David Napoliello, there is so much I can say about him and what that man has brought to our committee. This bill is a testimony to his skill. And James O'Keeffe, who works for Senator INHOFE, is David's counterpart. They have all become very good friends. Bettina, Ruth, David, and James have become almost like family working on this bill.

I am holding a list of the incredible people who work for me and worked with Bettina. I will go through the names: Andrew Dohrmann, Murphie Barrett, Tyler Rushforth, Kyle Miller, Grant Cope, Mike Burke, and Tom Lynch.

I know Mike works with Senator CARDIN and the committee, and Tom Lynch works with our committee through Senator BAUCUS. Also, there is Mark Hybner, Charles Brittingham, Alex Renjel, and Dimitri Karakitsos, who were all just amazing.

Lastly, I thank the leadership staff. This became a bill that was so big and involved so many committees. We could not do it without a leadership team working, of course, with the leadership and with the Senators I mentioned, Senator REID and Senator DURBIN. I mentioned before who did the whip count. So I thank the leadership staff, particularly Bill Dauster, Reema Dodin, and Bob Herbert. I thank the staff directors of the key committees who worked on this, including Ellen Doneski, Dwight Fettig, and Russ Sullivan.

Madam President, that was a long list of people, but I felt compelled to come down and do that. The staff—and the occupant of the chair knows this, as she has achieved some amazing things. I am so proud of the occupant of the chair. She knows that having the staff behind us to make sure that every ''i'' is dotted and every ''t'' is crossed and every followup is done and every problem a Senator's staff might have is addressed is very important. Nobody really knows about this, so once in a while we need to do this. I wanted to do it before we get into the bill.

I ask the Chair, what time do we go back to the bill?

The ACTING PRESIDENT pro tempore. In 2½ minutes.

Mrs. BOXER. I will then speak more about the bill because we have some amendments.

Can the Chair advise me what the order of votes are on this Transportation bill?

The ACTING PRESIDENT pro tempore. The first amendment in order is No. 1810. Next is Carper No. 1870, Hutchison No. 1568, McCain No. 1669, Alexander No. 1779, Boxer No. 1816, Paul No. 1556, and Shaheen No. 1678.

Mrs. BOXER. I thank the Chair. I wanted Members to know about the order. It is likely that several of these will not require votes. I think we will expect at least between, I would say, three and five votes. I think that is a fair indication of where we are going. I will be back to discuss those amendments at the proper time.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is 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. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and safety construction programs, and for other purposes.

Pending:

McCain modified amendment No. 1669, to enhance the natural quiet and safety of airspace of the Grand Canyon National Park.

Corker amendment No. 1810, to ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year.

Coats (for Alexander) amendment No. 1779, to make technical corrections to certain provisions relating to overflights of National Parks.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

JUDICIAL NOMINATIONS

Mr. MERKLEY. Madam President, I am rising to speak about the Senate's constitutional duty of advice and consent on judicial nominations. This power is enormously important. In no way did the writers of our Constitution envision that this body would use their power of advice and consent as a method of undermining the ability of the other two branches to perform their responsibilities.

Indeed, throughout the history of the United States, Senators from both sides of the aisle have taken this responsibility of advice and consent very seriously. This duty requires us to put aside ideology and partisanship because otherwise our constituents, through our inaction, would be unable to obtain the speedy and public trial that is supposed to be their birthright as Americans.

Americans are not thinking of their district courts in terms of red courts and blue courts. They are not thinking of their circuit courts in terms of red courts and blue courts. No, they are thinking about Lady Justice, about justice being delivered in an evenhanded and swift manner. When they see the obstruction of the judiciary that is emanating from the Senate, they are frustrated. They are frustrated. They recognize that when the judiciary is damaged and justices go unappointed, indeed that means delays for cases and that means their right to a speedy trial is taken away. They are thinking about the chaos that results when a case remains in limbo for too long.

So why in the past few years have we allowed partisanship to overtake our duty to maintain a functional judiciary? Simply put: Some Senators in this body, motivated by misguided notions of partisan warfare, have decided to abuse the supermajority power of this Chamber in order to undermine the judiciary.

This bears little resemblance to the Senate of 1976 when I first came here as an intern, when the power of the supermajority was recognized as an exceptional act of conscience to be used only for the most enormous issues, when a Senator would be willing to stand on the floor of the Senate and make his or her case before the American people as to why the simple majority envisioned in the Constitution for this body to act should be obstructed. Now we see Senators exercising their power to obstruct a simple majority and not coming to the floor to defend their position. They are afraid of public reaction to their obstruction of this body because they know the public expects us to be responsible in reviewing and voting on nominees for the executive branch and for the judiciary.

The Senate of 1976 would never have entertained the idea that well-qualified nominees would be routinely subjected to filibusters. Indeed, even throughout most of the last decade, this has not been the case. So imagine my surprise when I came here as a new Senator in 2009, revisiting the Chamber I came to as a youth in 1976, and I discovered the two Senates bore little resemblance to each other; that the reasonably responsive, bipartisan, collaborative body of 1976 had been replaced with a Senate now paralyzed due to the abuse of the filibuster and the supermajority.

Instead of debate and deliberation, followed by up-or-down votes, Senators have even been blocking motions to proceed. In other words, they have been blocking the ability to debate whether to get to a bill in order to debate an issue—two levels removed from actual discussion and decisionmaking.

In contrast to the image Americans have of the filibuster made famous by Jimmy Stewart, who comes to Washington and stands in the well of the Senate and carries on his fight and his argument in front of the American people until he collapses from exhaustion, now the Senator who filibusters can hide from the American people. They object to the simple majority rule, go off and have a fancy wine dinner, while American justice remains unfulfilled. That is not right.

There has been egregious abuse of the filibuster across all areas, but it is particularly destructive in regard to judges. That is because we are often talking about judges everyone agrees are well qualified—judges who pass out of committee unanimously, and judges who, when they reach a final vote, pass this Chamber with 80 or 90 or 95 Members saying, yes, that person is the right person to fill that judicial vacancy. So why on Earth—why on Earth—are we dragging our feet on these nominees when we have courts in crisis?

Lest my colleagues on the other side of the aisle simply think we are raising this now because we are in the majority and they are in the minority, let us revisit the point in 2004, at the exact same point into the administration of George W. Bush that we are now with this administration.

Here is a chart that compares the two administrations. We have both the circuit court and the district court. This far into the administration of George W. Bush, the time it took to go from committee to being confirmed was 29 days. The time now is 131 days for a circuit court nominee, and getting longer with every delay we have. And for the district court, at this time in the Bush administration, it took 22 days to go from committee to confirmation, whereas now, under the dysfunction of our current Senate, with the abuse of this current Senate, it is taking 93 days.

If these bars were reversed, my colleagues in the minority would come to the floor and say, look what a good job we did previously and what a terrible job is being done now, and I would agree with them, that we have to be able to get folks out of committee and we have to be able to vote on them. We need to work together to change this situation because the result of these delays means there are more and more vacancies, more and more judicial emergencies, and where it has been declared those vacancies are having an emergency impact on the function of the judiciary.

Let's take a look at that issue. Here we have judicial vacancies in recent Presidencies. In March 1996, we had 53 vacancies at that time in one administration. In March 2004, there were 47 vacancies under Bush. Now here we are with 94 vacancies in district and circuit courts, so virtually a doubling of those vacant positions that are preventing speedy and responsive trials across our Nation. That is why our Chief Justice has declared there is a judicial emergency in our country; that justice delayed is justice denied; that we, the Senate, must do a better job of fulfilling our responsibility under the Constitution.

In many cases, the home State Senators for a particular circuit or district court nominee have done their job. They have vetted the candidates, forwarded the names of nominees, and the administration has picked one of them. Often this is a bipartisan deliberation. Yet here we are, even after clearing the Judiciary Committee in a bipartisan fashion, paralyzed on the floor of the Senate. So we have no one else to blame. We can't blame the home State Senators, we can't blame the Judiciary Committee. It is only the floor of this Chamber where there is obstruction by those who are basically taking an arrow and aiming it at the heart of justice across this Nation.

It is time for this body to do its job, and it is time for these nominees to be voted on here on the floor of the Senate. It is time to fill those vacancies and put justices into place in order to fulfill our responsibility to advise and consent and to fulfill the judiciary's responsibility to provide justice across our Nation.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

ABRAMS NOMINATION

Mrs. GILLIBRAND. Mr. President, I am honored to offer my support for the nomination of Ronnie Abrams to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified female jurist to the Federal bench.

I have had the privilege of knowing Ronnie for many years. I know her as a fair-minded woman of great integrity. Throughout her distinguished legal career she has proven herself as an exceptional attorney. As the Deputy Chief of the Criminal Division at the U.S. Attorney's Office in the Southern District of New York, she supervised 160 prosecutions of violent crime, organized crime, white-collar crime, public corruption, drug trafficking, and computer crime. She helped shape the policy and management of the U.S. Attorney's Office, guiding its success in a broad range of high-level, high-stakes cases. Her record shows her commitment to justice. I can tell you she has a deep and sincere commitment to public service.

There is no question that Ms. Abrams is extremely well qualified and well suited to serve on the Federal judiciary. I strongly believe this country needs women such as her serving in the Federal judiciary, an institution that I believe needs more exceptional women. Ronnie Abrams received bipartisan support among the Senate Judiciary Committee members. Yet because of the political games we have today, she has waited more than 227 days to be confirmed. As my colleague from Oregon pointed out, that is far longer than any nominee had been waiting under the George Bush administration.

I have traveled all across New York State, at event after event, urging more women to enter public service. I am encouraged that women now make up nearly half of all our law students and about 30 percent of the Federal bench. For the first time in history, women also represent nearly one-third of the seats on trial courts, courts of appeal, and—after the confirmations of Justice Sotomayor and Justice Kagan to the highest Court in the land—the Supreme Court.

The Obama administration has taken significant steps toward maintaining and indeed increasing the representation of women in the Federal judiciary. Forty-seven percent of President Obama's confirmed nominees have been women, compared to only 22 percent of the judges confirmed under his predecessor.

While it is true women have come a long way in filling the ranks of the legal world, we still have a long way to go to achieve equality and a Federal bench that is truly reflective of the American people. I believe it is incredibly important we reach that point of equality because it can bring us closer to full equality and justice throughout our legal system and throughout our Nation. Not only is Ms. Abrams an exceptional jurist, there is no doubt that having Ms. Abrams serving in the Federal judiciary will bring us closer to that goal.

I ask my Republican colleagues to come together now around this shared value that we believe as a Nation, as a body, that everyone deserves justice.

We have to work together because, as it stands, there are not enough judges right now to do the work our overloaded courts need them to do. We have to be able to hand out justice in a timely manner.

Former Attorney General to President George W. Bush Michael Mukasey recently remarked that the civil litigation system has ground to a halt. That is not the kind of system the American people deserve, and we cannot let partisan politics and political bickering get in the way of allowing our judicial system to function properly.

I recommend Ms. Abrams because of her dedication to the law, her commitment to fairness, and her ability to serve the people of the great State of New York with dignity and integrity. I have been very honored to recommend her for this position, and I urge my colleagues to move forward to support her confirmation.

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

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

AMENDMENT NO. 1556

Mr. PAUL. I ask unanimous consent to call up amendment No. 1556.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes amendment numbered 1556.

Mr. PAUL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit emergency exemptions from compliance with certain laws for highway construction projects)

At the appropriate place, insert the following:

SEC. _____. EMERGENCY EXEMPTIONS.

With respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons—

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

Mr. PAUL. The question I have for Senate is, Has your government gotten out of control? Have the regulators become so numerous and so zealous that we can't even carry on the ordinary affairs of our government?

