

As I say, I think it makes a lot of sense and should apply equally to all States. I urge support for the Bingaman-Durbin amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, what this amendment does is it ultimately eliminates a State's right to leverage its assets over an amortization schedule that would allow it to expand its highway system. What we are doing is we are taking money we have taken from the States, sending it up here, and saying: If you have an asset in your State—unless you are building a brandnew road—you cannot use that asset to leverage your capital to build more roads in your State. It is against the 10th amendment. It is morally wrong to take away a State's right to enhance its capital assets.

I urge a "no" vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1759.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—50

Akaka	Heller	Murray
Begich	Hoeven	Nelson (NE)
Bennet	Hutchison	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Brown (OH)	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Casey	Leahy	Schumer
Cochran	Levin	Shaheen
Conrad	Lieberman	Stabenow
Durbin	Manchin	Tester
Franken	McCaskill	Udall (CO)
Gillibrand	Menendez	Udall (NM)
Grassley	Merkley	Whitehouse
Hagan	Mikulski	Wyden
Harkin	Murkowski	

NAYS—47

Alexander	Collins	Kerry
Ayotte	Cooms	Kyl
Barrasso	Corker	Lee
Baucus	Cornyn	Lugar
Blunt	Crapo	McCain
Boozman	DeMint	McConnell
Boxer	Enzi	Moran
Brown (MA)	Feinstein	Paul
Burr	Graham	Portman
Carper	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rubio
Coburn	Johnson (WI)	Sessions

Shelby	Toomey	Webb
Snowe	Vitter	Wicker
Thune	Warner	

NOT VOTING—3

Hatch	Kirk	Lautenberg
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The amendment (No. 1759) was agreed to.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

MOVING AHEAD FOR PROGRESS IN THE 21st CENTURY—Continued

AMENDMENT NO. 1826, AS MODIFIED

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I would like to ask support for my amendment that would approve the Keystone XL Pipeline. It would expand oil and gas exploration on Federal lands and would extend certain tax provisions that are utilized by a number of individuals and businesses throughout the country.

The base of my amendment includes most but not all of the expired energy tax incentives addressed in the amendment that will be offered by my friends on the other side of the aisle. But there is a clear difference in that my amendment addresses the supply side of the equation and avoids extending some of the costly energy provisions that were created under the failed American Recovery and Reinvestment Act of 2009; i.e., the stimulus.

While I support many of the tax provisions included in the Democrats' counterproposal, the majority amendment fails to address the No. 1 issue facing Americans of every walk of life, from farmers to manufacturers, to teachers, which is the rising cost of gasoline. My amendment does just that, and it implements the important first steps toward increasing domestic supplies of conventional energy that our country will rely on for decades to come.

My amendment would cut redtape, open more Federal land for oil and gas exploration and drilling; it would approve the Keystone XL Pipeline, while also extending renewable tax provisions that benefit domestic energy production, businesses, and individuals alike. It also restores expired individual and business tax relief provisions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. I ask unanimous consent for 1 additional minute.

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

Mr. ROBERTS. It also restores expired individual and business tax relief provisions and, most of all, it promotes economic growth.

Lastly, my amendment does all this without adding to the deficit, which, considering our more than \$15 trillion debt, is something our future generations certainly can appreciate.

I thank my colleagues if they would support this very commonsense, progrowth amendment.

Mr. BENNET. Mr. President, I have come to the floor to discuss the Roberts side-by-side amendment. I support several provisions in Senator ROBERTS' amendment, but, crucially, others miss the mark.

One provision that gives me particular concern relates to the development of oil shale resources in the Rocky Mountain West. I believe we need to take a more cautious approach to oil shale development.

This type of energy development could have enormous implications for Colorado's scarce water supplies and our farming and ranching heritage.

That is why, over the years, a great diversity of voices—from the Rocky Mountain Farmers Union to the Grand Junction Daily Sentinel Editorial Board—have raised concerns over plans to accelerate oil shale development on public land. Yet this amendment would do exactly that.

Mr. President, there are other provisions in the Roberts amendment that are certainly worthy of support. I hope to work with the Senator from Kansas as we continue the discussion about where to make wise investments in our Tax Code and elsewhere.

Ms. CANTWELL. Mr. President, I wish to raise my concerns about the Roberts amendment.

This amendment is a disappointing attempt to play politics with what should be a bipartisan issue: extending the State and local sales tax deduction and other key tax policies. We need to move forward on a serious bipartisan proposal to extend the State sales tax deduction. It is a matter of tax fairness for Washington residents.

But we cannot afford to threaten Washington's coastal economy by opening the West Coast and the Arctic National Wildlife Refuge for drilling.

Therefore, I will not support the Roberts Amendment and I look forward to serious legislation to extend the State sales tax deduction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose the Roberts amendment No. 1826.

My friend from Kansas and I work together in the Agriculture Committee, and I appreciate the great bipartisan work we have been able to do. But I stand to strongly oppose this amendment. I believe that when it comes to energy, we should do it all. We need more domestic production of wind, solar, electric vehicles, advanced batteries. We absolutely need to stop our addiction to foreign oil and create jobs here in America at the same time.

Unfortunately, that is not what this amendment does. It includes the