United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, FEBRUARY 16, 2012 No. 26

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Costa G. Christo, senior pastor of the St. George Greek Orthodox Cathedral in Philadelphia, PA.

The guest Chaplain offered the following prayer:

Let us bow our heads in prayer.

Be mindful of and protect, O Lord, these United States of America, our civil authorities, our Armed Forces by land, sea, and air, and all who reside and find shelter and refuge in this country from sea to shining sea, because ''blessed is that Nation whose God is the Lord.''

During these times of economic instability at home and across the globe, give us hope, restore order to our inner chaos, and strengthen our faith, because You are the God of all possibilities, sound judgment, stability, new beginnings, moderation, prudence, justice, and everlasting love, mercy, peace, and compassion. Enable our Nation—the land of the free and the home of the brave, one nation under God, indivisible, with liberty and justice for all—to be the example par excellence for all civilizations under the heavens.

Furthermore, let our esteemed Senators be Your instruments to bless our Nation and the entire world; for to You belong the kingdom, the power, and the glory, forevermore. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of the surface transportation bill.

Mr. President, we are doing our utmost to work through the matters we still have to do in the Senate. We have pending now a cloture motion on the surface transportation bill. That time will ripen tomorrow morning an hour after we come in. Following that, there is a vote on a person from New York who desires to be a Federal judge.

We will notify all Members when the conference report is scheduled in the House, and we will do it over here as quickly as we can. We are going to see if things can be expedited, but it appears that we will be in at least for tomorrow. I hope we don't have to be in longer than that, but it all depends on when the House completes the work on the conference report. That is not scheduled yet.

MEASURE PLACED ON THE CALENDAR—S. 2111

Mr. REID. Mr. President, there is a bill at the desk due for a second reading. It is S. 2111.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2111) to enhance punishment for identity theft and other violations of data privacy and security.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

Mr. REID. Under the previous order, the Senate will be in a period of morning business for 1 hour, 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, with the majority controlling the first half and the Republicans controlling the final half.

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

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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. 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.

RUSSIAN HUMAN RIGHTS

Mr. WICKER. Mr. President, I expect to be joined in a moment by my colleague and good friend, Senator CARDIN, and he and I and perhaps others will be talking about the deteriorating situation in Russia with regard to human rights and the rule of law.

I came to the floor in November to speak about the deteriorating situation. I spoke about the wrongful imprisonment and tragic death of Russian lawyer Sergei Magnitsky.

Mr. President, let me state that at this point I will be happy to yield to my colleague from Maryland to actually kick off this discussion. I think that was the agreed-upon order, and staff believed I would have a few moments. But I would be glad to defer to my friend.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that there be 30 minutes available for a colloquy controlled by Senator WICKER and myself.

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

Mr. CARDIN. I thank the Chair, and I thank Senator WICKER for starting us off on the discussion of what is happening in Russia today.

I rise today, along with some of my colleagues, to bring attention to the growing issue of human rights violations in Russia, typified by the case of Sergei Magnitsky. Just last week, as part of a bilateral Presidential commission, Attorney General Holder met with the the Russian Minister of Justice to discuss the rule of law issues. That same week, Russian officials moved in their criminal prosecution of Sergei Magnitsky. Mr. President, I remind you that Mr. Magnitsky has been dead for more than 2 years.

Last May I joined with Senator MCCAIN, Senator WICKER, and 11 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act. We now have nearly 30 cosponsors, and I urge more to join us and look at ways to move forward on helping halt abuses like this in the future.

After exposing the largest known tax fraud in Russian history, Sergei Magnitsky, a Russian tax lawyer, working for an American firm in Moscow, was falsely arrested for crimes he did not commit and tortured in prison. Six months later, he became seriously ill and was consistently denied medical attention, despite 20 formal requests. Then, on the night of November 16, 2009, he went into critical condition. But instead of being treated in a hospital, he was put in an isolation cell, chained to a bed, beaten by eight prison guards with rubber batons for 1 hour and 18 minutes until he was dead. Sergei Magnitsky was 37 years old and left behind a wife, two children, and a dependent mother.

While the facts surrounding his arrest, detention, and death have been independently verified and accepted at the highest levels of Russian Government, those implicated in his death and the corruption he exposed remain unpunished, in positions of authority, and some have even been decorated and promoted. Following Magnitsky's death, they have continued to target others, including American business interests in Moscow.

These officials have been credibly linked to similar crimes and have ties to the Russian mafia, international arms trafficking, and even drug cartels. The money they stole from the Russian budget was laundered through a network of banks, including two in the United States. Calls for an investigation have fallen on deaf ears.

In an Orwellian turn of events, the law enforcement officers accused by Magnitsky and those complicit in his murder are moving to try him for the very tax crimes they committed. Think of the irony. He exposed corruption in Russia. As a result, he was arrested, imprisoned, tortured, and killed. Now those who perpetrated the crime on him are charging him, after his death, with the crimes they committed.

We cannot be silent. One of the most articulate voices in the Senate on this issue has been Senator WICKER, who is the leading Republican on the Helsinki Commission, and I applaud him for his efforts not only in bringing the Magnitsky abuse to public attention and what is happening in Russia, but in many other areas where human rights violations have occurred.

I will be glad to allow my colleague some time on this issue, Mr. President.

Mr. WICKER. I thank my colleague from Maryland. And yes, indeed, there are other cases of human rights violations, not the least of which I have highlighted time and again on this Senate floor—being the cases of Mikhail Khodorkovsky and Platon Lebedev. Each is an appalling story such as the one Senator CARDIN pointed out with regard to Mr. Magnitsky, a story about the corruption within the Russian Government itself. My colleagues and I will continue to speak out about these cases in the hope that attention will inspire change.

I look forward to the day when the focus of a floor statement can be about the progress we have made with Russia. This is something to which my colleague and I dearly look forward. We look forward to the day when Russia begins to uphold democracy, human rights, and the rule of law.

Unfortunately, today is not the day. In recent months, an overwhelming number of headlines out of Russia focus on the Russian spring. Opposition groups, citizens, and, in many cases, the mainstream media have reacted to moves by the Russian regime they view as no longer acceptable.

On September 24 of last year, President Medvedev struck a deal that would clear the way for his predecessor, Vladimir Putin, to run next month for a third Presidential term. As the Wall Street Journal noted in an opinion piece last December:

> Even the most thick-skinned citizens saw that turning the Presidency into the object of a private swap made a mockery of the Constitution.

Russia's fraudulent parliamentary elections in December further deepened the political crisis and affirmed the erosion of democracy. Secretary Clinton—our Secretary of State—called them neither free nor fair. So this is a bipartisan denunciation of the process.

Observers have claimed that 12 to 15 percent of the votes were falsified in favor of the United Russia Party. According to most analysts, improvement is not expected in the upcoming Presidential election this March.

But these corrupt actions have not been ignored. On December 10, more than 60,000 Russians took to the streets of Moscow in protest. Similarly, on February 4, some 120,000 citizens from across the political spectrum braved below-zero weather during a prodemocracy march in central Moscow. Their demands were clear: Release political prisoners such as Khodorkovsky and Lebedev. Allow opposition parties to register. Hold free and fair elections. And pledge not to give a single vote to Putin on March 4. Similar rallies were held in small towns across Russia.

We can be glad for the call for reform and we are glad it is growing louder. According to a February poll by Russia's independent Levada Center, 43 percent of Russians now support prodemocracy protests. Additional protests are already scheduled for later this month.

Specifically let me once again underscore the horrific facts about Sergei Magnitsky, because they need to be heard, and perhaps some of our colleagues were not listening the first time.

In the midst of this public outcry and demand for democratic process, the news out of Russia with regard to Mr. Magnitsky is almost unbelievable. Last week, it was revealed that the police in Russia plan to retry the tax evasion case of the late Sergei Magnitsky. As many of my colleagues are aware, Mr. Magnitsky is already dead. He died in Russian detention more than 2 years ago. He was a lawyer and a partner in an American-owned law firm based in Moscow. He was married, with two children, as my friend has said. His clients included the Hermitage Fund, which is the largest foreign portfolio investor in Russia.

Through his investigative work on behalf of Hermitage, Mr. Magnitsky

discovered that Russian Interior Ministry officers, tax officials, and organized criminals worked together to steal $230 million in public funds, orchestrating the largest tax rebate fraud in the history of the Russian Republic.

In 2008, Mr. Magnitsky voluntarily gave sworn testimony against officials from the Interior Ministry Russian tax department and the private criminals whom he found had perpetrated the fraud. A month later, an arrest was made—and the person arrested was Mr. Magnitsky himself. He was placed in pretrial detention and held without trial for 12 months.

While in custody, he was pressured and tortured by Russian officials, hoping he would withdraw his testimony and falsely incriminate himself and his client. But he refused to do so, and his condition worsened and his health worsened. He spent months without medical care. Requests for medical examination and surgery were denied by Russian government officials.

On November 13, 2009, Mr. Magnitsky's condition deteriorated dramatically. Doctors saw him on November 16, when he was transferred to a Moscow detention center that actually had medical facilities. Yet, instead of being treated at those facilities immediately, he was placed in an isolation cell, handcuffed, and beaten until he died.

In the months following his death, Russian officials repeatedly denied facts concerning his health condition. The Russian state investigative committee claimed that Magnitsky was not pressured or tortured, but died naturally of heart disease, and his death was nobody's fault. This is from the Russian Government.

Since Mr. Magnitsky's death, two subsequent reviews have helped clarify some of the facts. In late December of 2009, the Moscow Public Oversight Commission, an independent watchdog mandated under Russian law to monitor human rights, issued its conclusions on this case. This independent Russian oversight commission stated that in detention, Magnitsky had been subjected to torture, physical and psychological pressure; that he was denied medical care; and that his right to life had been violated by the Russian state.

The conclusions were sent to the Russian General Prosecutor's Office, the Russian State Investigative Committee, the Russian Ministry of Justice, and the Presidential Commission. None of these agencies has responded to the report's conclusions.

More recently, a second finding was issued by the Russian President's Human Rights Council. It issued its independent expert findings on the case. The report found that Magnitsky was arrested on trumped-up charges—yet, they are being brought forward again after his unfortunate death—in breach of Russian law and in breach of the European human rights convention, that his prosecution was unlawful, that he was systemically denied medical care, that he was beaten in custody which was the proximate cause of his death, that his medical records were falsified, and that there is an ongoing coverup and resistance by all government bodies to investigate.

Senator CARDIN and I and Senator MCCAIN and others have no choice but to continue coming to this floor, to continue using every forum we can possibly use to bring these facts to light.

I have taken quite a bit of our time with my prepared statement, so I yield back to my friend from Maryland as to any other thoughts he might have. I want to commend his leadership with regard to the legislation.

Do I understand now that we have some 30 cosponsors?

Mr. CARDIN. That is correct. And, again, I thank the Senator for his leadership and I thank him for his comments.

We have 30 cosponsors of the Magnitsky legislation and I am going to be encouraging more of our colleagues to join us in cosponsorship. I want to talk a little bit about that, if I might. But let me underscore the point Senator WICKER made.

Mr. Magnitsky died 2 years ago for crimes perpetrated on him that have been well documented. The Russian Federation is now charging him after his death for those crimes—after his death. Not even in Stalin's time did they try people after they died. This is the first time in Russian history that a man has been tried after his death. Further, they have summoned Mr. Magnitsky's widow and ailing mother as witnesses against their husband and son. This is a new chapter in brazen impunity.

An editorial last week in the Financial Times observed that:

> If he is convicted, the accused's citizenship could be revoked, he could be exiled, and forced to die somewhere else.

That might be funny if it weren't real.

If that weren't enough, the Russian Justice Minister recently proposed that the United States and Russia conclude an extradition treaty.