We recently had a bridge where a boat ran into the bridge in Kentucky and one could no longer cross the bridge because it is not there. We have to wait for environmental regulations and environmental studies, which sometimes can be 4 and 5 years, before we can repair our bridges and our roads during an emergency. This is crazy. This goes on even in regular affairs, such as trying to replace a sewage plant in our State or throughout the United States. Do we want to live in a country where we have to stop and count how many barnacles are on our bridge before we decide whether to rebuild the bridge? Do we want to stop and count how many mussels are attached to the pier before we rebuild the bridge? In the end we are going to rebuild the bridge anyway, but we spend a year's time or more wasted on these studies but in the end we are going to rebuild the bridge. I will give an example.

We have a small town in Kentucky that has a sewage plant, and the population of the town has outgrown the sewage plant. When it rains, the raw sewage goes into the river. I don't know any Republican or Democrat who wants raw sewage in the river. So we need a new sewage plant in the town. But what does the EPA say? They want to count the mussels. They want to count the mussels in the river and then they want to estimate will there be more mussels or less mussels after we build a new sewage plant. Guess what. When we build a new sewage plant, the raw sewage would not go in the river, which is what we all intend and in the end what will happen but, in the meantime, we waste time and money.

This small town of about 300 people is going to have to spend $100,000 on an EPA study to hire someone to count the mussels. While they are counting the mussels, they are going to have to hire someone to count the Indian artifacts and look for Indian arrowheads. If they find an arrowhead, it may delay it indefinitely. We have gone crazy as a country. We all want some rules. We don't want anyone to pollute our neighbor's property, but the EPA is out of control.

What we need to do is in emergencies or urgencies, when a bridge collapses or a roadway is washed away, we don't need to spend 1 year or 2 or 4 or 5 years doing an EPA study, which basically enriches some contractor that counts the mussels. We don't need to be counting the mussels in this stream. We need to get to repairing the bridge, which we are going to do anyway. We are just going to waste 1 year counting the mussels and paying some contractor $100,000 a year.

So this amendment would allow States to opt out. The bridge we have out in Kentucky has two communities. Many people live in one community and have to drive to the other community. They can't get there because of the bridge. Do we want to wait 1 year because they have to count how many barnacles are on the bridge?

This is a commonsense resolution that should pass, but I will tell you the way Washington works, the other side doesn't want my amendment to pass, even though it has common sense, so they are going to offer an alternative. Their alternative is to say something but do nothing. It is called a sense-of-the-Senate resolution. They will proudly proclaim we need to make it better, and, please, Mr. Regulator, make it better. But they will not change the law.

Mine would actually change the law to allow communities to start rebuilding their bridge or repairing their road almost immediately, in the same location, free of the government regulations. We need to do this at all levels. This is a very small incremental step forward. It is something on which we should all agree. If we watch the vote later on today, we will find out we don't all agree and, instead, the other side is going to say: Say something; do nothing.

This is something we need to, as a society, get started on because we are being killed by regulations. This is one small step on something that should be bipartisan. There are many more steps that need to be taken, because throughout our country millions of jobs are being lost from overzealous regulators. Millions of people's privacy and private property rights are being invaded by these regulators, and this is a very small incremental stop of the encroachment of these regulators.

I urge support of my amendment 1556, and I yield back the balance of my time.

I suggest the absence of a quorum.

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

Mrs. BOXER. I ask my friend to withdraw the request.

The ACTING PRESIDENT pro tempore. Does the Senator withdraw his request for a quorum call?

Mr. PAUL. Yes.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 1816

Mrs. BOXER. First of all, Madam President, I ask unanimous consent to call up Boxer amendment No. 1816, and I ask the clerk report the amendment by number.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1816.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Federal agencies should ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis after a disaster or emergency)

At the end of subtitle E of title I of division A, add the following:

SEC. 15____. SENSE OF SENATE CONCERNING EXPEDITIOUS COMPLETION OF ENVIRONMENTAL REVIEWS, APPROVALS, LICENSING, AND PERMIT REQUIREMENTS.

It is the sense of the Senate that Federal agencies should—

(1) ensure that all applicable environmental reviews, approvals, licensing, and permit requirements under Federal law are completed on an expeditious basis following any disaster or emergency declared under Federal law, including—

(A) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(B) an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) use the shortest existing applicable process under Federal law to complete each review, approval, licensing, and permit requirement described in paragraph (1) following a disaster or emergency described in that paragraph.

Mrs. BOXER. Madam President, I just have to say Senator PAUL's amendment is a broad overreach that would endanger the health and safety of the people he represents, whom I represent, and every Senator represents. What I have is essentially a side-by-side amendment that encourages and tells the agencies the Senate supports a very speedy process, which is already in the law, to review and approve health and environmental protections when we have to rebuild.

The current law is flexible. If we look at the reconstruction of the bridge in Minnesota, everybody knows what happened there. It collapsed in August

2007, and the bridge was completely replaced by September 2008, without these Draconian types of measures that my friend puts forward. In other words, he is looking for a problem. The fact is we were able to see that bridge rebuilt in 1 year. That is amazing. No environmental laws were waived. People worked and made sure they all were expedited. So there is a difference between expediting a review, which we support. As a matter of fact, the underlying bill is very strong on that. We expedite reviews without giving up anything for the people. They can still make sure their rights are protected.

Let's say a highway is washed away in a flood. If we were to follow Senator PAUL's advice on his amendment, we would virtually have no studies to take a look at whether it makes more sense to rebuild it perhaps just a few feet away from where it washed out. It might avoid then the cascade of water that washed away in the first place. We may have a situation where they are rebuilding a bridge and as they put the foundation in they find out, through these studies—because they perhaps were never done before—these bridges are old, that there is a drinking water aquifer right below so if you move that a few feet, you resolve the problem. What is the point in not having information and making a huge mistake and rebuilding?

We had a situation right here from an earthquake where we learned so much after the bridge collapsed; that if we used different materials, for example, it would withstand the next earthquake better. We do have earthquakes all the time, unfortunately, in our great State of California.

So it is an overreach. It is radical. We don't want to waive all the protective laws that protect the drinking water of our people, that protect the environment. So I hope we will vote against the Paul amendment—I think it is very important to do that—and support my amendment, which basically is very clear and tells agencies they should use the most efficient and speedy process under the law to review and approve health and environmental protections.

The bottom line is our underlying bill already includes significant bipartisan reforms that will ensure accelerated project delivery, including limiting the number of steps needed to clear a project for construction, easy and early coordination between agencies to avoid delays, incentives for accelerating the project delivery decisions. Amendment 1556, this amendment by RAND PAUL, walks away from this bipartisan approach. It launches a sweeping attack on Federal and State health and environmental safeguards.

When we need to rebuild a project and it involves toxic materials such as lead and asbestos, they have to be handled and disposed of properly to protect public health. Waiving all these Federal and State reviews endangers our people, and I hope we will vote no on amendment No. 1556 and yes on amendment No. 1816.

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

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

Mrs. HUTCHISON. Madam President, I am not going to call up my amendment that would limit the tolling federal highways, and limit tolling of Federal Interstates under the Pilot Program through which three facilities have been conditionally approved by the Department of Transportation. Senator CARPER and I have talked, and his amendment, which would have expanded that, is also filed but is not going to be considered. Mine also was filed but it is not going to be considered.

Here is the point, though. It is time that we have a real discussion and a debate about tolling. We need to bring this out. I ask the chairman and ranking members of the committee to have a hearing. Let's talk about this.

When President Eisenhower said we need a National Highway System it was for the purpose of national security. That was his major purpose, but it has also clearly been a huge help for commerce, the ease of commerce and travel among our States. I don't think President Eisenhower ever envisioned that a State would then put tolls across an entire Federal highway and make the taxpayers—who have paid for 50 years to build these highways, and not just in their States—pay again to use them. To me, that is not in keeping with the vision of President Eisenhower to have a free system that supports national defense, connectivity, and commerce.

I am not going to offer my amendment and Senator CARPER is not going to offer his amendment that would expand tolling. But I do think it is essential that we have a new policy for our highways that have been built for 50 years to give us the vision that President Eisenhower had of a National Highway System. We have completed it, the skeleton has been completed, now it is time to look at different ways of funding these highways. No. 1, I agree with tolling on one lane where there is at least the addition of a new free lane. That is fine so as long as you have the same number of free lanes for the people of the United States who have paid for these lanes and the truckers of the United States who are using these lanes. I do not object to tolling that adds new capacity, but to take all free lanes away and say we are going to toll the truckers and the taxpayers who have built and used these freeways is wrong. I think we should have a policy against it.

I see the distinguished chairman of the Environment and Public Works Committee is here, Senator BOXER. I ask as we move through this—and I do hope we have this 2-year bill, and I commend her and the ranking member, Senator INHOFE, for a 2-year bill that does keep our infrastructure going. But I hope in the future, as Congress considers a long-term bill, that we would have a national discussion on tolling. I think we should adopt a policy that says, No. 1, we are not going to clog the freeways already built by taxpayers with toll lanes that make Americans pay again; and, No. 2, that we will open up the possibility that States that are donor States, that are giving their hard-earned tax dollars to other States that now have equal ability to build out, that they be allowed to opt out of the Federal-Aid Highway Program and use their transportation dollars for their needs.

We are a fast-growing State, as is the State of California. We need our highway dollars for our own priorities. I think that should be considered in the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent to engage in a colloquy with the chair of the Environment and Public Works Committee, Senator BOXER.

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

Mr. SANDERS. Madam President, I wish to congratulate Chairman BOXER and Ranking Member INHOFE for all of their hard work on this very important bill. This legislation is a major step forward toward addressing the significant infrastructure needs of our country and creating desperately needed jobs. I appreciate the inclusion of an amendment I offered which increases the Federal cost share for emergency relief permanent repairs in extreme disasters. My intent is that the provision will apply to all open disasters as of the date of enactment of this bill.

Is this the chairman's understanding as well?

Mrs. BOXER. Madam President, I want to say to the Senator from Vermont, first of all, thank you for all of his hard work on the Environment and Public Works Committee. The Senator focuses on jobs like a laser beam.

Yes, the Senator is correct. The intent is that this provision would apply to all open disasters which would include the States which were pummeled by Hurricane Irene last year.

Mr. SANDERS. I thank the chairman for her hard work and her success.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

AMENDMENT NO. 1669, AS MODIFIED, WITHDRAWN

Mrs. BOXER. I ask unanimous consent the McCain amendment No. 1669, as modified, be withdrawn and the Shaheen amendment No. 1678 no longer be in order, as these issues were resolved

in the managers' package last evening; further, that the Carper amendment No. 1670 and the Hutchison amendment No. 1568 no longer be in order as they no longer intend to offer these amendments.

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

Mrs. BOXER. Finally, I ask unanimous consent that there be 2 minutes equally divided prior to each vote and all after the first vote be 10-minute votes.

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

Mrs. BOXER. Madam President, can I ask, what is the amendment pending before the body?

AMENDMENT NO. 1810

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on amendment No. 1810.

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

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

If there is no further debate, the question is on agreeing to amendment No. 1810.

The amendment (No. 1810) was rejected.

AMENDMENT NO. 1779

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate, equally divided, on amendment No. 1779.

Mrs. BOXER. Madam President, I yield back all time.

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

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1779) was agreed to.

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate on amendment No. 1816.

Mrs. BOXER. Madam President, I just wish to ask if it is possible, by unanimous consent, to permit Senator CARPER to speak for 2 minutes to discuss an issue Senator HUTCHISON addressed before.

I would ask unanimous consent if we could take a break from the voting.

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

Mr. CARPER. Madam President, before I say anything, I would like to extend a heartfelt thanks to Senator BOXER, Senator INHOFE and to members of our staff and your staff for their hard work. This is good stuff. Thank you.

