Mississippi River built thousands and thousands of years ago and leave it beautiful for our grandchildren than most certainly we found it.

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operational right-of-way, I can foresee wetlands being filled, sensitive habitat threatened, and resources spoiled, all without any environmental review. There is a right way and a wrong way to expedite projects, and I believe this is the wrong way. I understand this was a necessary concession in order to get a conference report agreed to, but I hope it will be addressed in the future.

The second concern I have is the impact of the bill on my State, Connecticut. This once the Federal highway program is just that: a Federal program that is intended to address the needs of the national transportation system. Nonetheless, our country’s different regions have particular needs. Connecticut, and the Northeast in general, have urgent needs when it comes to transportation. My State has one of our Nation’s oldest transportation systems, because Connecticut has been around a long time, one of the Nation’s highest traffic volume to miles of road, and is a frequent pass-through State for commuters throughout the Northeast. Federal transportation funding should go to areas with the greatest need, just as happens with other government programs such as farm disaster relief. Connecticut residents do not protest these agricultural support programs despite our paying a disproportionate share of taxes for them, but we do deserve to receive adequate funds to address our unique transportation needs. Under this bill, Connecticut will receive inadequate funding. I would urge my colleagues to reconsider this problem, as well as the 95 percent minimum rate of return for all States, during deliberations on the next transportation bill just as we did during consideration of the 2005 transportation bill.

Finally, I want to take a moment to address a growing concern across the country: the future of our Highway Trust Fund. Since the establishment of the Federal highway system, we have utilized a user-fee system to fund our transportation programs. That system served us well for years, and relied on a gas tax to fill the Highway Trust Fund, which in turn distributed funds to our States. As is so often the case, with the good comes the bad: as we make cars that are more fuel efficient, thereby cleaning up our air and reducing emissions, we also purchase less gas per mile and the amount of money flowing into the Trust Fund shrinks as a result. The gas tax has stayed static at 18.4 cents per gallon since 1993. Because it is not adjusted for inflation, the federal gas tax has experienced a cumulative loss in purchasing power of 33 percent since 1993. For 4 years now, the Trust Fund has been running a deficit and we have had to bail it out with transfers from the Treasury. This is not the way the system was meant to work, and it is not a way we can long continue.

The blame lies at all of our feet. Neither party has had the courage to face the reality that we are running out of money for our roads and bridges. Instead of dealing with the problem, we have continued to bail out the trust fund, hoping that some future Congress will take necessary steps to fix this problem. I applaud my colleague from Wyoming, Senator Enzi, who took a stand against adjusting the gas tax for inflation, basically a half-cent a gallon increase. This could have gone a long way to reducing the amount of money we need to use to bailout the trust fund. Unfortunately, we never had a chance to discuss the matter. I understand that colleagues do not want to talk about raising taxes. But in the end we have no choice but to talk about raising taxes if we want our transportation infrastructure to keep pace with our people’s needs.

We need leadership from Congress, and the President, to face the facts: our transportation system is both broke and broken. The system does not have funds for some basic repairs, let alone to make the new investments for infrastructure we urgently need. In 2002, the United States was ranked fifth, in terms of infrastructure quality, worldwide. Today, we have dropped to twenty-fourth. We have fallen 19 places in the last 8 years. We are one of the few places down in less than a decade.

Unfortunately, the large-scale investments we need will not be possible until we can fix the funding issue. The Simpson-Bowles Commission recommended a 5-cent per year increase to the gas tax, which has been recommended shifting to a system that charges users for vehicle-miles-traveled. Such a VMT would ensure that those driving fuel efficient, electric, or alternative fuel vehicles pay for the wear-and-tear to the roads they cause. Although I will not be a member of the Senate when the next transportation bill is debated, I would urge my colleagues to begin to address this issue before the trust fund goes broke once again. Washington must have the courage to face this in the fall, and then do what works to fix this problem.

In closing, I wish to again express my gratitude to Senators Boxer and Inhofe. This is a true jobs bill, and it will guarantee that millions of construction workers are still employed come Sunday, that student loan interest rates do not double this school year, and that our truly important flood insurance program will be reauthorized.

I thank Senator Boxer, Senator Inhofe, the staff of the EPW Committee, as well as the staffers at the Departments of Transportation both in Washington and Connecticut, for their efforts in bringing this bill to fruition.

Ms. LANDRIEU. Mr. President, I forgot to thank my own staff, which would be very important to do. Elizabeth Weiner, Elizabeth Craddock, Jane Campbell, my chief of staff, and my entire staff for their tremendous work. We are all going to get a good rest in the week to come—and other staff, Tanner Johnson in particular, no longer with my staff but who put the original bill together.

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 read as follows:

 CONG R ESSIONAL RECORD — S E N A T E

June 29, 2012

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of S. Con. Res. 51, the adjournment resolution which was submitted earlier today.

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

The assistant legislative clerk read as follows:

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to the concurrent resolution.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Senate and the House of Representatives concur in the concurrent resolution (H. Con. Res. 210) in Senate without any intervening action or debate.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

The concurrent resolution was signed by the President and returned to the Senate.