Legal farces like we have seen in the case of Sergei Magnitsky and many others bring reasonable people to only two conclusions, both of which are profoundly disturbing: Either senior leaders are not the ones running the country or the senior leadership is complicit in these outrages.

The Magnitsky story sounds like a Hollywood thriller, but his case is real and the rampant corruption, violence, and lawlessness do exist in the Russian Government. His cause has become a global campaign for justice.

As Senator WICKER pointed out, the popular opinion in Russia is on the side of justice. There have been over 4,000 stories on Sergei Magnitsky since his death in Russia.

We know from countless historical cases, such as the death in police custody of the anti-apartheid activist Steve Biko in 1977, that one person's life and sometimes death can change the system. Since we are now living on the Internet, such change often comes much faster than expected.

I am going to comment about the legislation I filed and the need for us to consider that, but I notice Senator SHAHEEN is on the floor. Senator SHAHEEN is a member of the Helsinki Commission. She also chairs the Subcommittee on European Affairs on the Senate Foreign Relations Committee and has been an outspoken champion on behalf of human rights. I am pleased she is here, and I wish to give her an opportunity to talk about this issue.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator CARDIN and Senator WICKER for their efforts today coming down to the floor to raise this important human rights issue.

As you say, if we didn't see the facts, we would believe this was fiction, what is going on in Russia today. But I think these efforts are particularly important given what is happening today in Russia.

We have seen historic demonstrations on the streets of Moscow over the last several months. Ordinary Russian citizens, fed up with nearly a decade of corruption, have courageously taken to the streets to demand their voices be heard. The fraudulent Duma elections and the cynical and manipulative decision by Prime Minister Putin to return to the Presidency have reawakened civil society throughout Russia.

As a leading Russian social activist Alexei Navalny wrote from his jail cell following the peaceful December demonstrations:

> We all have the only weapon we need and the most powerful. That is the sense of self-respect.

Today, as we call for justice for human rights abuses in Russia, we also stand with those brave Russian citizens who have risked so much in calling for their rights to be respected, just as Sergei Magnitsky did.

As we have seen throughout this last year of upheaval around the globe, the rising voice of a public driven to peaceful protest can be deafening. Prime Minister Putin and his regime would be wise to listen to the people of Russia.

I also want to echo what Senators WICKER and CARDIN have said about the importance of passing the Sergei Magnitsky Rule of Law Accountability Act. There are now 28 Senate cosponsors. I am one of those cosponsors and am proud to be, and I want to associate myself with what Senators have said on the floor of the Senate today.

The case of Mr. Magnitsky is a tragic one. He was falsely imprisoned, beaten, denied medical care, and ultimately killed, as you all have so eloquently explained. And to this day, no one has been held accountable for his tragic and unnecessary killing. We stand here today to press for accountability in Mr. Magnitsky's death. However, I think it

is important for us to reiterate that this is more than simply a question of one man's tragic case.

The State Department's human rights report for this year described numerous violations, as Senator CARDIN said so well: attacks on journalists, physical abuse of citizens, harsh prison conditions, politically motivated imprisonments, and other government harassments and violence.

The European Court of Human Rights has issued more than 210 judgments, holding Russia responsible for grave human rights violations, including abductions, killings, and torture in Chechnya and throughout the northern Caucasus.

There are many more cases like Magnitsky, which is why the bill is so important. It seeks to ensure that no human rights abusers, in Russia or elsewhere in the world, are granted the privilege of traveling to this country or utilizing our American financial system.

As chair of the Subcommittee on European Affairs, I was pleased to preside over a hearing on the Magnitsky bill and on the state of human rights in Russia. I thank Chairman KERRY for helping to make that hearing possible.

During the hearing we had a very constructive conversation with State Department officials, and we heard unanimous support for the legislation from an impressive panel of human rights activists and Russian experts. We have also received letters that I ask unanimous consent to have printed in the RECORD from leading human rights and civil society leaders in Russia calling on the Senate to pass the Magnitsky bill.

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

PEOPLE'S FREEDOM PARTY,
Russia, December 11, 2011.

Sen. JEANNE SHAHEEN,
Chairman,
Sen. JOHN BARRASSO,
Ranking Member, Subcommittee on European Affairs, U.S. Senate Committee on Foreign Relations.

DEAR SENATORS: I am writing to express my strong support for S. 1039, the Sergei Magnitsky Rule of Law Accountability Act of 2011, currently under consideration by the U.S. Senate.

Last Saturday, over 100,000 Russian citizens gathered in central Moscow to protest against the authoritarian and kleptocratic regime of Vladimir Putin—the regime that has curtailed media freedom, turned elections into a farce, and Parliament and the judiciary into rubber-stamps, put opponents behind bars, and presided over unprecedented corruption (the latest Transparency International Index places Russia 143rd, below Eritrea and Sierra Leone). Too often, as in the case of Sergei Magnitsky, the corruption and the lawlessness result in human tragedy.

Apart from robbing the Russian people of its wealth and its dignity, Mr. Putin's regime is robbing it of its voice. The December 4th parliamentary election was marred by widespread fraud: some 13 million votes were stolen as a result of ballot-stuffing and other manipulations designed to preserve the ruling United Russia party's majority (even with this, the party received less than 50 percent of the vote). Nine opposition parties across the political spectrum, including the People's Freedom Party, were denied access to the ballot altogether. This behavior violates not only Russian, but also international norms—including the statutes of the OSCE, to which both Russia and the United States are party.

It is time to end the impunity for those who continue to show contempt for international norms and values, while enjoying the privileges of free travel and financial interactions in the West. S.1039 would provide an important measure of accountability for those who violate the basic—and internationally protected—rights and freedoms of Russian citizens. It is time to tell thieves and human rights violators that they are no longer welcome.

It is the task of Russian citizens and Russian citizens alone to bring about political change and democratic governance in our country. But by passing S. 1039, the U.S. Senate can do more to help the cause of democracy and the rule of law in Russia than by all the statements and speeches combined.

Sincerely,

BORIS NEMTSOV,
Co-Chairman.

---

16 SEPTEMBER 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Hon. JOHN KERRY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MESSRS. SENATORS: This letter is an expression of support for S. 1039, the ''Sergei Magnitsky Rule of Law Accountability Act of 2011'', currently pending before the Senate Committee on Foreign Relations.

This bill prescribes sanctions in the form of denial of visas to the US and freezing of bank accounts in the USA for persons—including officials of the Russian Federation—who have engaged in human rights violations, ones such as abuses of power whether for personal or political motives or for covering up abuses by colleagues.

Egregious abuses of human rights are, unfortunately, common in today's Russia. Sergei Magnitsky, the namesake of the bill, was deprived of his liberty without cause and in violation of basic principles of justice. Russian authorities were responsible for his perishing while in custody. Magnitsky ended up in jail because, executing his official duties, he discovered theft from the Russian budget of a large sum of money, committed by a group of senior Russian officials. Russian authorities continue to evade bringing the officials guilty of Magnitsky's death to justice.

For us it is very important that US legislators take steps to bring the persons who are violating the law and abusing power in Russia to justice. We believe human rights should not be sidelined for perceived political interests.

Human rights should not be sidelined for the sake of political interests, whatever they may be.

Sergei Magnitsky fell victim to inhuman Russian justice. No small number of our citizens are illegally deprived of liberty in consequence of the defects of this system. Impunity for those who fabricated the charges against Magnitsky and caused him to die, gives free rein to other officials, who enrich themselves with the property of others or pursue the political opponents of the authorities. The felonious enforcement cliques seize the property of their victims who resist these takeovers, pursue them and deprive them of their liberty for many long years. And in detention they can be subjected to abuse and even torture.

The most famous victims of such takeovers are the owner of the YUKOS company Mikhail Khodorkovsky and the manager of this company Platon Lebedev. Amnesty International has recognized both of them as prisoners of conscience. The result of their arrest and the takeover of the company became expansion of the gigantic economic empire owned by persons from Prime Minister V. Putin's inner circle.

Opposition politicians, human rights advocates and civic activists have become victims of persecutions and unlawful arrests under made-up pretexts. Such persecutions will not cease as long as those who are responsible for the death of Magnitsky, for the imprisonment of Khodorkovsky and Lebedev, and the crackdown on Russian civil society remain unpunished.

Bill S. 1039 prescribes sanctions not only with respect to the Magnitsky case, but applies to the entire range of human rights abuses, among others, in Russia as well. Accordingly, officials responsible for the politically motivated persecution of Mikhail Khodorkovsky, Platon Lebedev and the other victims of the persecution of the YUKOS company as well as those who impede the exercise of fundamental democratic liberties, ones such as freedom of assembly, freedom to create parties, freedom of elections etc. ought to be included in this list. This is a list that is much longer that that list of roughly 60 individuals sent by Senator Cardin to the US State Department in 2010. Such a list must from now on be supplemented with new names.

The threat of sanctions against the perpetrators of the Magnitsky tragedy struck a raw nerve with the Russian officials responsible for this tragedy. The consistent implementation of international pressure on the corruptioneers in the leadership circles of Russia will be a significant support for our civil society and for those honest people within the Russian power structures who are trying to renew and reform government institutions.

We call upon you, Honorable Senators, to support S. 1039, the ''Sergei Magnitsky Rule of Law Accountability Act of 2011.'' We hope that it will be considered without delay and favorably in the Senate Committee on Foreign Relations and then by the full Senate.

Respectfully,

Ludmilla Alexeeva, chairwoman of the Moscow Helsinki Group; Lev Ponomarev, head of the All-Russia Movement For Human Rights; Nina Katerli, writer, member of the Russian PEN-CENTRE, member of the Public Expert Board of the All-Russia Movement For Human Rights; Lidiya Grafova, journalist; Liya Akhedzhakova, people's artist of the RF; Natalia Fateyeva, people's artist of the RF; Boris Vishnevsky, observer for Novaya gazeta; Konstantin Azadovskii, literary historian, Chairman of the executive committee of the Saint Petersburg PEN-club; Eldar Ryazanov, film director, scriptwriter, poet; Alexey Devotchenko, Russian theater and movie actor, honoured artist of Russia; Boris Nemtsov, politician; Mark Urnov, Russian political scientist, scientific head of the Applied Political Science Department of the Higher School of Economics State University; Victor Shenderovich, Soviet and Russian satirist, TV and radio host, liberal publicist, human rights advocate; Vladimir Ryzhkov, opposition politician; Rafail Ganelin, historian, corresponding member of the Russian Academy of Sciences.

Mrs. SHAHEEN. Around the world, governments are also taking up this

important call. The European Parliament, Canada, and The Netherlands are considering similar pieces of legislation. This summer, the U.S. State Department barred dozens of Russian officials from traveling to the United States over their involvement in the death of Magnitsky.

I want to commend the administration, and particularly Secretary Clinton for her strong words condemning the recent fraudulent elections in Russia. But despite all these efforts, there is more we can do to support human rights in civil society, freedom of expression in Russia.

Passing the Magnitsky bill this year is one of them. In the midst of an election year, at a time of difficult partisanship, I believe this is one effort—as we have seen so well from Senator CARDIN and Senator WICKER today—this is one effort on which both sides of the aisle can agree. We stand today unambiguously in support of the rule of law, democracy, and respect for human rights in Russia. I hope our colleagues in the Congress and at the State Department will work constructively in the months ahead to pass this critical legislation.

Before I yield the floor, I also think it is important to call attention to the particularly egregious act that Russia committed in recent days before the United Nations, when they vetoed the Security Council resolution aimed at halting the ongoing violence in Syria. Today, more than 25,000 people have fled Syria; more than 7,000 innocent Syrians have died at the hands of President Assad. Despite Syria's growing isolation, Russia continues to harbor and arm the Syrian regime. This is unacceptable. I think our passage of the Magnitsky bill will send a very strong sign to Russia that not only in the Magnitsky case and other human abuses in-country are they going to be held accountable, but their actions internationally will also make them accountable to the international community.