I wish to take 1 minute or so to talk about an amendment I have filed to this legislation with Senator KIRK and Senator WARNER, to whom I offer my sincere thanks as well as a whole lot of organizations around the country which supported this legislation.

Under current law a small number of States around the country now enjoy the flexibility to implement tolls on interstate highways. Under the amendment we filed, some additional States could choose to apply for that same flexibility. States would only use the toll revenues—a type of user fee—to pay for additional transportation investments along those roads that are actually being tolled.

In Delaware and a handful of other States, interstate toll revenue is an important part of the State's transportation budget. Senators KIRK, WARNER, and I believe other States should have the same option available to them. However, in an effort to move this critical transportation legislation forward, Senator HUTCHISON and I have both agreed not to offer our competing amendments to the bill.

That being said, I filed this amendment, in part, because Congress needs to face the facts when it comes to transportation funding and declining gas tax revenues. If we are using less gas due to more energy-efficient vehicles, the cost of roads, highways, bridges, and transit continues to go up and we need to continue to pay for them. We cannot just keep borrowing money from around the world to do that. If we want to pass another Transportation bill when this legislation we are debating expires in 2 years, we must address structural flaws in the highway trust fund that are making long-term investments nearly impossible.

Our respective amendments are at odds with one another, but I hope they represent the beginning of an honest and important conversation about our Nation's long-term transportation needs and how we pay for them in a fiscally responsible way.

With that, I am pleased to yield the floor to whoever seeks recognition.

AMENDMENT NO. 1816

The ACTING PRESIDENT pro tempore. There is now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1816 offered by the Senator from California, Mrs. BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, we have two choices on how to handle rebuilding and maintaining infrastructure, whether it occurs after an emergency or is just in the stream of regular maintenance.

What we have done in this bill is extraordinary, and I think everyone would admit we have speeded up the approval process for all construction in the underlying bill. This was a hot issue. Senator INHOFE and I were coming from different places, but we reached strong agreement, and what we said in our amendment No. 1816 is that we encourage and support what we have done in the underlying bill and tell the agencies that after a disaster to move as fast as they can while protecting the people.

What Senator PAUL does in his amendment, it doesn't apply just after a disaster, it is anytime. So you could be fixing any problem that involves the most toxic materials and all the laws are waived. It is an overreach. It is radical. I would urge an ''aye'' vote on the Boxer amendment and a ''no'' vote on the Paul amendment.

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

The Senator from Kentucky.

Mr. PAUL. Madam President, we have a bridge out between Marshall County and Trigg County. It takes 1 hour to go around the lake. What we are asking for is an exemption from onerous and overzealous regulations that can slow the process of rebuilding a bridge or road by years. The average time for an environmental review for a construction project is 4 years.

The other side wants to pay lip service. They want to say something about it but do nothing to fix the problem. The people who live in Marshall County and Trigg County want their bridge fixed. They want to get to work and not take an hour and a half to get to work.

The way we fix this is we get rid of the redtape. The way we do that is by changing the law. So what I propose is that we vote against the say something, do nothing and vote for a reform that actually has teeth and would take away the redtape and allow us to immediately begin to repair our bridges without Big Brother obstructing the reconstruction.

Thank you.

I yield the floor.

Mrs. BOXER. 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 question is on agreeing to the amendment.

The clerk will call 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), the Senator from Idaho (Mr. CRAPO), and the Senator from Illinois (Mr. KIRK).

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

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

The result was announced—yeas 76, nays 20, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—76

Akaka	Gillibrand	Nelson (NE)
Ayotte	Graham	Nelson (FL)
Barrasso	Hagan	Portman
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Rockefeller
Blumenthal	Inhofe	Rubio
Boozman	Inouye	Sanders
Boxer	Isakson	Schumer
Brown (MA)	Johnson (SD)	Sessions
Brown (OH)	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Leahy	Toomey
Coburn	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Vitter
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wyden
Feinstein	Murkowski	
Franken	Murray	

NAYS—20

Alexander	Grassley	Moran
Blunt	Johanns	Paul
Burr	Kyl	Risch
Coats	Lee	Roberts
Corker	Lugar	Thune
Cornyn	McCain	Wicker
DeMint	McConnell	

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The amendment (No. 1816) was agreed to.

AMENDMENT NO. 1556

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1556, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Mr. President, currently, the bridge between Marshall County and Trigg County has been collapsed by a disaster. If you were to repair your bridges or repair roads that have been washed out, there is an enormous amount of government redtape that can slow the process down. On average, to get an environmental study done, it can be 4 years at times.

This amendment would remove government redtape and allow us to fix our bridges when we have a disaster—such as a collapse—and fix our roads when a road is washed out.

This is different than the alternative. The alternative we just voted on was: say something; do nothing. This is something that will say something and do something—an amendment that will get rid of government redtape and allow us to repair our bridges in an expeditious fashion.

Often we wait years to go through the government redtape. This cuts through it and allows States to immediately repair and replace broken or collapsed bridges and roads. I urge support for and adoption of amendment No. 1556.

Thank you.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Colleagues, I think we are now at the last amendment, so please hear me out. If you care about your constituency, you have to vote no on this amendment. The implication is that the Senator is waiving environmental rules, health and safety rules, after a disaster. It is not true. Read the amendment. It is any kind of reconstruction for any safety purpose.

If you have a bridge in your great State that is over 50 years old, it has lead and it has asbestos. Every health and safety reg that deals with the safe disposal of just those two toxins—let alone PCBs and others—they are waived. One little speck of asbestos in your lungs and you know what could happen.

This is an overreach. In the base bill, in the underlying bill, Senator INHOFE and I have expedited reviews dramatically. We came together on it. It was tough negotiation. Stick with us and please vote no on this dangerous amendment.

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

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

Mrs. BOXER. Mr. President, I raise a point of order that the pending amendment violates section 311(a)(2)(A) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. Could the Senator restate her point of order?

Mrs. BOXER. Yes. I raise a point of order that the pending amendment violates section 311(a)(2)(A) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant 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 Idaho (Mr. CRAPO), 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 ''yea.''

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

The yeas and nays resulted—yeas 42, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—42

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

NAYS—54

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

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 54. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the amendment is rejected. The point of order is sustained and the amendment fails.

Mr. LIEBERMAN. Mr. President, I come to the floor to express my opposition to the Roberts amendment No. 1826, which, among other provisions, would have opened the Arctic National Wildlife Refuge for drilling.

I should start by stating that there are several provisions in this amendment that I would support, such as an extension of tax credits for our shortline railroads or those for brownfields remediation expenses. Unfortunately, these positives were outweighed by the negative provisions, several of which we have already voted on, including Keystone XL and offshore drilling.

I guess it is only fitting that, in my last year to serve in the Senate, we should be faced with this challenge once again. In 1988, I took up the protection of the Arctic Refuge in my first Senate campaign; and since then, I have made it one of my missions to protect this great unspoiled natural American treasure.

Throughout the years, many colleagues have joined together in this important bipartisan endeavor. Today I am proud to continue the fight to protect the refuge alongside my colleague from Washington, Senator CANTWELL, as well as with many others, including the chairman of the Environment and Public Works Committee, Senator BOXER.

In keeping with Secretary of State George Schultz's dictum that ''nothing ever gets settled in this town,'' some of our colleagues have found a new way to

try and open the Arctic Refuge to drilling. Yesterday, they proposed that we tie the as yet unknown proceeds from drilling in the Arctic Refuge to the transportation bill that the Senate is now debating. Is there anyone in this chamber who believes that the purpose of this amendment is to generate revenue to rebuild our Nation's infrastructure? Of course not.

Instead, the true purpose of this amendment was to try and package this provision, which has been defeated so many times already in the chamber, with other issues that Members may be inclined to support, in an attempt to finally jam it through.

Well, I can tell my colleagues that no matter how it is packaged, we will remain steadfast in saying ''No'' to drilling in the Arctic Refuge.

Proponents of drilling use two principle arguments: that drilling in the Arctic Refuge will lower oil prices and that it will be minimal in its disruption to the refuge. Let's look at these propositions more closely.

With regard to the claim that drilling in ANWR could solve our Nation's energy crisis, the Energy Information Agency tells us that peak production in the Arctic Refuge would be fewer than 1 million barrels per day, and that peak will not be reached until 2030 at the earliest. At that point, if we continue our current oil consumption trends, the refuge would only reduce our imports of foreign oil by 3 percent.

To put this level of production in context, the Department of Energy reported in 2008 that: ''ANWR oil production is not projected to have a large impact on world oil prices. . . . Additional oil production resulting from the opening of ANWR would be only a small portion of total world oil production, and would likely be offset in part by somewhat lower production outside the United States.''

Destroying one of the greatest wilderness areas in the United States, a region often referred to as ''America's Serengeti,'' under the banner of energy security would be a dubious proposition under any circumstances. But to do despoil this wilderness when doing so would not really enhance our energy security would be truly senseless.

We have plenty of untapped or unused wells and leases on public lands that have potential energy resources. In fact, of the 41 million acres of Federal lands that are leased, oil and gas companies are only drilling on about 12 million of those acres. Let's be sure the remaining 29 million acres are used effectively before we irreversibly ruin a beautiful natural treasure such as the Arctic Refuge.

Proponents of drilling in the Arctic Refuge argue that if we drill, it will only be on this limited strip of land and will not alter the landscape. But the effects of oil wells, pipelines, roads, airports, housing, gravel mines, air pollution, industrial noise, seismic exploration, and exploratory drilling would in fact radiate across the entire coastal plain of the Arctic Refuge.

Look at the Prudhoe Bay oil field. When it was opened for development in the 1970s, the oil industry argued that it could drill safely and in an environmentally friendly manner. What happened? It is a sprawl of industrialization, emits more air pollution than many cities in the lower 48, and routinely sees oil and toxin spills.

And what about the wildlife, which the refuge was established to protect? Crucial habitat for some of our Nation's most beloved wildlife species would be destroyed, and sacred land for the Gwich'in people would be forever lost.

It makes no sense to destroy this awe-inspiring landscape for oil that won't lower prices for our consumers or give us true energy security.

We all agree that we have an urgent energy problem in this country. However, America can balance its energy needs with our conservation heritage. We can implement a new, diverse energy policy—one that creates jobs through clean and sustainable energy solutions, even while protecting precious natural resources such as the Arctic Refuge.

As I have said every time I have come to the floor to speak about the Arctic Refuge, the mark of greatness in a generation lies not just in what it builds for itself, but also in what it preserves for the generations to come.

I want to close by quoting President Theodore Roosevelt, one of our Nation's greatest leaders: ''Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method.'' His words are even more relevant today; and as we consider the issue at hand, I am pleased my colleagues recalled those visionary words and his legacy and voted no on the Roberts amendment.

Mr. MCCAIN. Mr. President, I voted for the Roberts amendment No. 1826 because we cannot make perfect the enemy of the good. Approving the Keystone XL pipeline and increasing access to the Outer Continental Shelf for drilling are practical steps we should be taking to not only decrease our dependence on Middle East oil but help lower the price of oil in the future.

Unfortunately, in addition to these provisions, this amendment included several tax credit extensions that should not be extended. Tax credits for energy efficient appliances, alternative fuels, and alternative fuel vehicle refueling property should be eliminated permanently. The alternative fuel vehicle refueling property tax credit is particularly egregious. This credit would provide an additional subsidy to build ethanol blender pumps at private fueling stations. Taxpayers already gave over $20 billion to the ethanol industry through VEETC alone; they do not need to continue the support of this industry by financing its infrastructure build out.

Although amendment No. 1826 received my vote, I feel it necessary to reiterate my opposition to the extension of these tax credits. Alternatively, I support the principles behind amendment No. 1589 that seeks to eliminate targeted subsides and lower corporate tax rates.

