

oil. But until we get to that point, we need to do all we can to supplant oil.

It is also important to note that natural gas vehicles are an important way to improve air quality. According to the EPA, natural gas as a vehicle fuel has very low emissions of ozone-forming hydrocarbons, toxins, and carbon monoxide. By producing less of these harmful emissions, natural gas vehicles can reduce smog in our cities and lower incidents of asthma and lung cancer. These health benefits are one reason why Los Angeles County has made almost its entire fleet of 2,200 buses run on compressed natural gas.

Let me talk about one issue some are concerned about. While natural gas vehicles can have important environmental and health benefits, we must also keep in mind that natural gas is still a fossil fuel and there are serious risks that need to be weighed when it is extracted. For that reason, I think we need to do better to regulate a practice called fracking. I also believe these risks mean that certain environmentally sensitive areas remain off-limits for fracking, and I will continue to work with my colleagues, such as Senator CASEY, to better formulate Federal rules to protect our drinking water from possible contamination. At the same time, we should not kid ourselves. This amendment will not cause natural gas vehicles to be the main driver of natural gas demand, and fracking is used to extract oil as well. So voting against this amendment will not reduce the amount of fracking.

We cannot let this opportunity to use this cheaper fuel to increase our energy security, improve our air quality, and relieve the pain at the pump slip by. It is time to put in place the temporary, fully paid for incentives of the NAT GAS Act to allow the natural gas vehicle industry to flourish. Remember, if one votes against this amendment, they cannot go home and tell their constituents that they have done everything they can to reduce gas prices.

I hope our colleagues will join us when the time comes to offer the amendment on the floor and to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### TOLLING FEDERAL HIGHWAYS

Mrs. HUTCHISON. Mr. President, I want to speak for a moment about an important issue that is going to be addressed on the highway bill. I have an amendment that would basically say you cannot toll a Federal highway unless it is for the production of another free lane. This is an effort to curb a

State from tolling every lane of a highway that has been built with Federal dollars by Federal taxpayers.

When President Eisenhower established the National Highway System, it was on behalf of national security that he made this monumental policy decision which has taken us years, tens of years to complete. It has had the added advantage of commerce—having a National Highway System where all of our States are connected with good quality Federal highways has been a huge boon for our country. That has been funded through highway user fees. The gasoline tax that everyone pays at the pump in our country has funded our Federal highway system.

However, the Federal highway system has now been completed. For a State to come in and toll every lane of an existing Federal highway is not only disingenuous, but it breaks faith with the Federal taxpayers who, for over 50 years, have paid into the highway trust fund so we would have a Federal highway system for all Americans and for the commerce among our States for them to use. Now, we have three States that have been approved by the Department of Transportation to do exactly what I wish to prohibit—toll lanes of an existing Federal highway. That would prohibit the free use of that whole highway that has been built with Federal dollars. My amendment would keep us from going beyond the three. The amendment is two. I would extend it to three because there are three that the Department of Transportation has approved, but I want to stop this practice from going further. It is wrong for the Federal Government to allow it, it is wrong for the States to ask for it. Instead, we need to allow the opposite, the opt-out ability for a State to say we want to spend our highway dollars on our priorities. That is what we ought to be doing.

I do not disagree with tolls that are going to create a new free lane. That would keep the faith with the people. It would expand the system and the people would be paying to expand the system. That can be done in an effective and, frankly, a responsible way. On the issue of allowing States to opt-out—Senator PORTMAN has put in an amendment that I would support, except that he goes a little bit too far. Senator PORTMAN and Senator COBURN have amendments that would allow an opt-out from the whole Federal highway fund, which includes transit. I think that goes too far.

I have a bill that would allow the opt-out of States that would be able to spend their highway funds the way they believe their priorities are set, but the 20 percent of the highway trust fund that goes for transit I think should be kept for the urban areas that need that kind of bus transportation, as well as intra-city and commuter rail. I think we ought to be able to keep that at the Federal level to determine what are the worthy grants. That

is what the highway trust fund now does.

The Portman amendment would take that away and put it into the State highway department. That sounds good on the surface, but highway departments have, in general—certainly I can speak from the experience of my State—not focused on or prioritized mass transit. This is one of the reasons why our cities in Texas are clogged—and in Houston and Dallas and San Antonio and Austin it is getting worse.

I wish to see those cities be assured that transit funding would go forward as it is envisioned or I would be happy to amend my bill to say the 20 percent of transit funding could be opted out but it would have to go for transit funding in the States and the States could then set the priorities. But transit should not be shortchanged by the highway departments that have not prioritized mass transit.

I think we need to work a little more. I could not support the Portman amendment the way it is written, but I want to gather the people who believe that we should have an opt-out of our highway funds and get a stronger mass—which I think Senator COBURN and Senator PORTMAN would do, if they would take the transit out of their amendment.

I think we have some work to do. I wish to support the Portman amendment but not in the form it is at present. I hope down the road other States will want to be able to opt out as well. But for now, I hope we will be able to stop the tolling of our Federal highways as a first step to keep faith with the American taxpayers who, for 50 years, have built the Federal highway system and deserve to be able to drive to any State on a Federal highway without being shut out by States that decide to put a toll on it for their own purposes. These are Federal highways built with Federal tax dollars and they should be open to every taxpayer in America to use those freeways for commerce. I hope my amendment will be considered.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.