Again, I say thank you to Senators CARDIN and WICKER for their leadership on this issue. I am pleased and honored to be able to join them in making this fight.

Mr. WICKER. Mr. President, we were honored to have Senator SHAHEEN join us. I know there are others who would like to be here today.

We are here to tell the sordid facts of this case. But we are also here because change can occur. If this were completely hopeless, what would be the point of this exercise? Change occurred in Eastern Europe. I must admit there was a time in my younger days when I doubted it would ever occur. My hat is off to the intrepid members of the Public Oversight Commission who had the courage to issue a report critical of their government to the Russian President's Human Rights Council. So voices are being heard. There is a thread of truth coming from the almost Iron Curtain of authoritarianism that we have reverted to in Russia.

The Senator from New Hampshire mentioned other organizations in Russia. I am glad she has had those letters printed in the RECORD.

I also point out I have to applaud the international reaction. In December, the European Parliament passed a resolution recommending an EU-wide travel ban and asset freeze for officials tied to Mr. Magnitsky's death.

We need to act as a Senate and as a Congress. I am calling on every Senator within the sound of my voice today, every legislative director dealing with defense and foreign policy issues, once again to look at the Sergei Magnitsky Rule of Law Accountability Act.

I will tell my friend from New Hampshire that the number is now up to 30, we learned on the floor today from Senator CARDIN, so we have 30 Senators involved. We ought to have a majority of Senators before the end of this day, if people would just take the time to look. I join her in congratulating the Foreign Relations Committee on bringing further light to this issue. I thank the State Department, as she said. I will simply conclude my portion by saying recent events make it even more important that the Foreign Relations Committee and that this Senate take up and pass this legislation. I urge all my colleagues to consider joining us on this legislation.

Mr. CARDIN. If I might, I thank Senator SHAHEEN for her comments, but more importantly I thank her for her leadership. The hearing she held on the Sergei Magnitsky bill was very helpful.

First, I think in answer to the question of why we should care, we all understand America's leadership on moral issues. The world looks to America to stand against these fundamental abuses of human rights, so that in and of itself is a reason for us to act.

It is also apparent from the hearings that actions of these criminals, these violations in Russia, involve our financial institutions. So we are talking about the integrity of American companies to be able to do business internationally.

It is not only the moral issue about which we have a right to speak out. As my colleagues on the floor know, in the commitments we all signed onto in Helsinki in 1975, we had committed ourselves to basic human rights and the obligation of any member state to question the conduct in another state. Russia is a signator of the Helsinki Final Act. The United States is a signator. We have a responsibility to bring this to the world's attention.

We can do more. What can we do about this? There are many aspects of the Magnitsky tragedy that are difficult for us to pursue in the United States. It cannot be through our justice system; it has to be their justice system that has to be reformed. But there are steps we can take. The legislation we all filed recognizes the right to visit America is a privilege granted by the United States. The visa is a privilege. There is no guaranteed right to come to America.

One thing we can do is say those who are committing these gross human rights violations should not be given the privilege of entering the United States.

I wish to acknowledge and thank Secretary of State Clinton for taking action against human rights violators. That is the right policy. The legislation we have authored institutionalizes a process where we deny the right for those individuals to visit, to come to the United States.

Obviously, that has a price to them. Of course, what we are trying to do is get the government—in this case Russia—to do what is right.

The second thing we could do is deal with their financial participation in U.S. institutions. These people do get involved in international finance. They do have resources that travel through U.S. financial institutions. We do have laws that allow us to hold those funds through due process. We can do that.

That is the reason why the legislation we have talked about today, the legislation I introduced, along with my colleagues, would institutionalize those types of changes. For those who think it may not mean much, let me remind them about what we did when the Soviet Union denied the rights of Jews to be able to leave the country. In the Congress, we took action by legislation. Many said: Would that make any difference?

It made a huge difference. It brought about change in the Soviet Union. Other countries followed our leadership. As both my colleagues have pointed out, if we act, other countries will act. It will become the norm and that will help us establish the expectation that countries do need to address tragedies such as Sergei Magnitsky's and, more importantly, take steps so it never happens again. That is what we are attempting to do by moving forward with this legislation. As Senator WICKER said, we do urge our colleagues to join us in this effort.

Senator WICKER mentioned what is happening around the world. We see countries go through a democratic transformation we never thought we would see in our lifetime. It happened in Europe and they are now some model democracies, our NATO allies, countries that just a few decades ago we thought would be our enemies to this day. So we have seen change occur. We want to be on the right side of this issue, the right side of history, on moving Russia forward with the types of reforms to which the people of Russia are entitled.

We have the right to do that under the Helsinki Act. We have the responsibility to point out these issues. We can take action that can make a huge difference. That is why we are engaged in this discussion, to say we want Russia to do the right thing. We want to speak out to the Russian people. We think we can play a very important role.

The U.S. Helsinki Commission, of which I had the honor to be the Senate chair and Senator WICKER is the lead Republican on the Senate side, has a proud history of putting a spotlight on problems. People do not like name calling, but we have to point out where the violations occur. Unfortunately, if we do not do it, it becomes statistics. But if we do it, we put a face on it—so we realize these are people who have families who have been abused because they are trying to do the right thing—we can get action. That is why I am so proud of the legacy of the U.S. Helsinki Commission and what we have been able to do.

This is another chapter in that proud history of saying we are going to stand for basic human rights, that is a priority for our country, we can do better and we can do justice for Sergei Magnitsky and we can do justice for the people of Russia.

Mrs. SHAHEEN. Will the Senator yield for a question?

Mr. CARDIN. I will be glad to yield.

Mrs. SHAHEEN. One of the things the Senator talked about so eloquently, as we talked about the ability of our financial systems to impact what is happening in Russia—one of the things we heard about at the hearing on the Magnitsky bill was from the head of the American Chamber in Russia who talked about what the impact of this kind of case is on American companies trying to do business and the concern it raises about issues of corruption and the ability to operate freely in Russia. Does my colleague not agree that we can also urge those companies that are operating in Russia to speak out when cases such as this happen and they have concerns about what it does to their business in the country?

The ACTING PRESIDENT pro tempore. The majority's 30 minutes has expired.

Mr. CARDIN. We are going to yield the floor. Let me agree with my colleague, Senator SHAHEEN. She is absolutely right. It is going to be easier for them to speak out if they know we are going to continue raising these issues.

I thank Senators SHAHEEN and WICKER and I yield the floor.

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

THE BUDGET

Mr. BARRASSO. Mr. President, I come to the floor as someone who sat through the President's State of the Union and I have just come from a Senate Energy Committee hearing. I sat through the State of the Union near the Secretary of Energy and was happy when I heard some of the comments of the President when he talked about an ''all of the above'' strategy, needing all of the sources of energy. But this Monday the President's budget came out which is very different than that. It is a budget I would like to discuss this morning and talk about because, as I read through it, it looks to me as though the President has abandoned his role as leader of the Nation by not being honest with the American people about the significance of the debt that we as Americans face. To me, this budget ambushes the American people. The President, under the pretense of economizing, promises to cut $4 trillion of deficit over 10 years, but the budget itself actually piles $11 trillion of new debt in that same timeframe.

Under the pretense of helping everyone to prosper, to me the President's budget buries every single American under a mountain of debt and that is a debt that is going to rob more and more from their paychecks with each passing year. The savings the President promises are not going to come. The spending he demands is for things we cannot afford. It seems to me this President's budget is another painful step on the road to bankrupting America.

We are in the fourth year of the Presidency, and for each of those 4 years the deficit has exceeded $1 trillion; $1 trillion in each of the 4 years of this Presidency.

How does that match with what the President has been saying? In February of 2009, the President had been President about a month, he made a pledge. The pledge was he would cut the deficit in half by the end of his first term in office. Here we are, the final year of the President's first term in office, and this deficit is still above $1 trillion. Once again, what the President has said to the American people is very different than what he has delivered to the American people. I am still waiting for a chance in this body, in the Senate, to vote on the President's budget. The majority leader, who sits in the front row, has said he doesn't intend to even bring it to the floor of the Senate for a discussion or a debate or a vote. The law is pretty clear: The President has to introduce a budget by a certain date—the President missed that deadline—and the Senate and the House have to go ahead and pass a budget, which this body has not done now for over 1,000 days. Multiple years and no budget has passed this body.

There actually was a vote last year on the President's budget. It was one where the budget itself was called irresponsible, and there were a number of press renderings on it. The majority leader refused to bring it to the Senate floor, so the minority leader brought the President's budget to the Senate floor. Not one Republican voted for it, but not one Democrat voted for the President's budget either. The total count on the President's budget last year in the Senate: 0 votes for the President's budget, 97 votes against the President's budget. Yet the President introduces another budget this year ignoring the two major tidal waves we face, the tidal waves of Social Security and Medicare.

It is interesting. You read in the New York Times:

> Obama Faces Task of Selling Dueling Budget Ideas.
>
> President Obama more than ever confronts the challenge of persuading voters that he has a long-term plan to reduce the deficit, even as he highlights stimulus spending.

Challenging to persuade voters that he has a long-term plan to reduce the deficit. What did he promise? What did he deliver? What we see is a health care law where he promised one thing and delivered something very different. We see it now in the budget, and the numbers are so large. The numbers are so astronomically large that it is hard for one to comprehend how much a deficit of $1 trillion truly is. You can visit with high school students or service clubs or go to townhall meetings or senior centers, the number is so large it is hard to wrap one's mind around it.

The President tries to make people believe that everything would be OK if he could just raise some taxes—just a little bit, he says—on some other people—not you but other people—and everything would be fine. When you actually look through this, to get to $1.3 trillion, which is what the President has proposed in this year's budget as a deficit, you could take all the millionaires and billionaires—things he likes to rail about—and you could take every penny they earn over that $1 million, all of them combined, and then on top of that sell off all the gold in Fort Knox, add it all together, and that would not be enough to cover just the deficit, that $1 trillion the President plans to spend over and above what comes in. It is completely irresponsible, but that is what we have seen from this administration.

So we have a President who makes presentations, gives speeches, and yet what the American people see is something very different. So this morning in the Energy Committee, we had an opportunity to visit with the Secretary of Energy specifically on budgetary issues relating to the budget and the future.

Of course, the President said he supported an all-of-the-above energy plan for the country. Well, I support an all-of-the-above energy plan for the country, but when you go through the details, that is not exactly what the American people see. What the American people see is the cost of gasoline at the pump continuing to go up. They see an administration that is blocking an opportunity to move oil from northern parts of our country, as well as from Canada, to the United States for use here.

Take a look at the front-page headline of USA Today from a couple of days ago:

> ''Chaotic spring'' predicted for gas. Average prices likely to hit $4.05 a gallon.

People care about that. People all across the country drive around, they see the signs up, they see what the cost of a gallon of gasoline is, and they see it impacting their daily lives.

Today a number of us visited the Energy Committee and talked about today's Wall Street Journal article this

morning. ''Oil Rise Imperils Budding Recovery.'' We want this country to recover. We want people to get back to work. We want to make it easier and cheaper for the private sector to hire people and get America working again. The price of energy goes up, the price of oil goes up—''Oil Rise Imperils Budding Recovery.''

What does it say? ''The average price of a gallon of regular gasoline has jumped 13.1 cents to $3.51 cents in the past month.'' So gasoline at the pump is up 13 cents in the last month. This is according to AAA.

It goes on to say:

> Some parts of the country have seen even bigger increases, with prices approaching $4 a gallon in parts of California.

Higher prices at the pump—and this is where it really hits home. This is what I hear about at home in Wyoming when the price of gasoline goes up. And we drive great distances, Mr. President, in your home State and my home State. People notice it because it impacts on other things for which they can use that same money.

It says here in the Wall Street Journal:

> Higher prices at the pump force consumers to cut back spending on discretionary items like restaurant meals, hair cuts and family vacations, hurting those industries.