Mr. BAUCUS. Mr. President, I rise today to support our contract with rural America for decent roads and explain an amendment the Senate adopted last Thursday.

Counties lose local tax revenue due to large Federal landholding. So, for over a century, Congress has supported payments to counties to make up the difference. Secure Rural Schools and Payments in Lieu of Taxes—known as PILT—continue that important commitment to these communities.

Rural counties that are home to large swaths of Federal lands rely on these funds to keep schools warm and keep the lights on at the county road department. These investments are rightfully due to rural counties as part of their compact with the Federal Government. These funds support jobs in Montana, education, and important county road projects. For counties such as Lincoln, Beaverhead, and Ravalli in Montana, these payments are a lifeline. My amendment keeps that lifeline intact, and it does so without adding a dime to the debt.

We are considering a 2-year surface transportation bill in the Senate. And let me make clear: county payments are about roads.

Secure Rural Schools requires payments to be spent either on roads or on schools. Over the last decade, over 50 percent of payments went to roads. In States like Idaho and Oregon, this makes up 20 percent of all highway spending in those States.

U.S. Census survey data suggests that much of PILT is spent on highways too. For example, in Nevada and Iowa, counties spend one in six dollars on highways. In Alabama, Arkansas, and Missouri that figure is one in five, and in the Dakotas and Oklahoma, it is nearly one in three.

Each of my colleagues has a list of the payments that went to their counties this year.

Last Thursday, I and Senators MURKOWSKI, BINGAMAN, CRAPO, WYDEN, RISCH, MERKLEY, TESTER, and BENNET offered an amendment to extend Secure Rural Schools and PILT payments for 1 additional year. The amendment was adopted by a vote of 82 to 16.

This amendment was paid for with commonsense offsets. One of the provisions I wanted to highlight is the offset that establishes reporting requirements for the sale of a life insurance contract. Even though we know it needs a little fine tuning, it is a tax gap provision that has the support of all the industries affected, and we look

forward to working with them to improve it.

A second offset provides a new tool for Federal agencies to manage their workforce as well as for employees to manage their careers. Currently, Federal employees who are eligible for retirement cannot collect their retirement without quitting Federal service. This results in a drain on experienced Federal workers. It also encourages employees to leave government, even though they may want to stay.

This proposal will allow Federal employees to phase into retirement by reducing their workload and receive a portion of their retirement benefit. It allows Federal agencies to save money because they don't have to hire new employees and it allows the Federal retirement trust fund to save money by paying only a portion of retirement benefits. And it is totally optional to the employee, so it is a win for the employee and a win for American taxpayers.

Another offset in this proposal partially closes a loophole regarding roll-your-own tobacco. Congress raised taxes on tobacco to pay for the reauthorization of the Children's Health Insurance Program in 2009. Tax rates on pipe tobacco were not increased as much as on roll-your-own tobacco; therefore, tobacco companies are selling bags of roll-your-own tobacco and labeling them as pipe tobacco. In other words, the pipe tobacco is masquerading as tobacco to be rolled into cigarettes to avoid the additional tax.

That isn't right. We should close this loophole. The abuse is so prevalent that gas station owners now have cigarette rolling machines to facilitate the loophole. A customer purchases a bag of pipe tobacco and then uses the machine to roll cigarettes. This provision helps close this loophole by treating establishments with cigarette rolling machines as manufacturers and therefore subject to the Federal excise taxes on tobacco manufacturers. This would raise $99 million.

This highway bill was the right place to extend Secure Rural Schools and PILT for rural Americans who deserve decent roads.

I thank my colleagues for supporting my amendment. We have done great work for rural America.

Mr. CASEY. Mr. President, I rise to state my strong support for this important legislation.

In particular, I am pleased that the legislation corrects an arbitrary requirement by the Federal Railroad Administration regarding rolling stock for high-speed rail. As a strong supporter of American manufacturing and high speed and intercity passenger rail service, I have closely followed the grant awards that FRA has and continues to make in this regard.

Seven months ago, the FRA awarded nearly $730 million to six States to acquire new passenger diesel locomotives and bilevel passenger cars. The new rolling stock will be used on State-supported regional corridors that Amtrak operates in the Midwest, California, and Pacific Northwest.

Under FRA's instructions, the States were to consider locomotives with 125 mph capability—even though none of the States have the infrastructure now or in the near term to operate service on these corridors at speed beyond 110 mph.

While a 15-mph difference in train speeds may not seem like much, the cost difference between 125 mph and 110 mph could be very significant. First, new advanced 110 mph locomotives will burn less fuel and have lower operating expenses. Second, Federal safety standards would require substantially more funding for States to upgrade the infrastructure needed to accommodate 125 mph trains.

With my amendment to S. 1813, States will now be able to fully and fairly evaluate capital and operating costs of different U.S. manufactured locomotives that are capable of meeting the statutory definition of high-speed rail, e.g., operating at 110 mph. A full and open process that fairly considers all locomotives that can operate at 110 mph will increase competition and ensure we maximize value for taxpayers.

Mr. President, we need to bring successful high-speed rail service to America soon, with trains built with American technology by American workers. I want to thank the leadership of the Commerce Committee, particularly Chairman ROCKEFELLER for his support in working with me and with my staff on this important issue.

Ms. SNOWE. Mr. President, it has now been more than 890 days since the last long-term surface transportation bill, SAFETEA–LU, expired. And what has Congress accomplished since September 30, 2009, when it comes to crafting a new Federal policy regime for our roads, bridges, mass transit, and safety programs? Sadly, Congress has managed once again to successfully abandon its responsibility to the American people by adopting a series of eight short-term extensions since 2009. In effect, Congress has placed our national transportation policy on ''Auto-Pilot'' for more than 2 years.

So my question is this: Why has the time for procrastination long since passed and the time for urgent action finally arrived? First, we face the March 31 expiration of the current, eighth short-term highway bill extension. So, it is imperative that the Senate approve a new highway bill promptly in order for us to extricate ourselves from this vicious cycle of robotically approving short-term extension after short-term extension. That is not legislating and it is not fair to the American people. Not at all.

Secondly and more broadly, the Senate faces a larger and more serious deadline: ensuring the solvency of the highway trust fund, which has been the primary funding source for all Federal roads, bridges, mass transit, and safety programs for decades. The trust fund is running out of money, and rapidly.

In fact, the Congressional Budget Office, CBO, reports that the highway trust fund will be bankrupt by October, barring action on a comprehensive highway reauthorization bill. If this looming specter does not signal a clarion call to move a bill, I don't know what does.

The legislation before us, Moving Ahead for Progress in the 21st Century, or MAP–21, is a 2-year highway authorization that takes a modest step in the right direction toward meeting the March expiration deadline as well as the urgency of shoring up the trust fund. Now, is this the bill I wish we were debating? Frankly, I would have preferred a much stronger, 6-year highway bill—the kind of legislation which, I would like to add, is the norm and not the exception. Indeed, Congress has traditionally approved highway and mass transit bills not by limited extensions or quick-fix panaceas but for the long-term. That was true for the 2005 highway bill, it was true for the 1998 highway bill, and it was true for the 1991 highway bill. All of these measures were 6-year authorizations. All of them enjoyed bipartisan consensus. And what was the result?

The longer time frames engendered greater certainty, especially for those States whose expiration dates for construction seasons are much shorter. Now, if only the past were actually prologue in this case. If only today we were actually debating a multiyear authorization and not putting more dents in the can that we are kicking further and further down the road—a road that needs to be repaired, I might add. If only we were deliberating policy that fostered more than a modicum of predictability. But we are not, and that is a problem.

It is a problem for David Bernhardt, Maine's transportation commissioner, who has observed that ''given the choice between a short-term and a long-term extension, the long-term extension is preferable as it provides more certainty and predictability for our construction season.''

It is a problem for the Maine Better Transportation Association, which has stated that ''Maine's rural transportation system—our roads, rail, ports—are woven into the future viability of every Maine business; the uncertainty created with no long-term reauthorization creates uncertainty, impeding job creation and investment.''

What we have as a consolation prize is a ''accept a half a loaf or get nothing'' proposition. So if this venerable Chamber can't muster the will to produce a new long-term highway reauthorization bill—and there is no reason, unfortunately, to think otherwise—then at the very least, can there be any doubt whatsoever that we must break the current cycle of short-term extensions and that a 2-year authorization will have to suffice for now?

As far as the State of Maine is concerned, MAP–21 is a slight improvement over present law. MAP–21's $109 billion in funding for 2012–2013 will provide Maine with $195 million this year and $198 million next year, up from the $192 million Maine received last year. While I would have preferred if Maine were receiving larger increases in funding, because its transportation funding needs are serious, I am nonetheless pleased to see Maine receive an increase in Federal transportation funding.

A strong Federal highway reauthorization bill will help Maine maintain our bridges and roads, while we wait to invest in the future for the demands of the 21st century. We are considering this measure as a stop-gap at a time when my State of Maine contains twice as many miles of poor roads, 548 miles, as we have of very good roads, only 265 miles, and at a time when 369 bridges are currently classified as structurally deficient, which means that 15.4 percent of our bridges require significant repair, well above the 11.4 percent national average.

Indisputably, the 2-year time frame of this bill is woefully short, and in total, this bill fails to make the requisite investments necessary to bolster our transportation infrastructure. That said, working within the strictures of a 2-year authorization bill, there are some elements of MAP–21 that I would like to briefly highlight—provisions I was particularly pleased to see incorporated.

This bill reduces burdensome redtape and bureaucracy that represent major speed bumps in streamlining. For example, it takes the more than 150 highway infrastructure programs and consolidates them into five core programs that address highway and bridge construction and maintenance, freight improvements, safety, and nonmotorized transportation. These changes will eliminate the bottlenecking emanating from Washington and will allow States to focus on their individual areas of concern rather than Federal mandates. As ranking member of the Senate Committee on Small Business and Entrepreneurship and one who is fighting tooth and nail to curb meddlesome bureaucratic rigamarole, this undertaking is welcomed indeed.

Furthermore, MAP–21 rightly places a premium on enhancing vehicle safety by making significant, vital changes to vehicle standards. In the 21st century, cars are no longer just mechanical machines, they are high-tech, complex systems with the capacity to diagnose and communicate critical problems and convey that information to drivers. This bill takes this new reality into tremendous account and will codify industry standards for electronic data, providing cars with electronic data recorders that will serve as the black boxes of new cars and help investigators determine the cause of crashes and prevent future accidents.

I am also particularly proud of the leadership of the Senate Committee on Commerce, Science, and Transportation evident in its portions of MAP–21, and for that I want to express gratitude to my longtime friend and colleague, our chairman, Senator ROCKEFELLER, who serves with me on both the Senate Commerce Committee and the Finance Committee.

Specifically, I want to recognize Chairman ROCKEFELLER for his collaboration with me and for supporting my antifraud amendment, which is included in the underlying bill. My amendment will ensure that brokers of transportation services have the skills and knowledge required to aid in transportation of shipments within the rules of the law, marking a major reform of the brokering process which will ensure that commercial truck drivers are paid for their work.

I want to publicly thank Barry Pottle, president of Pottle Transportation in Maine, who brought to light that some fraudulent brokers were successfully contracting commercial truck drivers to deliver freight, but then these brokers would not pay the truck drivers for the work they had performed. In effect, these fraudulent brokers were repeatedly taking advantage of truck drivers. When Barry alerted me to this deplorable outrage, I started drafting an amendment to end this scam immediately. I am very pleased this common-sense solution has been included in the MAP–21.

I would also like to thank the bill's managers, Chairman BOXER, and Ranking Member INHOFE for accepting my three amendments to the bill.

