

The most recent census of the lesser prairie chicken indicates that in the last 2 years, the population of that bird has increased by 50 percent. Again, common sense tells us if there is rain and if there is moisture, there is habitat and the birds return. As the rainfall has returned, the habitat is growing, and it is healthy again. Local surveys indicate what we would expect: The bird's population is again increasing.

Therefore, one might think it would be useful to take a second look at the listing. Despite our request of the U.S. Fish and Wildlife Service, they dismissed with little thought that as the species has returned, maybe it should no longer be listed. The opportunity that I and others have to rein in decisions that we believe are poorly made, lack common sense, and are unreasonable occurs in this appropriations process. My guess is that all of my colleagues have certain issues on which they want to direct a Federal agency about how to behave, what rules and regulations are appropriate, where we believe they have exceeded their authority or where they simply lack the common sense or sound science to have made an appropriate decision.

There are some who say you shouldn't legislate on an appropriations bill. An appropriations bill is a legislative effort, and it would be wrong for us not to take the opportunity to direct agencies on behalf of the American people, on behalf of the constituents—in my case of Kansas—who feel very strongly about this issue and have suffered the consequences of the listing of the lesser prairie chicken by the U.S. Fish and Wildlife Service.

Despite the practical reasons that this listing should be reversed, the agency is not listening, and we ought to take the opportunity to direct their behavior in a legislative way. Whether or not an amendment is approved is decided here in the Senate by a majority vote. I would tell you that in the case of this issue, the amendment was offered in the Appropriations Committee. It is included in the Interior appropriations bill. The House has adopted similar language in their appropriations bill. So for those who say this is inappropriate, this is the legislative process as it should be. This is the Senators and the Members of the House of Representatives speaking on behalf of their constituents in a very constitutional and appropriate way.

It is important for us to utilize our authority as Members of Congress to make decisions that benefit our country as we see best, and we ought to work together to accomplish that. There will be riders—provisions that are offered that are included in an appropriations bill—that I will disagree with, but the appropriations process ought to work. As a member of the Appropriations Committee and as a Member of the Senate, I want to see us get back to the days in which the power of the legislative branch is able to be utilized and we make certain that we

make decisions on how we spend the money.

I appreciate the opportunity to be on the Senate floor today to speak as we move next week toward the appropriations bill and its conclusion. I wish to say that in a bipartisan way, we ought to work together to find opportunities to solve the problems that our constituents and Americans face. The legislative process is a way that we can do that. It is not inappropriate. In fact, it is the constitutional response to an abuse of power in an executive branch. Whether it is a Republican executive branch or a Democratic executive branch, we ought to work together as Members of Congress in utilizing our constitutional authority to make appropriate decisions for the American people.

EXTENSION OF MORNING BUSINESS

Mr. MORAN. Madam President, I ask unanimous consent that morning business be extended until 6 p.m. today, with Senators permitted to speak for up to 10 minutes each.

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

Mr. MORAN. Madam President, I yield the floor to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

HIGHWAY BILL

Mr. HATCH. Madam President, throughout my time as ranking member and now chairman of the Senate Finance Committee, finding money for surface transportation infrastructure has been a persistent and seemingly intractable problem. Even as we went into this year with a new Republican majority in the Senate, none of us could have imagined that we could find a way to provide 5 years of solvency and stability for the highway trust fund. Yet, with today's announcement of the completed conference report, that is precisely where we are right now.

The conference report for the Fixing America's Surface Transportation Act will hopefully be enacted within a few days' time. As the very first member of the conference committee to sign the report, I want to briefly talk about the process by which the legislation came about and how we got to where we are now.

Immediately before the Memorial Day recess, there was an unsuccessful attempt to put together a package to possibly get the highway trust fund through the rest of 2016. The agonizing difficulty we faced at that time in dragging ourselves through another 18 months gave us a desire to think bigger than we had before. This is why I was determined to help find a way out of the cycle of short-term infrastructure bills and why I believed it was necessary for us to think outside of the

proverbial box and look everywhere for potential offsets.

Generally, the Finance Committee is responsible for the financing title of any highway bill that goes through the Senate. Usually, we do our best to work within our committee's jurisdiction to identify offsets. However, because those resources have been quickly drying up, we had to look elsewhere for this package.

After the committee spent weeks examining numerous options and alternatives, I was able to present our distinguished majority leader with a list of offsets that, while not necessarily ideal, would allow us to put together a long-term highway bill without raising taxes or increasing the deficit.

I am very pleased with the work we were able to do there as that list of offsets formed the basis of the funding for the long-term deal we will likely be voting on in short order. As we continued on, by the end of July, the Senate had managed to pass a bipartisan infrastructure bill with 3 years of solvency, funding, and certainty for the highway trust fund. Though we were required to enact another short-term extension before the August recess, momentum had begun to build in both Chambers for a long-term highway bill.

Common practice on highways over the past few years has been to enact short-term extensions and then go and complain about the dysfunction in Congress before moving on to the next order of business. The offset package produced by the Senate showed that we could do things differently and, for the first time in almost two decades, a long-term transportation bill was actually possible.

After the August recess, the House began working off of the Senate bill as a template for their own legislation. After they passed a remarkably similar bill in November, the conference committee came together to produce the legislation announced today.

While I am not one who likes to count chickens before they have been hatched—no pun intended—I am optimistic that the bill will pass with a strong bipartisan vote. Putting these offsets for this long-term bill together has truly been a group effort. As I mentioned, we searched far and wide for offsets that required a number of chairmen and committees to work together. I commend my colleagues for their efforts and their willingness to do so and their willingness to do what it took to make the endeavor successful.

I especially want to thank Senator THUNE and the commerce committee, who assisted these efforts by providing for the transfer of certain motor vehicle safety penalties to the highway trust fund. I also appreciate the work done by the House Financial Services Committee and Congressman RANDY NEUGEBAUER, chairman of the Subcommittee on Financial Institutions and Consumer Credit. He was able to identify a new and important offset for the infrastructure bill, a feat which few