Isn't that what it is really about as the price of gasoline at the pump goes up? It hurts the ability of families and the quality of life—they could spend that money in other ways.

It says:

> A prolonged increase can drive up inflation and drive down hiring.

We are a country that wants people to get back to work. We want to give them those opportunities, and it just seems that the President's budget and the policies of this administration and a rejection of things that would actually help us with American energy are going to make it harder for families. When the price of gasoline goes up, the impact on an average family is over $1,000 a year in terms of their ability to have disposable income. If it is a family dealing with a mortgage and bills and kids, that is a huge difference in the quality of life for those American families.

States around the country get it. I look at Wyoming. We are in our legislative session there right now. We balance our budget every year. The constitution demands it. If less money comes in, we spend less money. They make the tough decisions.

The President said he is ready to make the tough decisions, but I don't see tough decisions in this budget. What I see is a political document, a campaign document, something that has more stimulus money in it, money so he can promise people things. We all know how that first so-called stimulus program went. To me, it was a failure. We had spending of about $800 billion. The President promised that if we passed the stimulus program, the unemployment rate would stay less than 8 percent. They put out charts, and by today, from those charts, the unemployment rate should be 6 percent. The unemployment rate is still 8.3 percent. It has been over 8 percent for 36 months now.

When you look at this and look at the President's budget, to me, it is debt on arrival. The budget spends $47 trillion, it borrows $11 trillion, and it increases the national debt to $26 trillion by 2022. It is debt upon debt upon debt. So from were do you borrow the money? A lot of it you borrow from overseas. A lot of it comes from China. So what role is China playing now? Well, they are continuing to lend us money.

By the way, when the President blocked the Keystone XL Pipeline, what did China say to our northern neighbors, our big trading partner, Canada? If the United States doesn't want it, if President Obama isn't interested, we will take the oil in China. The Prime Minister of Canada was in China last week doing exactly that—cutting a deal with the Chinese for energy that will be sold from Canada. I think we should want it. I think if we want to be energy secure and work on energy security, which, to me, is an issue of national security, we should want that energy. Good jobs; the amount of money in terms of jobs that are available—this isn't government money, it is private money to put people back to work. We haven't seen it, and this administration, through its budget and through its policies, continues to oppose those efforts for American jobs.

So what we see is that under the President's 10-year budget proposal, the spending goes up every year without stop. Every year from now to over the next 10 years, spending goes up and we see trillion-dollar deficits year after year after year.

What is most disturbing to some of my colleagues who have accounting degrees—especially the senior Senator from the State of Wyoming, who is an accountant, who has run businesses; he looks at this, and he can easily point out the budgetary gimmicks, the accounting tricks that have been used over and over to make this budget, as irresponsible as it happens to be, look not as bad as it really is.

This budget is bad for America, and it is a continuation of a number of policies that have come out of this administration that have made it harder and more expensive for the private sector to create jobs. What I am trying to do is look for ways to make it easier and cheaper for the private sector to create jobs. We have not seen it in the President's budget, we have not seen it in the policies of this administration, and we have not seen it in this President.

Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

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

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

Mr. LEAHY. The Senate was forced to spend the better part of this week ending a filibuster against the nomination of Judge Adalberto Jordan of Florida to fill a judicial emergency vacancy on the Eleventh Circuit. Finally, after a four month Republican filibuster that was broken on Monday by an 89–5 cloture vote, and after Republicans insisted on two additional days of delay, the Senate was allowed to vote on the nomination. We voted 94–5 to confirm Judge Jordan. I suspect the vote would have been the same four months and two days sooner. It was a colossal waste of the Senate's time and another week lost to obstruction and delay.

Now the Senate Majority Leader has been required to file another cloture petition on yet another consensus nominee. This is the ninth time the Majority Leader has had to file a cloture petition to overcome a Republican filibuster of one of President Obama's superbly-qualified judicial nominees. The nomination of Jesse Furman to fill a vacancy on the Southern District of New York has been stalled for more than five months after being reported unanimously from the Senate Judiciary Committee. Consensus nominations like this to Federal district courts have nearly always been taken up and confirmed by the Senate within days or weeks, whether nominated by a Democratic or a Republican President. Certainly that was the approach taken by Senate Democrats when President Bush sent us consensus nominees. That is how we reduced vacancies in the presidential election years of 2004 and 2008 to the lowest levels in decades and how we confirmed 205 of President Bush's judicial nominees in his first term. Yet, in an almost complete reversal of this approach, Mr. Furman's nomination has been blocked by Senate Republicans for over five months, without reason or explanation.

Regrettably, for the second time, we will have to vote to end a Republican filibuster of one of President Obama's district court nominations. I cannot recall a single instance in which a President's judicial nomination to a Federal trial court, a Federal district court, was blocked by a filibuster. Yet, Senate Republicans nearly did so last year when they sought to filibuster Judge Jack McConnell's nomination to the Rhode Island District Court, despite the strong support of both home state Senators who know their state best. At that time I emphasized the danger of rejecting the Senate's traditional deference to home state Senators and beginning to filibuster district court nominations. Fortunately, the Senate rejected that filibuster and that path and Judge McConnell was confirmed. I trust the Senate will do so again, bringing to an end another filibuster, this time for a district court nominee, Mr. Furman, who was reported unanimously by the Judiciary Committee.

Like the needless delay in Judge Jordan's confirmation, the Republican filibuster of Jesse Furman, who by any traditional measure is a consensus nominee, is another example of the tactics that have all but paralyzed the Senate confirmation process and are damaging our Federal courts. It should not take five months and require a cloture motion for the Senate to proceed to vote on this nomination. At a time when nearly one out of every 10 judgeships is vacant and we have over 20 judicial nominations reported favorably by the Committee, 16 of which have been stalled on the Senate calendar since last year, nearly all of them superbly-qualified consensus nominees, our Federal courts and the American people cannot afford more of these partisan tactics.

I read with interest this morning Gail Collins' column in The New York Times on the approval rating of Congress. She notes that Congress is ''unpopular like the Ebola virus, or zombies . . . like TV shows about hoarders with dead cats in their kitchens.'' She goes on to discuss the Republican filibusters of judicial nominees and writes:

> This week, the Senate confirmed Judge Adalberto Jose Jordan to a seat on the federal Court of Appeals for the 11th Circuit in Atlanta. A visitor from another country might not have appreciated the proportions of this achievement, given that Jordan, who was born in Cuba and who once clerked for Sandra Day O'Connor, had no discernible opposition.

I ask consent that a copy of Ms. Collins' column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This is the kind of obstruction that is hard to explain to the American people. This Republican filibuster, like that of Judge Jordan, is very hard to understand. Jesse Furman is an experienced Federal prosecutor who has prosecuted international narcotics trafficking and terrorism and consulted on some of the Southern District's most complex cases, including the Galleon insider trading case, the prosecution of former Madoff employees, and the Times Square bomber case. A dedicated public servant, Mr. Furman has been a law clerk at all three levels of the Federal judiciary, including as a clerk to Supreme Court Justice David Souter.

I got to know Mr. Furman when he was the counselor to Attorney General Michael Mukasey. That is right: The Senate Republicans are filibustering someone strongly supported by President Bush's Attorney General who was himself a Federal judge. When Mr. Furman's nomination was before the Committee last summer, Attorney General Mukasey wrote to the Committee in strong support:

> All I can hope to add is my own belief that he is a person to whom one can entrust decisions that are consequential to the lives of people and to the general welfare of the populace, with confidence that they will be made wisely and fairly . . . and I urge that he be confirmed.

Former Supreme Court clerks who served at the same time as Mr. Furman, including clerks for conservative Justices such as Chief Justice Rehnquist, Justice Thomas, and Justice Scalia wrote in support of Mr. Furman's nomination, stating that, ''Mr. Furman has demonstrated his deep respect for and commitment to the rule of law, over and above politics or ideology.''

With this bipartisan support, the strong support of his home state Senators, and his impressive background, Mr. Furman's nomination was reported by the Judiciary Committee on September 15, without opposition from a single member of the Committee. We should have voted on his nomination many months ago, and certainly before the end of the last session. Senate Republicans have blocked this nomination for over five months without any explanation.

Sadly, this is not the first New York judge to be filibustered by Senate Republicans. Just a few years ago, Judge Denny Chin, an outstanding nominee with 16 years of judicial experience, was delayed from being elevated to the Second Circuit for four months until the Majority Leader forced a vote and he was confirmed 98–0.

Last May, the Majority Leader was required to file for cloture to end the filibuster of Judge Jack McConnell of Rhode Island. By rejecting that filibuster, the Senate took a step toward restoring a longstanding tradition of deference to home state Senators with regard to Federal District Court nominations. The Senate turned away from a precipice. It is wrong now for us to approach that precipice again. Filibustering this nomination would set a new standard for obstruction of judicial nominations.

Indeed, I have looked back over the last six decades and found only four district court nominations—four in over 60 years, on which cloture was even filed. For two of those, the cloture petitions were withdrawn after procedural issues were resolved. In connection with the other two, the Senate voted on cloture and it was invoked and the filibuster ended. All of those nominations were confirmed.

From the start of President Obama's term, Republican Senators have applied a heightened and unfair standard to President Obama's district court nominees. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home state Senators who know the needs of their states best. Instead, an unprecedented number of President Obama's highly-qualified district court nominees have been targeted for opposition and obstruction. That approach is a serious break from the Senate's practice of advice and consent. Since 1945, the Judiciary Committee has reported more than 2,100 district court nominees to the Senate. Out of these 2,100 nominees, only six have been reported by party-line votes. Only six total in the last 65 years. Five of those six party-line votes have been against President Obama's highly-qualified district court nominees. Indeed, only 22 of those 2,100 district court nominees were reported by any kind of split roll call vote at all, and eight of those, more than a third, have been President Obama's nominees.

Democrats never applied this standard to President Bush's district court nominees, whether in the majority or the minority. And certainly, there were nominees to the district court put forth by that administration that were considered ideologues. All told, in eight years, the Judiciary Committee reported only a single Bush district court nomination by a party line vote. President Obama's nominees are being treated differently than those of any President, Democratic or Republican, before him.

When I first became Chairman of the Judiciary Committee in 2001, I followed a time when Senate Republicans, who had been in the majority, had pocket filibustered more than 60 of President Clinton's judicial nominations, blocking them with secret holds in backrooms and cloakrooms, obstructing more with winks and nods, but with little to no public explanation or accountability. I worked hard to change that and to open up the process. I sought to bring daylight to the process by making the consultation with home state Senators public so that the Senate Republicans' abuses during the Clinton years would not be repeated.

When Senate Democrats opposed some of President Bush's most ideological nominees, we did so openly, saying why we opposed them. And when there were consensus nominees—nominees with the support of both Democrats and Republicans—we moved them quickly so they could begin serving the American people. That is how we reduced vacancies in the presidential election years of 2004 and 2008 to the lowest levels in decades. That is how we confirmed 205 of President Bush's circuit and district nominees in his first term.

Now we see the reverse of how we treated President Bush's nominees. Senate Republicans do not move quickly to consider consensus nominees, like the 14 still on the Senate Calendar that were reported unanimously last year and should have had a Senate vote last year. Instead, as we are seeing today and have seen all too often, Senate Republicans obstruct and delay even consensus nominees, leaving us 43 judicial nominees behind the pace we set for confirming President Bush's judicial nominees. That is why vacancies remain so high, at 86, over three years into President Obama's first term. Vacancies are nearly double what they were at this point in President Bush's

third year. That is why 130 million Americans live in circuits or districts with a judicial vacancy that could have a judge if Senate Republicans would only consent to vote on judicial nominees that have been favorably voted on by the Senate Judiciary Committee and have been on the Senate Executive Calendar since last year.