The 2005 highway bill provided Maine's Department of Transportation with the flexibility to draw upon Congestion Mitigation and Air Quality program funds to cover the operating expenses of The Downeaster, Amtrak's passenger rail service in Maine.

I am pleased that my amendment to continue this policy, which enhances flexibility for States to focus funding on local priorities, was accepted by the bill managers. At issue is an undertaking that curtails congestion and improves air quality in a State that prizes the outdoors for recreation and tourism. We certainly did not want to turn away passengers coming to and from my State who patronized The Downeaster to the tune of half a million trips in 2011—or equivalent to nearly 40 percent of my State's population riding the train once in a single year?

In addition, I was pleased to work with Senators CARDIN, KLOBUCHAR, RUBIO, WICKER, ROCKEFELLER, and TESTER to develop an amendment that has been accepted by the bill managers that will streamline the process for veterans with equivalent military driving experience to acquire commercial driver's licenses, also known as CDLs. I should also thank the many veterans service organizations, including the Air Force Association, Military Order of the Purple Heart, Fleet Reserve Association, and American Legion, which lent their expertise and support to this effort. Furthermore, I would like to thank Representative RANDY HULTGREN, whose leadership resulted in a similar provision being included in the House version of this bill, which provided the inspiration for the language before us today.

As my colleagues would undoubtedly agree, it is unconscionable that our Nation's veterans, including those who have most recently returned from service in Iraq and Afghanistan, find themselves facing unnecessary bureaucratic hurdles as they seek to transition into a civilian profession for which they have already received world-class training provided by our Federal Government.

Instead, at a time when job creation is our No. 1 priority, our government should be working to eliminate redtape, delays, costs, and unnecessary testing—where it is prudent to do so—to allow veterans to quickly pursue and secure employment in the private and public sectors.

Indisputably, Congress has made milestone strides over the past year, including the passage of provisions in the National Defense Authorization Act and the VOW to Hire Heroes Act that require the Federal Government to identify equivalencies in military and civilian job skills and to carry out a pilot program to reduce or curb barriers to providing credentials, certifications, and licenses to qualified veterans. These yeoman efforts are vital and timely, and they dovetail with our amendment, which directly addresses one specific opportunity to remove roadblocks to veteran licensing.

Over the past decade, many of our veterans safely drove large trucks on some of the most dangerous roads in the world. They have also safely operated these same vehicles on local, State, and national highways during their service, demonstrating their capabilities and qualifications to operate similar vehicles as civilian commercial drivers. As such, our amendment requires the Secretary of Transportation to immediately convene a joint study with the Secretary of Defense, the States, and other stakeholders to assess the barriers to obtaining a CDL faced by our current servicemembers and veterans who possess the proper training and experience to operate commercial vehicles. As part of this study, the Secretary of Transportation must make recommendations for legislative, regulatory, and administrative actions necessary to overcome these challenges, and, most important, upon completion of the study, the Secretary must implement those recommendations for which he has the legal authority.

Although specific CDL requirements are a responsibility of the States, our amendment will ensure that the Secretary of Transportation and the Secretary of Defense take a leadership role in helping States to understand the extraordinary skills and experience driving large vehicles that many of our

veterans bring to the table when they apply for a CDL. As a result, I am very hopeful that our efforts here will soon eliminate unnecessary barriers to CDL licensing for qualified veterans. And, perhaps of equal importance, by adopting our amendment, we will have established a template for legislation that this and future Congresses may follow for streamlining licensing and certification processes for our Nation's veterans.

Quite simply, our best and bravest deserve nothing less than our Nation's unwavering support and gratitude upon their return home, in order to rightly honor their enormous sacrifices. Frankly, who better for any job than those trained to be the greatest fighting force on the planet?

Mr. President, overall, I will agree that in the case of this highway bill we cannot allow the perfect to be the enemy of the good—that a 2-year authorization is preferable to yet another round of extensions. But make no mistake, Congress has failed to do its due diligence in addressing this highway bill over the last 2 years. It is because of that negligence that we have placed ourselves in the unenviable position of having to play beat the clock, as both the House and the Senate must confront a fast-approaching March 31 deadline when the current extension expires.

This bill represents the best we can offer the American people right now, but it is not and I know my colleagues will agree—indicative of the best this institution can offer. The American people deserve better.

Mr. LEVIN. Mr. President, we are long overdue to reauthorize our Nation's transportation programs. The last reauthorization, SAFETEA–LU, expired in September 2009. Since then there have been seven short-term extensions, and the most current extension expires on March 31. I am pleased the Senate is finally voting on a bill, S. 1831, Moving Ahead for Progress in the 21st Century Act, or MAP–21. A path forward for action on the House bill is still unclear so we may indeed need another short-term extension.

MAP–21 enjoys the strong support of a broad cross-section of organizations ranging from the AFL–CIO, the U.S. Chamber of Commerce, and the American Public Transportation Association.

This bill will improve the mobility of people and commerce while reducing traffic congestion and improving air quality. Investing in the construction and maintenance of our roads, bridges, public transit systems, trails, and rail infrastructure means people and goods move more efficiently and that improves our international competitiveness. And investing in infrastructure will create badly needed jobs. It is one of the most obvious things we can do to help boost the economy as it struggles to emerge from the great recession.

So I will vote yes on final passage of S. 1813. MAP–21 is a bipartisan, 2-year bill that provides level funding with increases to account for inflation. The bill would provide $109 billion over 2 years for surface transportation programs. Given the difficult budget climate this has to be viewed as a victory.

Our State transportation agencies need to be able to do long-term planning and a 2-year bill helps that cause, and is surely better than the short-term extensions we have been living under. Given the negative budget climate and the difficulty we had finding the revenue to offset the highway trust fund shortfall, a 2-year bill is what is possible, though I would have preferred a longer term bill.

Under MAP–21's highway title, Michigan will get more than $1.1 billion per year for 2 years, slightly more than under the current bill. Under the transit formulas, Michigan is projected to get a little over $131.3 million per year for 2 years, a little more than we got last time in formula funds. When it comes to public transit, Michigan is an all-bus State except for the People Mover in Detroit. Whereas the highway title takes great pains to ensure that the distribution of highway revenue among States is largely unchanged, the transit title changes the distribution of transit revenue among States to favor those States with rail transit infrastructure over States like Michigan that do not yet have rail transit. In an effort to keep Michigan whole in terms of transit funding, I cosponsored an amendment to restore funding to both urban and rural bus programs. I am pleased provisions of that amendment have been adopted in the managers' package.

My primary area of concern with this bill is in the formula for distributing funds to States and a lack of true donor equity based on contributions to the highway trust fund. Historically, about 20 States, including Michigan, have been ''donor'' States, sending more gas tax dollars to the trust fund in Washington than are returned in transportation infrastructure spending. Each time the highway bill has been reauthorized, I have joined Members from other donor States to try to correct this inequity in highway funding and we have made progress. In 1978, Michigan was getting around 75 cents back on our Federal gas tax dollar. That went up to about 80 cents in 1991, 90.5 cents in 1998, and 92 cents in 2005. Unfortunately, there simply isn't enough money this time around to improve the rate of return for donor States without taking funding from donee States, which we don't have the votes to do.

Further undermining donor State efforts is the trend starting in 2008 of nonuser-fee money going into the trust fund. Before that, the trust fund was purely user-fee funded, primarily with gas taxes contributed from each State. When gas tax revenues started declining with increases in fuel economy and people driving less because of the recession, billions of dollars were transferred from the general fund to keep the trust fund solvent. Thus the blurring of the line between what was paid into the trust fund by States versus what is given back to States in Federal highway dollars which is now both gas taxes and general revenue monies. This means when calculated in dollar terms, donor States, including Michigan, are getting back more money than they put into the trust fund, or well more than 100 cents on the dollar. When you look at the percent, or share, contributed to the trust fund versus the percent, or share, paid out compared to other States, an inequity among donor and donee States remains.

Overall, Michigan Department of Transportation, MDOT, officials view the bill favorably, particularly the program consolidation, increased flexibility, realistic performance management, and provisions to expedite project delivery. MDOT's director wrote to me that he is eager to see a long-term transportation authorization bill enacted because it is vital to providing the stability needed to improve transportation planning and project development.

There are no earmarks in this bill and nearly all discretionary grant programs allocated by the Federal Highway Administration would be eliminated. The result is that most funding is allocated to the States by formula.

MAP–21 proposes a new core program intended to direct funds to infrastructure segments that are particularly critical to freight movement. It allows the Wayne County Aerotropolis project to apply for grants under the freight program by specifically identifying as eligible an ''Aerotropolis'' transportation system defined as a planned and coordinated multimodal freight and passenger transportation network providing efficient, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.

MAP–21 makes substantial changes to transportation planning requirements at all levels, including using performance management through the planning process. It requires that State and metropolitan planning organizations, MPOs, include performance measures and targets. Along with these increased technical responsibilities, the bill raises the designation threshold for MPOs from those serving a population of 50,000 to those serving a population of 200,000, unless the Governor certifies certain technical criteria are met.

This could have been a problem for a number of Michigan mid-sized MPOs, including those in Battle Creek, Jackson, Holland, Bay City, and Saginaw. The MPOs in these cities have expressed concern to my office that they could lose their MPO designation. They argue that their organizations are comprised of local elected officials who are in the best position to determine local transportation needs, and this proposal could exclude local officials and their

constituents from participating in the transportation decisionmaking process if the Governor does not certify them.

I agree that this local expertise in the planning process is valuable and that it should be retained. The MDOT officials who work with and rely on these organizations assured my office the State would want the existing mid-sized MPOs in Michigan to retain their MPO designation. I cosponsored an amendment to grandfather in existing MPOs so that they are not at risk of losing their MPO designation and with it the planning funds needed to operate, and I am pleased a modified version of this amendment was accepted.

I am also pleased the bill includes an amendment I authored with Senator CONRAD which was adopted by voice vote. It would give Treasury a discretionary power to fight against tax evasions. Under the PATRIOT Act, Congress gave the Treasury the power to take a range of measures against foreign financial institutions or jurisdictions that it finds to be of ''primary money laundering concern.'' The Levin-Conrad amendment would authorize Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be ''significantly impeding U.S. tax enforcement.'' Treasury could, for example, prohibit U.S. banks from accepting wire transfers or honoring credit cards from those foreign banks. This amendment, which is similar to a provision that I introduced as part of a broad offshore tax bill for several Congresses, has been scored as raising over $1 billion over 10 years.

I am pleased the bill managers worked with me to include language regarding the need to fully use the Harbor Maintenance Trust Fund for operating and maintaining our Federal navigation channels, including the 69 Federal harbors and channels in Michigan. These ports and harbors support jobs, advance economic activity, and bolster exports. Maintaining these waterways is not only important for our economy and international competitiveness, but properly maintaining these harbors and ports keeps freight off of our highways and rails, relieving congestion and improving the environment.

Somehow, keeping our ports and harbors in good repair has not been a priority in budgeting and funding decisions. This sense of the Senate on harbor maintenance acknowledges the shortfall, and states that ''the amounts in the Harbor Maintenance Trust Fund should be fully expended to operate and maintain the navigation channels of the United States.'' This affirmative statement puts the Senate on record in supporting full funding for our Federal ports and harbors, and is a good step forward in addressing this unfair situation. Every year, hundreds of millions of dollars collected from shippers are deposited into the Harbor Maintenance Trust Fund but never spent, despite the fact that our Nation has a significant navigational maintenance backlog. Collecting fees from shippers and not using these revenues for their intended purpose is not only unfair, it threatens jobs and economic growth.