This is an area where we should be working for the American people, and putting their needs first. It is the American people who pay the price for the Senate's unnecessary and harmful delay in confirming judges to our Federal courts. It is unacceptable for hardworking Americans who are seeking their day in court to find seats on one in 10 of those courts vacant. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for years before a judge hears his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With over 20 judicial nominees favorably reported by the Committee and cloture motions being required for consensus nominees, the Senate is failing in its responsibility, harming our Federal courts and ultimately hurting the American people. Is it any wonder that barely 10 percent of the American people view Congress favorably?

The slow pace of confirmations of President Obama's judicial nominees is no accident or happenstance. It is the result of deliberate obstruction and delays. For the second year in a row, the Senate Republican leadership ignored long-established precedent and refused to schedule any votes before the December recess on the nearly 20 consensus judicial nominees who had been favorably reported by the Judiciary Committee. Here we are in the middle of February fighting to hold a vote on one of the 18 nominees who should have been confirmed last year. Fourteen of the nominees being blockaded by Senate Republicans were reported with the unanimous support of their home state Senators and every Republican and every Democrat on the Senate Judiciary Committee. The result of these Republican delay tactics is clear—we are far behind the pace set by the Senate during President George W. Bush's first term, with a judicial vacancy rate nearly twice what it was at this point in his first term.

During President George W. Bush's administration, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominees. Many Republican Senators declared that they would never support the filibuster of a judicial nomination—never. Yet, only a few years later, Senate Republicans reversed course and filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and Judge Hamilton was confirmed.

But the partisan delays and opposition have continued. Senate Republicans have required cloture votes even for nominees who ended up being confirmed unanimously when the Senate finally overcame those filibusters and voted on their nomination. So it was with Judge Barbara Keenan of the Fourth Circuit, who was confirmed 99–0 when the filibuster of her nomination finally ended in 2010, and Judge Denny Chin of the Second Circuit, an outstanding nominee with 16 years judicial experience, who was ultimately confirmed 98–0 when the Republican filibuster was overcome after four months of needless delays. Just this week the long-delayed nomination of Judge Adalberto Jordan to the Eleventh Circuit was confirmed 94–5.

This obstruction is particularly damaging at a time when judicial vacancies remain at record highs. There are currently 86 judicial vacancies across the country, meaning that nearly one out of every 10 Federal judgeships remains vacant. The vacancy rate is nearly double what it had been reduced to by this point in the Bush administration, when we worked together to reduce judicial vacancies to 46.

Some Senate Republicans are now seeking to excuse these months of delay by blaming President Obama for forcing them to do it. They point to President Obama's recent recess appointments of a Director for the Consumer Financial Protection Bureau and members of the National Labor Relations Board. Of course, those appointments were made a few weeks ago, long after Judge Jordan's nomination was already being delayed. Moreover, the President took his action because Senate Republicans had refused to vote on those executive nominations and were intent on rendering the Government agencies unable to enforce the law and carry out their critical work on behalf of the American people. Some Senate Republicans are doubling down on their obstruction in response. They are apparently extending their blockage against nominees beyond executive branch nominees to these much-needed judicial nominees. This needless obstruction accentuates the burdens on our Federal courts and delays in justice to the American people. We can ill afford these additional delays and protest votes. The Senate needs, instead, to come together to address the needs of hardworking Americans around the country.

I, again, urge Senate Republicans to stop the destructive delays that have plagued our nominations process. I urge them to join us not only in rejecting the five-month filibuster of Mr. Furman's nomination, but also in restoring the Senate's longstanding practice of considering and confining consensus nominees without extended and damaging delays. The American people deserve no less.

EXHIBIT 1

CONGRESS HAS NO DATE FOR THE PROM

(By Gail Collins)

I am shocked to report that Congress, the beating heart of American democracy, is unpopular.

Not unpopular like a shy kid in junior high. Unpopular like the Ebola virus, or zombies. Held in near-universal contempt, like TV shows about hoarders with dead cats in their kitchens. Or people who get students to call you up during dinner and ask you to give money to your old university.

The latest Gallup poll gave Congress a 10 percent approval rating. As Senator Michael Bennet of Colorado keeps pointing out, that's lower than BP during the oil spill, Nixon during Watergate or banks during the banking crisis.

On the plus side, while 86 percent of respondents told Gallup that they disapproved of the job Congress was doing, only 4 percent said they had no opinion. That's really a great sense of public awareness, given the fact that other surveys show less than half of all Americans know who their member of Congress is.

So little attention, yet so much rancor. We're presuming that this is because of the dreaded partisan gridlock, which has made Congress increasingly unproductive in matters that do not involve the naming of post offices.

And Congress is listening! Lately, we have been seeing heartening new signs of bipartisan cooperation. For instance, the House and Senate are near an agreement on the payroll tax cut, namely that it will continue and not be paid for.

This is actually sort of a tradition. No matter who is in power in Washington, Congress has always shown a remarkable ability to band together and pass tax cuts that are not paid for. It's like naming post offices, only somewhat more expensive.

But there's much, much more. For instance, both chambers recently approved a big new ethics reform bill that would ban members of Congress from engaging in insider trading.

Perhaps you imagined that this was already against the law.

This piece of legislation had been lying around gathering dust since 2006. But, this year, the House and Senate decided to stand tall and pass it as a matter of principle. It had nothing to do with a ''60 Minutes'' report that made the whole place look like a convention of grifters. Totally unrelated. This was simply a bill whose time had come.

And that bill would probably already be signed into law were it not for a disagreement over whether to require the high-paid professionals who poke around Congress collecting information that might be of use to their Wall Street clients to register the same way lobbyists do.

You'd think this would be easy to sort out since most members of the House and the Senate have gone on the record in favor of registering these guys.

But, no, the idea ran afoul of the House majority leader, Eric Cantor, the Darth Vader of Capitol Hill. Cantor says the idea should be studied, which is, of course, legislatese for ''trampled to death by a thousand boots.''

Still, the good news is that the basic idea of prohibiting members of Congress from using the information they acquire in the course of their public duties to engage in insider trading did pass both chambers by enormous majorities.

Yippee.

And the bipartisan cooperation keeps rolling on. This week, the Senate confirmed Judge Adalberto Jose Jordan to a seat on the federal Court of Appeals for the 11th Circuit in Atlanta. A visitor from another country might not have appreciated the proportions of this achievement, given the fact that Jordan, who was born in Cuba and who once clerked for Sandra Day O'Connor, had no discernible opposition.

But Americans ought to have a better grasp of how the Senate works. The nomination's progress had long been thwarted by Mike Lee, a freshman Republican from Utah, who has decided to hold up every single White House appointment to anything out of pique over . . . well, it doesn't really matter. When you're a senator, you get to do that kind of thing.

This forced the majority leader, Harry Reid, to get 60 votes to move Judge Jordan forward, which is never all that easy. Then there was further delay thanks to Rand Paul, a freshman from Kentucky, who stopped action for as long as possible because he was disturbed about foreign aid to Egypt.

All that is forgotten now. The nomination was approved, 94 to 5, only 125 days after it was unanimously O.K.'d by the Judiciary Committee. Whiners in the White House pointed out that when George W. Bush was president, circuit court nominations got to a floor vote in an average of 28 days.

No matter. Good work, Senate! Only 17 more long-pending judicial nominations to go!

Meanwhile, the House named a post office in Missouri for a fallen Marine.

Mr. LEAHY. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The bill clerk read as follows:

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

Pending:

Reid amendment No. 1633, of a perfecting nature.

Reid amendment No. 1634 (to amendment No. 1633), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1635, to change the enactment date.

Reid amendment No. 1636 (to (the instructions) amendment No. 1635), of a perfecting nature.

Reid amendment No. 1637 (to amendment No. 1636), of a perfecting nature.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes and that I be followed by the Senator from Texas, Mr. ALEXANDER.

The PRESIDING OFFICER. From Tennessee.

Mr. KYL. What did I say? From Tennessee. Whatever I said, I apologize. I said Texas. I apologize.

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

THE BUDGET AND OUR NUCLEAR ARSENAL

Mr. KYL. Mr. President, I need to speak for a few minutes this morning about two important news events of this week: the budget that was submitted by the President and the news reports that the President is considering reducing our nuclear arsenal to dramatically lower levels than they are today. Let me speak to both those subjects briefly this morning, and then I will have more to say about them as time goes on.

In the President's budget, there is a specific part for the Department of Energy that funds the nuclear weapons program. Despite promises of the President that he would follow what is called the 1251 study over the course of his Presidency and request in the budget the sums of money for the Department that is called the NNSA—part of the Department of Energy—he reduced that this year by $372 million less than the target. The net result of that over 5 years is going to be $4.3 billion.

I know my colleague from Tennessee is very interested in this. Before the START treaty was debated, there was a big debate about whether the funding for the NNSA in the nuclear modernization program was adequate.

On the Veterans Day recess, before we began the debate on START, General Chilton, former head of STRATCOM, and Dr. Miller, the Assistant Secretary of Defense, flew to Phoenix and said to me: You were right. We were wrong. We have underfunded this by over $4 billion. We are going to add that to our 5-year budget profile.

This was the argument we had been making all along: You have underfunded the nuclear modernization program. You need to add between $4 billion and $5 billion to it. They agreed and that is what went into the revised 1251 report.

As a result of the budget request this year, we are right back where we started from before the revision—$4.3 billion below—and that is where we were when the administration came forward and said: You were right. We were wrong. Our previous figure was not enough.

So we have a problem, and it is going to cause some real disruptions.

One of the things we have to do is extend the life of one of our old weapons called the B–61. This is a 2-year delay now on that, a 2-year delay on another warhead called the W–76, at least a 5-year delay in the construction of the plutonium processing facility at Los Alamos Laboratory called the CMRR facility.

Why is that important? We knew prior to commitments the President made before the START treaty was debated that the CMRR was critical. We do not have a production capacity. Unlike Russia and China, for example, we cannot produce new nuclear weapons. We have to go back and revise the ones we have. One of the facilities that would enable us to do that is this CMRR facility. In fact, that is where a great deal of the work would be done.

What we were told was that the President was fully committed to constructing this facility on a timetable set out in the 1251 report. Some of us were a little dubious. The President's representative said: We will put it to you in writing. So he did. What he said in his message on the New START treaty to the Senate with regard to this facility—I will quote it; the letter related to his intent to modernize and replace the triad:

> [To] accelerate to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF)—

That is the facility for uranium processing at Oak Ridge, TN—

> [and to] request full funding, including on a multiyear basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.

We were concerned he would not request the funding in the outyears and that they would not accelerate the construction of these facilities. So he said he would. He would accelerate it to the extent possible and request full funding, including on a multiyear basis.

The budget he submitted this year breaks that commitment to the Senate, and those Senators who voted for the treaty based upon these commitments are obviously going to be reevaluating their support for the treaty. There are things that can be done by the Congress, including our power of the purse, to deal with the issue, which I will hope to have time to speak to in a moment.

Former Secretary Gates reflected on the Senate's reliance on these commitments when he said:

> This modernization program was very carefully worked out between ourselves and the Department of Energy; and, frankly, where we came out on that played a fairly significant role in the willingness of the Senate to ratify the New START agreement.

For those who relied on the administration's commitment, they have been broken. We are right back to where we started from before the treaty was taken up.

If you want to know specifically what the problems are, Dr. Charles McMillan, the Los Alamos Director said:

> Without CMRR, there is an identified path to meet the Nation's requirement of 50 to 80 pits per year . . . the budget reduction in FY13 compounds an already difficult set of FY12 budget challenges and raises questions about whether we can meet the pace of the modernization path outlined in the 2010 Nuclear Posture Review.

So we have a problem. Unless the President is willing to work with Members of Congress, and unless Members of Congress are willing to recognize that the Senate acted based upon some commitments the administration made and we have to keep our end of the bargain as well, we are going to find a huge problem with our modernization program, with our nuclear weapons

program, and all that portends with respect to our deterrent capability.