Including this important language in the Senate bill is an important first step to correcting our harbor maintenance problem, yet much work remains. I hope the House will take action on a transportation reauthorization bill so that we can work out any differences in conference committee. Along with my colleagues, I will be urging the conferees to retain and strengthen the harbor maintenance language to reflect S. 412, a bill I sponsored and which currently has 35 cosponsors, which would provide an enforcement mechanism to ensure that all of the funds deposited into the Harbor Maintenance Trust Fund are used for their intended purposes: for the operation and maintenance of our Nation's harbors.

This bill takes some important steps to support green automotive technology. I am pleased that the bill supports the expansion of electric vehicle infrastructure by allowing highway funds to be used for new charging stations at existing or new parking facilities funded through the law. It also includes a provision authored by Senator CARPER to include vehicle charging and refueling infrastructure improvement projects among the projects eligible to be carried out under the congestion mitigation and air quality improvement program.

I am proud of the fact that Michigan has two fixed guideway projects under development that will go through the Federal Transit Administration's, FTA, New Starts Program which will provide Federal funding to build them. These projects, one in Grand Rapids and a two-part interconnected project in Detroit, will finally bring light rail and bus rapid transit to Michigan to supplement our current all-bus system. I have worked closely with the Banking Committee to secure changes to the New Starts Program that will benefit Michigan's initiatives. I am pleased to report that this bill modifies the New Starts Program in a way that is favorable to these Michigan projects, including the Detroit project which has a more complex set of circumstances.

Michigan is developing two connected projects in Detroit: a streetcar circulator that will distribute riders within the downtown core along Woodward Avenue, built mostly with private funds, and a regional bus rapid transit network on multiple corridors leading into downtown Detroit, which will need Federal New Starts funds. Because it is largely privately funded, the streetcar project will be able to advance before everything is in place at both the State and Federal levels to submit the New Starts application for the entire program. FTA officials have told me they interpret the bill's ''Program of Interrelated Projects'' language as providing ample opportunity for the streetcar circulator project in Detroit's Woodward Avenue corridor and the connected bus rapid transit project in the same corridor to meet the New Starts requirements to apply as a single program and that one project can be built before the other project within a reasonable timeframe and still be eligible. This is reassuring as we work to advance this important project through the New Starts Program.

In conclusion, MAP–21 is a consensus, bipartisan bill that represents our best hope to get a longer term transportation bill enacted. I urge my colleagues to support it and I hope the House of Representatives will also adopt it.

Mr. ROCKEFELLER. Mr. President, given that the Commerce, Science, and Transportation Committee was unable to mark up the National Rail System Preservation, Expansion, and Development Act of 2012 prior to floor consideration of S. 1813, I wanted to make a quick statement to thank Ranking Member HUTCHISON for her help in reaching agreement on the bill so the Senate could consider it as part of this measure. In my formal floor statement, I mention the virtues of and the needs for this bill. To provide more clarity about the Committee's intention with the provisions, I ask unanimous consent that this section-by-section analysis of the bill be printed in the RECORD.

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

TITLE V—THE NATIONAL RAIL SYSTEM PRESERVATION, EXPANSION, AND DEVELOPMENT ACT OF 2012

SECTION-BY-SECTION ANALYSIS

SEC. 35001. SHORT TITLE.

This section provides that the title may be cited as the ''National Rail System Preservation, Expansion, and Development Act of 2012''.

SEC. 35002. REFERENCES TO TITLE 49, UNITED STATES CODE.

This section would stipulate that, except as otherwise expressly provided, all amendments in this act would be made to title 49, United States Code.

SUBTITLE A—FEDERAL AND STATE ROLES IN RAIL PLANNING AND DEVELOPMENT TOOLS

SEC. 35101. RAIL PLANS.

This section would require the Secretary of the Department of Transportation (DOT) to develop a long-range national rail plan within a year, with the input of Amtrak, the Federal Railroad Administration (FRA), and Surface Transportation Board (STB), and a broad range of industry stakeholders. The national rail plan would implement a national policy and strategy to support, improve, and further develop existing and future high-speed and intercity passenger rail transportation and freight rail transportation. The plan would be subject to refinement by regional and State rail plans.

This section would require the plan to have a national map with prioritized designations of existing and developing markets. This section would also require the plan to define corridors and service categories. This section would also specify the content the national rail plan is to address.

This section would require regional rail plans that would serve to refine and implement the national rail plan, along with a map and phasing plan for new corridors. This section would specify the requirements for regional plans, and require yearly updates to the plans.

This section would update state rail plan requirements to require that state rail plans be consistent with regional and national plans, while synching rail with other state planning goals. The section would require state rail plans to refine and advance the implementation of the national rail plan. The section would require minimum standards for state rail plans, along with procedures for review. The section would specify the contents of the state plans. This section would require state plans to identify rail capital projects, along with their potential benefits and financing.

The section would institute state and federal transparency requirements for all rail plans, to provide adequate and reasonable notice to comment to the public, other agencies, and stakeholders. The section would also define the terms being used in the chapter.

SEC. 35102. IMPROVED DATA ON DELAY.

This section would require guidance from the Secretary within a year for developing automated or improved means for measuring on-time performance delays.

SEC. 35103. DATA AND MODELING.

This section would require the Secretary to conduct a data needs assessment to determine what data is needed to support the development of intercity passenger rail. The section would specify the parameters of the assessment.

This section would require the Secretary to develop or improve modeling capabilities to support intercity passenger rail development. This section would also require the Secretary to improve benefit-cost analysis guidance and training for applicants to the intercity grant programs.

SEC. 35104. SHARED-USE CORRIDOR STUDY.

This section would require the Secretary to conduct a shared-use corridor study to evaluate means to best support the further development of high-speed and intercity passenger rail. The section would specify the content of the study.

SEC. 35105. COOPERATIVE EQUIPMENT POOL.

This section would improve the Next Generation Corridor Equipment Pool Committee created by section 305 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and require that it create an equipment pooling entity that would lease or acquire, maintain, manage and allocate equipment to support State-supported service. Amtrak would be permitted to transfer equipment to the entity.

This section would permit the entity to be eligible for intercity passenger rail capital grants.

SEC. 35106. PROJECT MANAGEMENT OVERSIGHT AND PLANNING.

This section would modify PRIIA to increase by ½ percent the amount of appropriations available to the Secretary for project management oversight and joint capital planning.

SEC. 35107. IMPROVEMENTS TO THE CAPITAL ASSISTANCE PROGRAMS.

This section would make improvements and clarifications to the intercity passenger rail, congestion, and high-speed rail grants. This section would amend the cost-share requirements for grants and otherwise prioritize grant funding pursuant to the national, regional, and state rail plans. It would require applicants and recipients to provide sufficient information and justification to the Secretary to assist with grantmaking. This section would authorize grants to be transferred to Amtrak if it would facilitate the completion of the grant.

SEC. 35108. LIABILITY.

This section would clarify commuter railroads liability standards. This section would require a study regarding options for clarifying and improving liability requirements and arrangements necessary for supporting intercity passenger rail.

SEC. 35109. DISADVANTAGED BUSINESS ENTERPRISES.

This section would establish a disadvantaged business enterprise program applicable to rail programs. It would require the Secretary to make at least 10 percent of amounts available from the rail grant programs available to small business concerns owned and controlled by at least 1 or more socially and economically disadvantaged individuals.

This section would also require each state to produce an annual listing of disadvantaged small business concerns in the state, along with details. This section would require the Secretary to develop uniform criteria for State governments to use in certifying whether a small business concern qualifies under this section. States would be required to fulfill minimum reporting requirements concerning disadvantaged business enterprises.

SEC. 35110. WORKFORCE DEVELOPMENT.

This section would require the Secretary to complete a study and provide recommendations relating to workforce development needs in the passenger and freight rail industry. The results would be due within a year of enactment and would be submitted to the committees of jurisdiction.

SEC. 35111. VETERANS EMPLOYMENT.

This section would require the Secretary to conduct a study and provide recommendations relating to the best means to provide preference to veterans in the awarding of contracts and subcontracts.

SUBTITLE B—AMTRAK

SEC. 35201. STATE-SUPPORTED ROUTES.

This section would permit the Secretary to award grant funds to States to cover operating costs that exceed those that States paid prior to the implementation of the cost allocation methodology required by section 209 of PRIIA. It would also require the Secretary to provide transition assistance guidance once the appropriate methodology is completed by the Surface Transportation Board. This guidance would include criteria to phase-out the operating support by 2017, a grant application process, and policies governing financial terms. This section would also clarify the criteria for grants, and stipulate that the federal share of costs can be up to 100 percent.

SEC. 35202. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMITTEE.

This section would clarify the responsibilities of the Northeast Corridor Infrastructure and Operations Advisory Commission and establish a deadline for it to develop the access cost methodology required by PRIIA. It would require FRA to work with Amtrak and the Commission to develop a service development plan and the Commission to develop a long-range Northeast Corridor strategy. It would also establish a deadline for the Commission to complete its Northeast Corridor Economic Development report.

SEC. 35203. NORTHEAST CORRIDOR HIGH-SPEED RAIL IMPROVEMENT PLAN.

This section would require Amtrak to complete a refined vision for an integrated program of improvements on the Northeast Corridor, along with a business and financing plan to accompany it. This section would require the Secretary to provide support, assistance, oversight, and guidance to Amtrak in preparing the plan.

This section would require the submission of the plans the Northeast Corridor Infrastructure and Operations Advisory Commission and the FRA.

SEC. 35204. NORTHEAST CORRIDOR ENVIRONMENTAL REVIEW PROCESS.

This section would require the Secretary to complete a plan and schedule for a programmatic environmental review for the Northeast Corridor. This section would require the plan to be completed within 90 days and the full environmental review be completed within 3 years after enactment. It would also clarify that the Secretary shall not preclude making funds available for the purchase of high-speed rail equipment that complies with Federal standards; however, it does not override the Secretary's discretion to awards funds.

SEC. 35205 DELEGATION AUTHORITY.

This section would permit the Secretary to delegate to Amtrak authority and responsibility for environmental reviews.

SEC. 35206. AMTRAK INSPECTOR GENERAL.

This section would codify the existing Amtrak Inspector General authorization of appropriations from PRIIA and reaffirm the office's responsibilities. This section would also clarify the Department of Transportation Inspector General's and Amtrak Inspector General's ongoing duty to assess the progress made by DOT and Amtrak in implementing PRIIA.

SEC. 35207. COMPENSATION FOR PRIVATE-SECTOR USE OF FEDERALLY-FUNDED ASSETS.

This section would affirm that the Secretary may require that private entities taking exclusive use of capital assets built or improved with federal funds provide compensation to the United States. This section is intended to discourage the practice of selling or leasing passenger rail infrastructure built with Federal funding to a private entity so that it can increase profits for its shareholders, rather than use profits to further the public's demand for a better passenger rail system. This section is intended to encourage responsible public private partnerships that will help deploy a more robust intercity and high-speed rail system in the United States and protect taxpayer investment into this system. Alternatively, the Committee feels that, instead of always requiring the private entity to pay back funds to the Treasury, at times it may be appropriate that the Secretary require that the entity invest those funds back into the passenger rail system to help expand capacity and performance.

SEC. 35208. ON-TIME PERFORMANCE.

This section would prohibit Amtrak from paying host railroads incentive payments where the on-time performance of any intercity passenger rail train averages less than 80 percent for any two consecutive quarters and the failure to meet such performance levels is solely the responsibility of the host railroad.

SEC. 35208. BOARD OF DIRECTORS.

This section would make a technical correction to PRIIA to ensure the proper political balance on the Amtrak Board of Directors.

SUBTITLE C—RAIL SAFETY IMPROVEMENTS

SEC. 35301. POSITIVE TRAIN CONTROL.

This section would clarify the Secretary is permitted to review amendments to positive train control (PTC) implementation plans and would establish time frames for those review. This section would also require an annual review of compliance with plan.

This section would require revise the deadline for the Secretary to report on the progress of railroad carriers in implementing PTC systems to June 30, 2012. This section would also grant the Secretary authority to extend the implementation deadline for a passenger rail service entity in yearly increments after the Secretary makes a determination that implementation is infeasible for reasons beyond the entity's control, but in no case beyond December 31, 2018. This section requires that, in evaluating whether to grant an extension, the Secretary consider the risk level of the lines for which the rail carrier is seeking the extension.

SEC. 35302. ADDITIONAL ELIGIBILITY FOR RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

This section would make explicit that positive train control system costs are eligible for Railroad Rehabilitation and Improvement Financing (RRIF). It would also permit costs of labor and materials associated with installing positive train control to be considered collateral of the purposes of the RRIF loan program.

SEC. 35303. FCC STUDY OF SPECTRUM AVAILABILITY.

This section would require the Secretary and Chairman of the Federal Communications Commission to conduct an assessment of the spectrum needs and availability for implementing PTC systems, and issue recommendations to resolve problems.

SUBTITLE D—FREIGHT RAIL

SEC. 35401. RAIL LINE RELOCATION.

This section would make improvements to the Rail Line Relocation grant program.

SEC. 35402. COMPILATION OF COMPLAINTS.

This section would require the Surface Transportation Board to establish and maintain a database of complaints received, and post the list quarterly on the STB's website. This section would require the Board to receive the permission of those submitting informal complaints for them to be posted.

SEC. 35403. MAXIMUM RELIEF IN CERTAIN RATE CASES.

This section would revise the maximum amount of rate relief available to railroad shippers. The section would also establish periodic reviews by the Board and revise the amounts as necessary.

SEC. 35404. RATE REVIEW TIMELINES.

This section would establish specific timelines for the STB to follow in standalone rate challenges. The deadlines would apply, unless a request from a party or due process issues are an issue.

SEC. 35405. REVENUE ADEQUACY STUDY.

This section would require the STB to initiate a study to provide further guidance on how to apply its revenue adequacy constraint. It would require the STB to consider whether to apply the revenue adequacy constraint using a replacement costs to value the assets. The study would provide public notice, comment, and an opportunity for hearings. The study would be due within 180 days of enactment, and the results would be reported to the committees of jurisdiction.

SEC. 35406. QUARTERLY REPORTS.

This section would require the STB to provide quarterly reports to the committees of jurisdiction on its progress toward addressing issues raised in unfinished regulatory proceedings.

SEC. 35407. WORKFORCE REVIEW.

This section would require the Chairman of the STB to conduct a review of the Surface Transportation Board workforce, and would require the Chairman to use the review to assist in the development of a comprehensive, long-term human capital improvement plan.

SEC. 35408. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

This section would allow the Secretary to accept the net present value of a future stream of state or local subsidy income as collateral to secure a loan for railroad rehabilitation and improvement. It would also require the Secretary to submit a report to relevant Committees with recommendations for improving the Railroad Rehabilitation and Improvement Financing program.

SUBTITLE E—TECHNICAL CORRECTIONS

SEC. 35501. TECHNICAL CORRECTIONS.

This section would make numerous technical corrections to PRIIA legislation, and to Title 49 of the U.S. Code.

SEC. 35502. CONDEMNATION AUTHORITY.

This section would correct an existing reference to the Interstate Commerce Commission in statute.

SUBTITLE F—LICENSING AND INSURANCE REQUIREMENTS FOR PASSENGER RAIL CARRIERS

SEC. 35601. CERTIFICATION OF PASSENGER RAIL CARRIERS.

This section would require the STB to establish a certification process to authorize a person to provide passenger rail transportation over a line subject to the Board's jurisdiction. It would also grant the Board authority to grant certificates and issue regulations relating to the safety and insurance operations of passenger rail entities, including Amtrak. It would not apply to freight railroads providing or hosting passenger rail transportation over its own line, tourist, historical, or excursion passenger rail transportation, or other railroad that has obtained construction or operating authority from the Board. The provision is intended to make sure that passenger rail operators, are sufficiently qualified, which is consistent with the Federal government's authority in other transportation industries.

Mr. ROCKEFELLER. Mr. President, every day tens of millions of Americans take to the roads, board buses, use Amtrak, to get to work, drop off their kids at school, or visit friends and family. Our transportation system binds our vast and diverse Nation together.

All too often, our crumbling and inadequate transportation infrastructure makes all of these daily trips nothing short of unbearable. This issue is more than just a problem of personal inconvenience. Our aging transportation system is costing our economy with lost productivity. It is hurting our ability to export goods. It is precluding us from generating the economic growth necessary to create the jobs our economy needs.

There is no disagreement that we need to improve the efficiency and capacity of our transportation system. We have heard a lot in the debate over this bill about the need to rebuild our crumbling bridges and expand our congested highways. But we also need to make sure that we have the safest transportation system possible.

Safety is not an ancillary part of this debate. Reducing the number of fatalities on our nation's roads and rails must be the focus of this bill as it has been for previous transportation bills. It is one of the most important responsibilities we have in Congress.

That is why I am here.

I am proud that the Commerce Committee plays the central role in improving the safety of not only our transportation system, but the vehicles that travel upon it.

Consider this: More than 90 Americans a day die on the road. This bill aims to bring that number down. Horrific bus crashes, as my colleague from Texas knows all too well, have happened in every State. This bill includes provisions from Senator HUTCHISON that sets new tough standards for their safety. Hazardous materials, including deadly chemicals and explosives, move alongside minivans and motorcycles. This bill sets standards to improve the safety of their transport to minimize the risks to the public. The rail system has proven to be relatively safe but all too avoidable accidents happen—both in passenger and freight rail. This bill sets higher standards for safety.

The dangers and challenges never stop. And so we need to step up, respond to what is happening and make our transportation system as safe as it can be.

Let me offer some specifics about what exactly is in the Commerce title of bill.

We have the safety programs of the National Highway Traffic Safety Administration, or NHTSA, as we call it around here.

NHTSA has led the way in raising safety standards on our roads and highways. Last year, highway deaths fell to their lowest levels in more than 60 years. But by reasonably asking more, we can save more lives.

Some of NHTSA's most visible efforts center on reducing drunk driving fatalities. Last year, they dropped 5 percent, which is good but again we can do more. We can prevent more senseless deaths from drunk driving. We can make sure fewer families have to suffer the agony of a teenager's life cut short by a drunk driver.

This bill recognizes the success and builds on it with new grant programs and help for States to reduce drunk driving and increase seatbelt use.

It has an entire section on distracted driving, a growing crisis in this country that killed 3,000 people last year. Think about that: 3,000 people across the country dead because drivers were not paying attention to the road.

My State, West Virginia, is proactive on this. The General Assembly has tackled the issue and things will get better. This bill follows the same path: it creates grants so that States can fight this just as they have with drunk driving and seatbelt use.

This bill also gives new authority for the government to control imports of defective motor vehicles and motor vehicle equipment. Again, our priority is safety and it is something that I am proud to emphasize.

Let me tell you about another section in this bill. It's the Federal Motor Carrier Safety Administration, FMCSA, which is aimed at reducing truck and bus crashes.

Did you know truck crashes killed 3,675 people on our highways in 2010

alone? The death toll is going up even though overall traffic fatalities are down. We need to reverse this trend.

In this bill, we work towards safer roads through the use of modernized technology and data. For example, we can put electronic on-board recorders on buses and trucks to cut back on fatigue-related accidents. These ''black boxes'' will make our highways safer and we must embrace the technology.

There is more to the Commerce Committee's title than just vehicle safety provisions. Our bill includes the Hazardous Materials Transportation Safety Improvement Act, which requires uniform standards for the safe loading and unloading of hazardous materials on and off rail tank cars and cargo tank trucks.

In this bill we make commonsense improvements to safety, such as establishing a program where shippers can electronically share information with carriers, emergency responders and enforcement personnel.

Also, included is a provision to assist with the data collection that will help DOT make smart investments; this authorizes DOT's Research and Innovative Technology Administration, RITA, and enhances its ability to spur innovation in transportation research.

I started my remarks by talking about how often our roads are overlooked. We collectively drive on 90,000 miles of crumbling highways and under and over 70,000 structurally damaged bridges. Our neglected infrastructure costs us $130 billion a year. We deserve better and this bill will get us there.

In closing, I want to make two final points.

First I would like thank all of my colleagues for their good word on this effort. Senator BOXER, Senator JOHNSON, Senator BAUCUS, the leadership, we all worked hard to get to this point.

Second, I want to note that the art of legislating is finding compromise and common ground. I know some are unhappy with this bill, there are parts of it I would like to change myself. But the final product is good for West Virginia, good for the American people and an important step forward.

Mr. President, I rise today to thank Chairman BAUCUS for the work he did on the Finance title of the transportation bill which we have just passed. He and his staff worked with me on a number of amendments both in the committee and on the floor, and their hard work has made this a better bill.

I am particularly pleased that Chairman BAUCUS chose to include a provision of mine which closes the so-called ''Reverse Morris Trust'' loophole. This provision has allowed many profitable companies engaging in reorganizations to avoid paying tens of millions of dollars in corporate taxes, while loading up companies with debt and laying off hardworking employees. This bill would finally stop that practice.

I also want to thank Senator STABENOW for graciously agreeing to modify her amendment extending expiring energy tax credits and deductions at my request so that the mine safety equipment and mine rescue team training tax incentives I have long championed could be included. These energy-related provisions should be a part of any tax extenders package and Senator STABENOW and her staff worked closely with me to try and advance mine safety through this bill and their efforts are much appreciated. Though her amendment was defeated, we will continue to work together to extend these important credits along with the alternative fuels tax credits—which support coal based fuels—and the refined coal tax credit which were also included in her amendment.

I will also briefly mention two items that were not included in this bill, both of which I filed as amendments at the Finance Committee's mark-up, that I hope to see acted upon this year.

One is the Steel Industry Fuel Tax Credit which expired at the end of 2010. This credit, which I have worked with a number of members of this body to enact and extend over the years, including the Finance Committee's ranking member, Senator HATCH, provides an important incentive to one our Nation's most important sectors, the steel industry. This credit encourages companies engaged in steel production to use a recycling process that both produces reliable energy and makes each plant more environmentally sound. I intend to advocate for this credit's reinstatement and hope that it will be included in a tax extenders package later this year.

Finally, I want to mention an issue of great importance not only to West Virginia but a number of States around the country. Multi-employer pension plans have come under increased hardship in recent years due to a combination of investment losses and business participants exiting the plans. The victims, through no fault of their own, are retirees. Ultimately Congress needs to address pension stability for all retirees, but in the meantime, I have introduced S. 621, the Coalfield Accountability and Retired Employee Act. This legislation would safeguard the pensions of retired mineworkers—the hard working men and women who have helped power this country.

If the government does not work with multi-employer plan participants and employers, these retirees face the risk of reduced benefits down the road, and the Federal Government risks assuming billions of dollars of liabilities. This legislation is important to the people of my State and I will continue to work to prevent these retirees from losing the benefits they worked so hard to earn.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will take just a minute to talk about the bill we are going to vote final passage on in just a few minutes. I cannot say it enough—I have said it a lot, I will continue to say it—this is a wonderful opportunity for the Senate and a great accomplishment for our country. What I say just now I have said many times because it feels so good to say it. One of the most progressive Members of this body and one of the most conservative Members of this body got together and said they wanted to do a bill that was good for the American people, a bill that will save or create 2.8 million jobs. We have had some scuffles along the way, but that is what the Senate is all about. The rules of the Senate sometimes demand scuffles, as difficult as they are. We now have a bill that will pass, and it will have a significant bipartisan vote.