Now, let me turn to the other news of the week. The President's people confirmed that, yes, they are, in fact, studying whether we can reduce our nuclear warheads. Remember, we were at 1,500 for START, and an 80 percent reduction could take us down to 300. That is almost unthinkable, especially in today's environment where we have Russia and China with new production capacities. They are developing new nuclear weapons and producing them.

We are not designing or developing any new nuclear weapons. We have no plans to do so, and we have no production capacity to make them, even if we did. The capacity to refurbish the old ones is now going to be delayed another 5 years. So why would we be thinking about reducing our warheads even further under these circumstances? Well, some people say, with a robust missile defense program, and by upgrading our conventional capabilities, we might think about this. The problem with these two assumptions is, this budget cuts both of them dramatically as well. We are not enhancing conventional capabilities, we are drawing them down, which, by the way, is what has caused the Russians to rely much more heavily on their nuclear program.

What about the people who rely on our nuclear deterrence, the 32 countries that rely on our nuclear umbrella? If they see this, my guess is they are going to look at what they might do to develop their own weapons: So much for nonproliferation. What about the idea that countries that now have close to 300 weapons could become peers of the United States? How is that for strategy, to have Pakistan, which will soon have more weapons than Britain does, to have as many nuclear weapons as the United States?

That is not exactly the most stable place in the world today. Iran is developing its capability. North Korea already has it. The Chinese are already at roughly this level and improving their capability. Of course, Russia is much above it and talking about actually building more nuclear weapons, not fewer.

The Deputy Defense Minister in Russia recently said, on February 6:

> I do not rule out that under certain circumstances, we will have to boost, not cut our nuclear arsenal.

Now we are talking about reducing ours. How are we going to convince the Russians to reduce theirs? I presume this is all going to be done in some kind of additional treaty with the Russians, not likely to occur.

To me, what is most bothersome is that one of the arguments that nuclear opponents have always had is that we never want to get to a point where our doctrine, instead of holding hostage the military capability of any would-be adversary, would be to hold civilians hostage, innocent civilians. That is precisely what happens when instead of having enough nuclear weapons to cover all of the military targets of a potential adversary, we end up having only enough weapons to hold hostage the cities of our potential adversary and thus the civilian population of those countries.

That is not a moral deterrent. As a result, I think we have to think very carefully about this prospect of reducing our nuclear weaponry. We, obviously, have to do a lot more work on this issue in the Congress. As I said, we have some means of expressing our views to the administration. I think it needs to think very carefully about this. To the extent that it thinks it is going to solve or going to help with our financial crisis, reducing the number of warheads, unfortunately, does not reduce a lot of expense. It is a little bit like the BRAC Commission. So that cannot be cited as a reason to do this.

Finally, nor is there any prospect that we can serve as a moral example to other countries in the world by reducing our warheads to that level. The START treaty was supposed to be a new reset showing the world, through our moral example, the benefits of reducing warheads. Not a country in the world has reduced warheads since the signing of the New START treaty except the United States. Russia has not, China has not, Pakistan has not, our allies have not, and Iran and North Korea talk about expanding their programs.

So this is based on a very shaky proposition of benefits which are very unlikely to occur, and it is fraught with dangers that we must debate in this country before the President simply unilaterally decides to make such a drastic change in American policy.

We will have more time to discuss this in the future. Given the fact that these two events were kicked off this week—the President's budget and this latest announcement—I thought we should at least have a preliminary discussion of it on the floor of the Senate today.

I yield to my colleague from Tennessee.

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

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

MARKETPLACE FAIRNESS

Mr. ALEXANDER. Mr. President, I am here to talk about another subject, marketplace fairness. But before I do, I want to acknowledge the importance of what the Senator from Arizona has had to say and his leadership in the whole area of our nuclear doctrine, but especially in the area of nuclear weapons modernization.

I think he is correct to say that the discussion about section 1251, which he described—which is the goal for the amount of money we need to modernize our nuclear weapons that we have in this country—may not have been the reason that the New START treaty passed. But I doubt the New START treaty would have been ratified without it. So it is an important part of that debate, and it is an important part of the debate today.

I am one of those Senators who is right in the middle of the discussion. I worked with the Senator from Arizona on the last appropriations bill, and he worked harder than anyone to try to get the amount of appropriations closer to the 1251 number. We made some progress but still fell short. This represents a substantial challenge to us.

I think he has put his finger on a very important problem. When we talk about reducing defense spending—or sequestering defense spending—this is the kind of thing that we end up having to deal with because, even in the last year, both the administration and the Senate Appropriations Committee moved some money from defense over to this account to try to increase the money for nuclear weapons modernization, and still there was not enough to meet the 1251 commitment that many of us agreed to at the time the New START treaty was announced.

I thank him for his comments. I look forward to working with him on that important question.

I would like to talk about marketplace fairness, which ought to be an all-American subject in the Senate. It has turned out to be one that attracts strong bipartisan support. In November, Senator ENZI of Wyoming, the Democratic whip, Senator DURBIN, and I introduced, along with seven other Senators—an equal number from both sides of the aisle—what we call the Marketplace Fairness Act to close a 20-year loophole that distorts the American marketplace by picking winners and losers, by subsidizing some businesses at the expense of other businesses, and subsidizing some taxpayers at the expense of other taxpayers.

My colleagues and I keep talking about it because we strongly believe, as do many people across this country, that now is the time for Congress to act. Many Americans do not realize when they buy something online, which we increasingly do today, or order something through a catalog, which we have done for a long time, from a business outside of our own State that we still owe the State sales tax.

So what we are talking about does not even rise to the dignity of a loophole. What we are talking about is a law that says you owe the State sales tax even if you buy it online and even if you buy it from a catalog from out of State. The law already says, if you buy it you owe it.

This is not a problem only for big retailers such as Amazon and Walmart. It is a problem that is killing small businesses in Tennessee and across our country.

Last month, Gov. Bill Haslam of Tennessee and I spoke with small business owners from Knoxville and Oak Ridge,

Chattanooga, Johnson City, Nashville and Memphis about this problem. Every single one of those business owners shared personal stories about how this loophole has hurt their businesses.

Basically, this is what they said happened. I remember the story of the Nashville Boot Company. I talked to the owner. The customer came into the store, tried on a boot, got advice from employees about the boot, and then went home to buy the product online in order to avoid paying the State sales tax, which the customer owes. The State law already says you owe the tax.

The problem is, when you buy something at the Nashville Boot Company, or any other local store, the Nashville Boot Company collects the tax from you, adds it to your bill, and then sends the money to the State. That is how it has always worked. But if you buy the same boot or the same other item online or through a catalog, that business does not collect the State sales tax, even though you owe it. So the result is that similar businesses selling the same thing are being treated entirely different. That is not right, and it is not fair.

Most Americans who have looked at the issue agree with that. So how did this happen? Well, in 1992, when most of us could not possibly have imagined how the Internet would have changed the way we shop for things, the Supreme Court said States could not require out-of-State catalogs or online sellers to do the same thing States require of stores up and down Main Street. What was the reason? It was too complicated for an online seller such as Amazon or a catalog seller to figure out what the sales tax would be in Tennessee, and then how much to add on Maryville, which is the town in which I live.

Well, 20 years ago, I might have agreed with that. But today technology has made it easy for catalog sellers or online sellers to do the same thing Main Street sellers are required to do. Let me give an example.

This morning I wanted to know what the weather was in my hometown of Maryville, TN. So I opened my computer, went to Google, I typed in my ZIP Code, I typed in ''weather.'' It told me the weather. The software now exists to provide to catalog sellers or online sellers the same sort of easy way to find out sales tax.

If I were to buy a TV set online in Maryville, TN, I could just type in that city, the price, my name, and it would tell me the tax. I think it could even send the tax on to the State. In fact, it is about as easy—with this software that under our law is going to have to be provided by the State to out of state retailers—it is about as easy for them to find out what the tax is as it would be for the Nashville Boot Company when someone walks in and buys the boots in Nashville.

Some people have asked why should Congress get involved because nothing is preventing States from going ahead and collecting those taxes. That is true. If I were to buy my boots online and not pay the sales tax, the Governor could come knocking on my door and add the sales tax onto the purchase price of the boots. But that is not going to happen in a practical world. I mean, the State cannot do that for millions of purchases that are made every year online; and no one wants the Governor and his agents knocking on their doors about that.

So there is a simpler way to do it. Congress should make it easy for States to be able to do that because we should recognize the loophole is unfair, that it is anticompetitive, and it is distorting the marketplace.

As a Republican Senator, I believe our party should oppose government policies that prefer some businesses over other businesses and some taxpayers over other taxpayers. I believe in States rights. Our bill gives States the right to make decisions for themselves. If Illinois or Tennessee or California wants to prefer some businesses over others, wants to prefer some taxpayers over others, they can do that. That is their State's right. But we ought to make it possible for them to make their own decision.

A number of conservatives have been outspoken supporters for our legislation.

At times, conservatives were reluctant to support it over the years, because it was complicated and because it ''sounded like a'' tax. Well, it is about a tax, but it is a tax that is already owed.

Here is what Al Cardenas, chairman of the American Conservative Union, says. He supports our legislation and says:

> There is no more glaring example of misguided government power than when taxes or regulations affect two similar businesses completely differently.

Former Governor Haley Barbour also supports our bill. He said:

> There is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses.

Governor Mitch Daniels of Indiana said a similar thing. Congressman MIKE PENCE of Indiana, a well-known conservative Congressman, said:

> I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system that does pick winners and losers.

That is what Congressman MIKE PENCE had to say.

At CPAC this past weekend, in a gathering of conservative activists, there was a panel of leaders and industry experts talking about this issue. The general agreement was that Congress should act to solve the problem. The solution, the panelists said, should be fair, something people can understand, and meet the needs of States, consumers, and retailers.

I believe our legislation accomplishes all these goals. In the first place, it is a rarity in Federal legislation, because it is only 10 pages long. You can actually read it in a few minutes. It is fair because it gives States the right to decide for themselves how to enforce the States' own laws. It protects businesses and consumers by requiring States to adopt basic simplifications.

It exempts small businesses that sell less than $500,000 in remote sales each year. That is very important. I used the example of the Nashville Boot Company. The owner sells online and he sells out the front door. He said never in his history has he sold more than $400,000 worth of revenue from his boot sales online. And when he began, he was at least one of the larger online boot sellers. So the $500,000 exemption for small businesses from this legislation should go a long way to meeting the concerns of those Senators on both sides who want to make sure we don't impose some sort of new rule on very small entrepreneurs.

Another reason Congress should act now is that States and local governments will lose an estimated $23 billion in uncollected sales tax revenue in 2012 because of this loophole. Here is what former Governor Jeb Bush had to say about that:

> It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises.

Uncollected sales taxes could be used to pay for things our States need to pay for now. They could be used to reduce college tuition. They could be used to pay outstanding teachers. But they could also be used to reduce the sales tax rate or to reduce some other tax, or to avoid a tax altogether.

In Tennessee, where we don't have a State income tax, we want to avoid one. ''State income tax'' are probably the three worst words in our vocabulary, and collecting tax on sales from everybody who owes it could not only reduce our sales tax but help us avoid a State income tax.

Governor Haslam of Tennessee, who strongly supports our legislation, says:

> It's just too big of a piece of our economy now to treat it like we did 20 years ago.

Governor Haslam is right. Online sales set new records last year. And while the growth of e-commerce is very good news for our economy, our local businesses are getting hurt because they are not competing on a level playing field. That is why our legislation has the support of the National Governors Association, the National Conference of State Legislatures, the Conference of Mayors, and the National Association of Counties, to name a few.