I so appreciate Senator BOXER and Senator INHOFE helping us work through this bill. But for them we could not have done the bill. Frankly, Senator MCCONNELL and I could not have accomplished this. But with these two fine Senators working to move some of the obstacles in the path, we were able to do this. As late as yesterday, we were unable to get this done. I so appreciate their hard and good work.

As everybody knows, I am a very good friend of BARBARA BOXER's. We came to Washington together 30 years ago. What a lot of people don't know about is the very close personal relationship I have with JIM INHOFE. One of the finest letters—and it brings tears to my eyes, frankly—that I received during my wife's illness was a letter from him expressing his friendship to me and, of course, saying they would say prayers for my wife. So this is, for me, an opportunity to talk about how good the Senate can be. I am proud of every one of you for working our way through this.

Before propounding a unanimous consent request, I want to say that Senator MCCONNELL and I have reached an agreement on the judges. He will explain it to his caucus, as I will to mine. It is something that I feel is in keeping with what we do here. It is like all matters we do here legislatively—it is an effort to work out a compromise.

CLOTURE VOTES VITIATED

Mr. REID. Mr. President, I ask unanimous consent that all of the cloture votes scheduled for 2:30 today be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I associate myself with the excellent remarks of the majority leader about Senator BOXER and Senator INHOFE. They have worked together in a collegial way to bring us to this point on the highway bill.

The majority leader and I have worked out an agreement to go forward and handle the judges. Also, I am pleased that he has agreed to turn to the jobs bill next. I think that is something everybody in the Senate will be pleased about. So I am happy to say we have reached an understanding, which

we will have an opportunity to explain to our colleagues.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have learned in my years in the Senate, especially since Senator LEAHY took over the Judiciary Committee, that I don't do anything with the Judiciary Committee—especially with judges—that I don't clear first with Senator LEAHY. He has been an integral part of our agreement on the judges issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have had very friendly conversations with Senator REID and Senator MCCONNELL during the past couple of days. Having served with both of them for a long time, I know that when an agreement is made, it is an agreement we will stick to. I am aware of the agreement. I compliment both the Democratic leader and the Republican leader for their help in moving this forward.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I simply want to thank both leaders for their kind remarks. Really, I have to say that Senator INHOFE and I and our staffs really became a close family as we worked through this bill. I am so moved by the way we were able to come together, all of us. Even those on the other side and this side who had amendments that were tough, it was difficult, but we got through it.

I urge a resounding ''aye'' vote. I know you will not agree with everything, but we tried to work with each one of you. I urge a strong ''aye'' vote. Let's get the House to pass our bill. This is a jobs bill, and 2.8 million jobs hang in the balance.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote.

Mrs. BOXER. Mr. President, I yield back our time, but Senator INHOFE has something to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I will make this very brief. I appreciate the comments of the majority leader. It was not necessary, but it is very meaningful to me personally.

Also, about Senator BOXER, she and I are at opposite extremes on many issues. I have always said that conservatives should be big spenders in two areas: national defense and infrastructure. We have to look at this in the future so that we don't have to go through it again. I thank all of those on her side and on my side who helped to move this forward.

I thank Ruth VanMark, who has been with me for 22 years. She is now getting off of probation.

Again, I thank all of you for your cooperation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is 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 Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

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

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

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—74

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Roberts
Blumenthal	Inhofe	Rockefeller
Blunt	Inouye	Sanders
Boozman	Isakson	Schumer
Boxer	Johnson (SD)	Sessions
Brown (MA)	Kerry	Shaheen
Brown (OH)	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Thune
Chambliss	Lieberman	Udall (CO)
Cochran	Manchin	Udall (NM)
Collins	McCaskill	Vitter
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Moran	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murray	

NAYS—22

Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Burr	Johanns	Portman
Coats	Johnson (WI)	Risch
Coburn	Kyl	Rubio
Corker	Lee	Toomey
Cornyn	Lugar	
DeMint	McCain	

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The bill (S. 1813) was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

Mr. BAUCUS. Mr. President, I am delighted that the surface transportation bill that we just passed includes a very important provision that will help to stabilize the level of contributions that employers will have to make to their defined benefit pension plans.

When I talk with employers in Montana and throughout the country, one of the biggest drawbacks they cite for sponsoring a pension plan for their employers and the biggest reason most employers decide not to sponsor a plan is the inability to predict how much it is going to cost. Employers have to make a guess as to how much their benefits will be in future years, discount that value to the present, and make a contribution today that will meet that obligation. This is all in addition to guessing other variables, such as how long their employees will work for them and how long they will live after retirement.

We all worked hard in 2005 and 2006 to develop pension funding rules that work, so that assets will be in the plan to meet the employer's promise to its employees. However, the Pension Protection Act of 2006 did not, and could not, account for the unforeseeable slide in asset values in 2008 and now the historically low interest rates that employers have to use in valuing their obligations.

As a result of the artificially low interest rates today, employers will have to put about twice as much into their plans this year as they did last year, according to the Society of Actuaries, and that steep increase in required contributions will continue until 2016. There is nothing that will discourage an employer from keeping its plan or creating a new one than this kind of steep and unexpected increase in required contributions.

The bill we passed today provides significant stabilization in the interest rates that employers have to use in determining their contributions, and employers will be able to use the rules immediately.

I am pleased that we were able to do this for employers. More important, the provision is good for employees because it helps to keep pension plans viable. I remain open to other proposals that will help employers to continue to provide a secure retirement for employees and their families.

Mr. RUBIO. Today, I voted against final passage of the Transportation bill that was considered in the Senate.

While modernizing America's infrastructure is an important goal that government can play a role in advancing, S. 1813 crashes into our Nation's hard fiscal realities and makes it impossible for me to support. The bill spends too much, at a level of $109 billion over the next two years. This is despite the fact that the Highway Trust Fund is going broke, with the Congressional Budget Office estimating that the fund will be insolvent sometime in 2013. Sadly, this is not a new issue. Taxpayers have already spent $34.5 billion to bail out the trust fund in recent years, and I see nothing in this bill that will prevent this from happening again. With our national debt on course to exceed $16 trillion by year's end and taxpayers already struggling under the weight of Washington's fiscal policies, this legislation paves the way toward yet another bailout.

Instead of making reforms that empower States instead of bureaucrats in Washington, the bill relies on Washington-style accounting gimmicks and proliferates costly mandates that sharply raise the cost of highway spending to the American taxpayer. I agree with my colleagues that we need to pass a transportation bill, but not when we cannot meet the financial obligations that the bill requires. Therefore, I did not support it.

EXTENSION OF TAX EXTENDERS

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends the Senator from Kentucky, the Republican leader, and the Chairman of the Finance Committee, Senator BAUCUS.

Earlier today the Senate completed action on a transportation measure that provides for investment in our Nation's infrastructure. The Senate works best when we work together, as evidenced by the broad bipartisan support for this bill.

I would like to take a moment to raise another issue of mutual interest—the extension of tax provisions that have expired or are expiring this year. These provisions, although temporary, are long-standing features of our tax system, including the research credit, renewable energy production and efficiency incentives, and the State sales tax deduction. They provide important benefits, not just for American families and businesses, but to our economy as a whole.

Although we were unable to address the package of tax extenders as part of the transportation bill, I was encouraged by the level of Senators' interest in extending these provisions in a timely fashion.

I would welcome the opportunity to work with my friend from Kentucky in finding a path forward soon on tax extenders. It is important that we take care of this early in the year so that taxpayers can plan and make investment decisions.

Mr. MCCONNELL. I am happy to respond to my friend, Majority Leader REID.

These tax provisions certainly are important to millions of American families and businesses, and I would expect that Congress would act on these sooner rather than later. The uncertainty that follows when we allow these to expire and don't allow families, small businesses, and job creators generally to properly plan is unacceptable and damaging to our economy.

That said, there are a number of members of my conference who have serious questions about some of the provisions that were voted on today. For a number of years Congress has reflexively extended all of these measures without any meaningful review or oversight. I know that the Republican members of the Finance Committee would gladly join in a bipartisan effort to conduct a much needed critical review of these measures and recommend to the Senate which should be dropped, which need modification and which are worthy of support as currently constructed. The repeated expiration and renewal of these various targeted tax credits and the fact our corporate tax rate will soon be the highest among our major trading partners underscores the need for Congress to take on corporate tax reform at the earliest possible date.

So while I join the majority leader in welcoming the opportunity to work together to find a path forward, I would hope that both bodies of Congress would have the opportunity to look carefully at what is in this package and see if we can't come to an agreement on what is best for the country.

Mr. REID. I thank the Republican leader. I look forward to working with him and our Senate colleagues to pass tax extenders on a seamless and timely basis. It is important that we provide taxpayers with much-needed certainty.

Mr. BAUCUS. Mr. President, I would like to thank leaders REID and MCCONNELL for emphasizing the importance of getting extenders done. As we prepare for tax reform, it will be important for us to examine these provisions to determine whether we are getting the most bang for our buck. Tax reform, however, will take some time and these provisions have already expired. We should provide certainty to taxpayers by extending them through this year as soon as possible.

These provisions are important to American families and businesses. These provisions include college tuition relief for working families. These are tax provisions that help create jobs, support research and development, and bolster growth of American businesses across the globe. It is also critical for our energy sector. A dozen energy tax incentives expired at the end of last year and several more expire this year. Each day we fail to extend these incentives means jobs for our economy. I am glad we are working on a bipartisan basis to extend these provisions and I hope we can do so as soon as possible. We need to make sure that taxpayers don't see tax increases because Congress failed to do its duty.

Mr. HATCH. I thank leaders REID, MCCONNELL, and Chairman BAUCUS for discussing tax extender provisions this afternoon.

I want to reinforce a couple of points I raised earlier this year when the Finance Committee held a hearing on tax extenders.

My first point is that the explosion of temporary tax provisions in recent years has been a very notable and problematic trend. The number of temporary tax provisions has grown from 42 in 1998 to 154 in 2011. Not many people can be found that will say that Congress should continue dealing with tax extenders in a business-as-usual manner. And we should not continue doing business as usual when it comes to extenders. Recently, Congress has allowed important temporary tax incentives such as the research and development credit to expire. Then, after the business decisions have already been made, Congress has retroactively extended the tax provisions. If a provision is worthy of being in the tax code, then optimally it should be permanent. For instance, the R and D credit is an extremely worthy provision, and it should be an enhanced and permanent tax incentive. That is what Chairman BAUCUS and I have proposed in a bill we introduced in September 2011.

My second point is that tax incentives play a very important role in businesses' planning of their affairs, making investments, and creating jobs. And these job creators don't want bad certainty they don't want to hear that their taxes are going up. Congress should provide this certainty by making permanent the provisions that are worthy of remaining in the law, and eliminating those that are not. Chairman BAUCUS and I agree, along with many of our colleagues, that the current tax code needs to be reformed. In the meantime, before tax reform is accomplished, Congress needs to decide what to do about the tax extender provisions that have expired. The Finance Committee should play its role in considering these time-sensitive issues. The members should debate the merits of each of these provisions and vote accordingly. After that exercise, then the full Senate should consider the Finance Committee's recommendations and move that product through the legislative process.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 2 p.m. with Senators permitted to speak therein for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from Oklahoma.

FINAL PASSAGE OF S. 1813

Mr. INHOFE. Mr. President, I didn't want to take a lot of time before the vote because I knew we were anxious to get it done, and certainly we have been through this so many times—passing a transportation bill and a reauthorization bill. I was asked by one of my Republican Members: We have done so many of these extensions, what would be the difference between an extension and a short 2-year bill? I commented: You can't get any of the improvements. You can't do any of the planning.

I would also like to say this to my Republican friends: I regret some of them voted against it, not being fully aware of some of the great reforms we have in the bill. I appreciate the fact that Senator BOXER was agreeing to some aspects that she didn't agree with