About the only ones left who are complaining about our legislation are taxpayers and businesses who are being subsidized by other taxpayers and businesses because the playing field isn't level.

Amazon, a huge online seller, strongly supports our legislation. Over the

years, they have opposed legislation like this. Now they believe we have solved the problem. Why? Because they say our bill makes it easy for consumers and easy for retailers to comply with State sales tax laws, and it helps States without raising taxes or new Federal spending.

Some people will tell you we are talking about taxing the Internet. That is not true. Our legislation doesn't create a new tax. It doesn't tax the Internet. The Senate debated Internet access taxes several years ago. I was in the middle of the debate. It led to a moratorium on Internet access taxes. That moratorium is still in effect today.

We are talking about state taxes that are already owed, and the moratorium on an Internet access tax will stay in place and not be altered.

It is very hard to see how anyone can say with a straight face that giving States the right to collect taxes that are already owed is a tax increase.

I have spent a lot of time talking with my colleagues about making the Senate work more effectively. One way to do that is to make sure Senators have an opportunity to thoroughly consider important legislation.

On January 31, a few weeks ago, over 200 businesses and State and national trade associations sent a letter to the Senator from Montana, chairman of the Finance Committee, asking him to cosponsor our bill and to address the inequity this year. Senator ENZI and the bill's cosponsors have also urged the Senate Finance Committee to hold a hearing on our bill as soon as possible.

The House Judiciary Committee has already held a hearing. Their hearing on November 30, gave House Members of both political parties the opportunity to learn more about the issue and express their support for it. I hope the Senate Finance Committee will seriously consider our request and soon find time so Senators can have the same opportunity that House Members have had.

Ten years ago, the bills we considered to try to close this loophole simply weren't adequate to solve the problem. The legislation we introduced in November does solve the problem. It is simple, it is about States rights, it is about fairness, and it solves the problem. It doesn't cost the Federal Government a dime, it doesn't change Federal tax laws, and it doesn't require States to do anything. It simply gives States the right to decide for themselves how to enforce their own laws.

This is a 20-year-old problem that only the Federal Government can solve. Unless we act, States will continue to be deprived of their right to enforce their own tax laws and businesses will not be allowed to compete on a level playing field.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman BAUCUS and Ranking Member HATCH from the 12 Senate bipartisan cosponsors of this legislation of January 31 asking for a hearing on the Marketplace Fairness Act, quotes from conservatives on this issue, and another memo with quotes from the Conservative Political Action Conference.

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

U.S. SENATE,
Washington, DC, January 31, 2012.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: We urge the Finance Committee to hold a hearing on The Marketplace Fairness Act (S. 1832), bipartisan legislation to allow States to collect sales and use taxes on remote sales that are already owed under State law. For the past 20 years, States have been prohibited from enforcing their own sales and use tax laws on sales by out-of-state, catalog and online sellers due to the 1992 Supreme Court decision Quill Corporation v. North Dakota. Congress has been debating solutions for more than a decade, and some States have been forced to take action on their own leading to greater confusion and further distorting the marketplace.

On November 9, 2011, five Democrats and five Republicans introduced The Marketplace Fairness Act, which would give states the right to decide for themselves whether to collect—or not to collect—sales and use taxes on all remote sales. Congressional action is necessary because the ruling stated that the thousands of different state and local sales tax rules were too complicated and onerous to require businesses to collect sales taxes unless they have a physical presence in the state.

Today, if an out-of-state retailer refuses to collect sales and use taxes, the burden is on the consumer to report the tax on an annual income tax return or a separate state tax form. However, most consumers are unaware of this legal requirement and very few comply with the law. Consumers can be audited and charged with penalties for failing to pay sales and use taxes.

Across the country, states and local governments are losing billions in tax revenue already owed. On average, States depend on sales and use taxes for 20% of their annual revenue. According to the National Conference of State Legislatures, this sales tax loophole will cost states and local governments $23 billion in avoided taxes this year alone. At a time when State budgets are under increasing pressure, Congress should give States the ability to enforce their own laws.

The Quill decision also put millions of local retailers at a competitive disadvantage by exempting remote retailers from tax collection responsibility. Local retailers in our communities are required to collect sales taxes, while online and catalog retailers selling in the same state are not required to collect any of these taxes. This creates a tax loophole that subsidizes some taxpayers at the expense of others and some businesses over others.

State and local governments, retailers, and taxation experts from across the country are urging Congress to pass The Marketplace Fairness Act because it gives states the right to decide what works best for their local governments, residents, and businesses. Given our fiscal constraints, we should allow states to enforce their own tax laws and make sure that state and local governments and businesses are not left behind in tax reform discussions. The House Judiciary Committee's hearing on this single issue on November 30, 2011, demonstrated the growing demand to close this loophole, and your committee would provide the best public forum for an open debate in the Senate on the merits of this important policy issue.

The Finance Committee is in the best position to shape the discussion on state and local taxation this year, particularly on sales and use taxes on remote sales. We urge the Committee to hold a hearing on the implications of The Marketplace Fairness Act at the earliest date possible. Thank you in advance for your consideration of this request.

Sincerely,

Michael B. Enzi; Lamar Alexander; John Boozman; Roy Blunt; Bob Corker; Richard J. Durbin; Tim Johnson; Jack Reed; Sheldon Whitehouse; Mark L. Pryor; Benjamin L. Cardin.

CONSERVATIVE VOICES ON E-FAIRNESS

''The only complete answer to this problem is a federal solution that treats all retailers and all states the same.''

—Indiana Governor Mitch Daniels, announcing that Amazon.com will begin collecting sales tax in Indiana beginning in 2014, January 9, 2012.

''I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system today that does pick winners and losers.''

—Representative Mike Pence, House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

''. . . e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now . . .''

—Mississippi Governor Haley Barbour, letter to Sens. Enzi and Alexander endorsing S. 1832, the Marketplace Fairness Act, November 29, 2011.

''The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the 'Marketplace Fairness Act.' This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and provide fair competition between retailers that will benefit consumers.''

—Tennessee Governor Bill Haslam and Washington Governor Christine Gregoire, National Governors Association letter to Sens. Durbin, Enzi, Tim Johnson and Alexander endorsing S. 1832, the Marketplace Fairness Act, November 28, 2011.

''When it comes to sales tax, it is time to address the area where prejudice is most egregious—our policy towards Internet sales. At issue is the federal government exempting some Internet transactions from sales taxes while requiring the remittance of sales taxes for identical sales made at brick and mortar locations. It is an outdated set of policies in today's super information age, when families every day make decisions to purchase goods and services online or in person. Moreover, it's unfair, punitive to some small businesses and corporations and a boon for others.''

—Al Cardenas, chairman of the American Conservative Union, ''The Chief Threat to American Competitiveness: Our Tax Code,'' National Review Online, November 8, 2011.

''It seems to me there has to be a way to tax sales done online in the same way that sales are taxed in brick and mortar establishments. My guess is that there would be hundreds of millions of dollars that then could be used to reduce taxes to fulfill campaign promises.''

—Former Florida Governor Jeb Bush, letter to Florida Governor Rick Scott, January 2, 2011.

''The truth is, Amazon's unfair sales tax exemption has seriously penalized its competition, which is mostly smaller, locally owned retail shops. It has hurt job creation and economic growth. It has resulted in government superseding market and consumer preferences. And it has left Main Streets across the country barren.''

—Stephen DeMaura, Americans for Job Security, ''Amazon's Argument Falls Apart,'' RedState.com, September 14, 2011.

''The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but does not like it if out-of-state businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet, come in, so to speak, duty free.''

—William F. Buckley, National Review Editor at Large, ''Get that Internet Tax Right,'' National Review Online, October 19, 2001.

''Current policy makes the sales tax a distortion. Current policy gives remote sellers a price advantage, allowing them to sell their goods and services without collecting the sales tax owed by the purchaser. This price difference functions like a subsidy. It distorts the allocation between the two forms of selling. The subsidy from not collecting tax due means a larger share of sales will take place remotely than would occur in a free, undistorted market.''

—Hanns Kuttner, Hudson Institute, report on e-fairness entitled ''Future Marketplace: Free and Fair,'' November 29, 2011.

''Some opponents will argue against placing another burden on businesses and especially on small business. Unfortunately, today the burden is on those retailers who are trying to compete against someone who isn't collecting the tax. That 6–10% government mandated price advantage is the real burden on small business. However, all of the bills introduced in this Congress protect small businesses by excluding the smallest, by requiring states to simplify their laws and processes, and by requiring states to provide software.''

—Indiana State Senator Luke Kenley, testimony before the House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

''If action is not taken and Quill is allowed to remain the law of the land, then are we not picking winners and losers within the retail sector? How is a retailer, such as Bed, Bath and Beyond, J.C. Penney or Wal-Mart supposed to compete with Amazon.com, Blue Nile.com or Overstocked.com [sic] when the latter enjoy anywhere from an 8–10% discount due to not having to collect sales tax. This current law and policy discourages the continued development of the very brick and mortar establishments that support our state and local communities in numerous ways. This issue of fairness should be addressed and I believe that H.R. 3179 does that.''

—Texas State Representative John Otto, testimony before the House Judiciary Committee, hearing on ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce,'' November 30, 2011.

SUPPORT FOR MARKETPLACE FAIRNESS ACT AT CPAC

Conservative Political Action Conference (CPAC) panel demonstrates broad support among conservatives for Congressional action on state sales tax policy choice.

On Saturday, February 11, 2012, a panel of conservative leaders and industry experts at the CPAC conference discussed the issue of creating a Constitutional framework for collecting sales tax online. The discussion demonstrated the strong consensus that Congress should act to establish a fair, national approach that will address the needs of retailers, states and consumers. Conclusions from the panelists:

''The principles that we agree to as conservatives is generally: limited government, that taxes should be low, spending should restrained, no infringement on personal liberties and that elected officials certainly shouldn't be picking winners and losers in the marketplace.

''When [conservatives] apply these principles to this issue of e-fairness, we come up with the conclusion that the system is antiquated, flawed and should be replaced.''

—Steve DeMaura, President, Americans for Job Security.

''So, if we are going to change the system, we should make sure that it's something simple, something understandable and something fair across the board. Whatever burdens the system puts on online businesses should also be put on brick and mortar businesses. States should not be allowed to collect until they accept basic rules about what gets taxed and where.

''The bill before Congress now achieves this better than previous bills.''

—Joe Henchman, Vice-President of Legal and State Projects, Tax Foundation.

''If a consumer changes their behavior because of government policy, this is not a free market result. It's the result of the government and the government's policy. That's why you have to create a level playing field between the seller who has to collect the sales tax. . . and those who don't.''

—Hanns Kuttner, Visiting Fellow, Hudson Institute.

''We think the Congress should act. The time is right to act, for Congress to get this done and allow the states to make fiscal policy choices on their own—as a matter of fairness. As an added detail, there needs to be fairness not only between offline and online, but among online sellers and we certainly support that approach.''

—Paul Misener—Vice President for Global Public Policy, Amazon.

WHY CONSERVATIVES SUPPORT PASSAGE OF THE MARKETPLACE FAIRNESS ACT

The Marketplace Fairness Act protects states' rights to make their own policy choices.

The federal government should not prevent states from collecting taxes that are already owed.

Government should not pick winners and loses among various businesses. A new federal framework will level the playing field and make it easier for small businesses and consumers to comply with the law.

Mr. ALEXANDER. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, we have on the floor of the Senate the Transportation bill. You might wonder why a bill that is the No. 1 jobs bill that we can do here is moving so slowly. You might wonder. Any normal person would wonder why a bill that is so popular that it has everyone from the AFL–CIO to the Chamber of Commerce supporting it is moving so slowly. You might wonder why it is moving so slowly, since the transportation authorization for all of our highway and transit projects expires in about 1 month. You might wonder why it is moving so slowly. Why isn't anyone here? What is going on?

Yesterday, I came here and said I didn't see a clear path forward for this bill. It is very disturbing, and I will tell you why it is so disturbing. And that is that when you look at the construction area of our economy, it is still down. We have 1.5 million unemployed construction workers. If you think in your mind's eye what that is, I have a picture here of a stadium during the Super Bowl. You could see this stadium. I want you to picture everyone sitting in this stadium as an unemployed construction worker and think about 15 stadiums full. Yesterday, I said it was 10; that was incorrect. I stand corrected today. It is 15 stadiums full of unemployed construction workers praying that we pass this bill, because they are unemployed and this bill will create or save up to 2.8 million jobs. It will create or save 1.8 million jobs and create up to 1 million jobs.

Yesterday, I said I didn't see a clear path forward. Today, I see a path forward. I really do. There has been some progress overnight. But it isn't as clear as it should be. We asked both sides of the aisle, we said, Can you come up with amendments that you feel compelled to offer to this bill? And try to keep them related to transportation. Well, the bad news is there are a lot of extraneous amendments that were filed.

First and foremost, birth control. The Blunt amendment. Not only does it say that any employer could say they have a moral objection, it doesn't even have to be a religious objection. Any employer. So if I am an employer and I employ 100 people, and let's say I believe in prayer over medicine, I can then deny health care to all my employees. This makes no sense at all. Senator BLUNT says, well, you could

take it to court. Oh, sure. Some low-paid employee is going to take it to court.

So we have to deal with this birth control amendment and health care amendment on a highway bill. As I said yesterday, first when I saw the birth control amendment, I thought maybe it says you can't take your birth control pills when you are on a Federal highway. What is going on here? There is no relation. It is bizarre to offer these unrelated amendments.

Then we have an amendment on Egypt. Now, frankly, I am ready to vote on the birth control. I am happy to vote on an Egypt amendment, although I believe—this is my own view as a member of the Foreign Relations Committee—that when we have such delicate negotiations going on over the safety of our citizens who are being held there, we have to be very careful not to interfere in that important backdoor diplomacy that is going on. But we have one Senator who is holding up everything because he insists that we have to take a stand on Egypt even though we have Americans in danger over there.

My Republican friends have to understand what is at stake. The business community, the labor community, everyone is in favor of this transportation bill, and we are going to have to face votes that are unrelated.

There is an idea to repeal a very important environmental regulation that will clean up the pollution from boilers, pollution that is dangerous. It is mercury. It causes brain damage. It is arsenic. It is lead. And as I said yesterday—and I don't know whether you have had this experience. I have never in the history of my electoral career, which spans a long time, had anyone come up to me and say, Please, BARBARA, we really need more arsenic in our air, we need arsenic in our water, we need more lead, we need more mercury. People don't want it. Why on Earth would they now come forward in a highway bill and repeal a very important rule that will make our families healthier? That is what my Republican friends are putting out there. They want to drill off our coast, even though it might interfere with the fishing industry, the tourism industry, the recreation industry.

I would say to my colleagues with a hand of friendship, we are happy to look at transportation-related amendments. We can work those through. My staff and Senator INHOFE's staff have a very close working relationship, and we can take these relevant amendments and sit down and work through them. But obviously, if there is going to be a series of amendments on birth control and foreign policy matters and extraneous matters, it makes it very difficult. It diverts our attention from what is at stake. The clock is ticking on us. This transportation authorization we have expires in March.

Here is where we are: We are going to have a cloture vote on the various titles to the bill, the Finance title, the Banking title, the Commerce Committee title. I want to praise all of the committees. They have done their work. Four committees, including ours, the EPW, the Environment and Public Works Committee, we have all done our work. We have done our jobs. We did what we had to do. We passed out the legislation. Now let's marry all the pieces and get going with legitimate amendments and get this done. Get this done.

I urge colleagues to vote yes on cloture. I know some have problems with one of the titles, and we can amend that. If you don't like something in that title, we can amend it. And if we don't make cloture on the first round, we will come up with a path forward after that. But, please, it won't work if we have all of these bizarre, extraneous amendments. I am not saying the amendments are bizarre. Some are. But they are extraneous and they don't belong on this bill.

I want to take a minute to remind my colleagues how popular the transportation authorization is. We are going to show you the ad that is being run. But President Reagan was very clear on why it was so important to pass a transportation bill. Here is what he said:

> The state of our transportation system affects our commerce, our economy, and our future.

He said, clearly, this program is an investment in tomorrow that we must make today. And there is a very good coalition out there, a broad coalition taking out ads on the radio. After they quote Ronald Reagan, they say:

> It's time for leadership again, for new investments in transportation, to keep America moving and jobs growing. Call Congress. Tell them to pass the highway and transit bill and, once again, make transportation job number one.

This is out on the radio airwaves. I am very grateful that it is happening. I really, really am. Also, we have ads in the various newspapers. Then there is another one that marries up two Presidents' statements, President Reagan and President Clinton. They quote President Clinton by saying:

> By modernizing and building roads, bridges, transit systems, and railroads, we can usher in two decades of unparalleled growth.

Then they also quote Ronald Reagan again. He says:

> A network of highways and mass transit has enabled our commerce to thrive.

At the end it says:

> Tell Congress to pass the highway and transit bill and make transportation job number one.

So here we sit—and I want to show you. I don't know if people can see this. I hope you can see this. This is an ad that is running all over today: President Reagan stood up for public transportation. Will you? Then they quote him and they say: A recovering economy is exactly the time to rebuild America. President Reagan knew it in 1983 when he signed into law dedicating motor fuel revenues to public transportation for years to come. But now the House—and they talk about the problem with the House bill and they tell the House to fix their proposal, which we hope they are doing as we speak.

This is a very important endeavor. Again, I have been around a long time. I have never seen the likes of the coalition we have seen. We have a coalition—it is the broadest coalition I have ever seen in my life in every single State, whether it is Ohio or California or New York or Alabama or Nevada or Kentucky. I am telling you, this is a strong coalition. And this is what they wrote to us:

> In 2011, political leaders—Republican and Democrat, House, Senate, and the administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action: Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, and transit systems that are the backbone of the U.S. economy, its businesses large and small, and communities of all sizes.

That is basically from the letter signed by over 1,000 organizations.

I see my friend from California is here. She may be speaking on this topic or another topic, and I am going to yield to her momentarily.

I think it is important to take a look at the organizations I talked about to give you a sense of it. First of all, every State in the Union is listed on this letter.

I ask unanimous consent to have printed in the RECORD a copy of the letter from over 1,000 organizations.

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

JANUARY 25, 2012.

TO THE MEMBERS OF THE U.S. HOUSE AND SENATE: As Congress embarks on a new legislative session, we, the undersigned companies and organizations, urge you to Make Transportation Job #1 in 2012 and pass federal highway, transit and safety legislation that, at a minimum, maintains investment levels before the current law expires on March 31. The long-delayed reauthorization of federal highway and public transportation programs is a major piece of unfinished business that can provide a meaningful boost to the U.S. economy and its workers and already has broad-based support.

To grow, the United States must invest. There are few federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity over the short term.

Maintaining—and ideally increasing—federal funding for road, bridge, public transportation and safety investments can sustain and create jobs and economic activity in the short-term, and improve America's export and travel infrastructure, offer new economic growth opportunities, and make the nation more competitive over the long-term. Program reform would make the dollars stretch even further: reducing the time it takes transportation projects to get from start to finish, encouraging public-private partnerships and use of private capital, increasing accountability for using federal

funds to address the highest priority needs, and spurring innovation and technology deployment.

We recognize there are challenges in finding the resources necessary to adequately fund such a measure. However, with the economic opportunities that a well-crafted measure could afford and emerging political consensus for advancing such an effort, we believe it is time for all involved parties to come together and craft a final product.

In 2011, political leaders—Republican and Democrat, House, Senate and the Administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action: Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, transit systems that are the backbone of the U.S. economy, its businesses large and small, and communities of all sizes.

From over 1,000 organizations, led by U.S. Chamber.

Mrs. BOXER. Madam President, I am going to name a few of them: the American Composite Manufacturers Association, American Concrete Pavement Association, American Hotel and Lodging Association, American Nursery and Landscape Association, American Society of Civil Engineers, Associated General Contractors of America, National Society of Professional Engineers, National Resources Defense Council, North American Die Casting Association, Pacific Northwest Waterways Association, Reconnecting America, Retail Industry Leaders Association, Transportation for America, U.S. Chamber of Commerce, U.S. Travel Association, United Brotherhood of Carpenters and Joiners, Laborers International, International Bridge, Tunnel and Turnpike Association—it goes on and on, a thousand groups representing Democrats, Republicans, Independents.

I am so grateful to them. I speak to them, frankly, a couple of times a week to tell them what we are doing here to move this important bill forward. I told them yesterday they needed to contact every single Senator in this Chamber to let them know what is at stake in their State.

In closing, I will say this: Sometimes when we act we not only do something good, which this bill will do—it is a reform bill, it is a great bill, and it adds to the TIFIA Program, an idea that came out of Los Angeles and is going to create up to 1 million new jobs while protecting 1.8 million jobs—we do many good things. But also when we do this, we stop bad things from happening. What will happen if we fail to act by March 31 and there is no action to fill that trust fund, which our bill does? There will be over 600,000 jobs lost.

Later today, at a time when others are not here, I will go State by State. Here it is. ''Estimated jobs lost.'' There would be a 35-percent cut in transportation funding if we do not pass this bill and the finance title that raises the funds necessary. We will break this down. Let me tell you, it is an ugly picture for us to have to go home and face the music at home and tell construction workers that even though we have 1.5 million unemployed construction workers, that is going to go up by 600,000 jobs.

We cannot afford to let this bill stop. I will not let this bill go away. I will assert every right I have as a Senator from California, where we have 63,000 of these jobs at stake. I am going to be here on the Senate floor. We are going to get this bill done one way or another. We stand ready to work with our colleagues, to work with our Republican friends, to go through these amendments that are relevant and urge them to backtrack on these very unrelated amendments.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I thank my friend and colleague, the distinguished chair of the committee, for her work in managing this bill. This is a huge bill. It has many titles. It is a complex bill. It is a totally vital bill. Both on this floor and off this floor, she has been advocating and pushing and doing what is necessary. I want to say thank you very much to my friend and colleague, Senator BOXER.

Mrs. BOXER. I thank the Senator, and we are working on that too.

Mrs. FEINSTEIN. Madam President, let me describe what happened in 2008 in Chatsworth, CA. On September 12, 2008, Metrolink commuter train 111, carrying more than 200 people, departed the Chatsworth train station about 4:20 p.m. Heading west, the commuter train ran through a train signal at 44 miles per hour at about 4:22 p.m. and 2 seconds. The train signal showed red, for stop.

At the same time, a Union Pacific freight train, weighing four times the weight of the commuter train, was heading east on the same track. It exited a tunnel with little time to react to the oncoming commuter train. Both trains were on the same track going in opposite directions, each going roughly 40 miles per hour. The trains collided head on.

The carnage was unspeakable; 25 people died. Their bodies, many torn to pieces, had to be extracted from heaps of steel and wreckage.

This is the scene. This is the commuter train. This is the freight train. This is the car that essentially chopped apart 25 people.

As Superior Court Judge Peter Lichtman wrote:

These were teachers, Federal, State, municipal employees, business owners, executives, artists and students that were all lost on that day.

Many families were left without any provider, not to mention the loss of a mom or dad.

Another 101 people were injured, many of them very seriously. Volunteers and rescue crews worked valiantly to pull them from the wreckage.

You can see this overturned train here. You see the rescue crews. It was a terrible, terrible scene.

Judge Peter Lichtman described many of these injuries. Passengers seated at table seats suffered ''horrible abdominal injuries that could not be medically resolved.'' ''All of the bench passengers were launched head [or] face first into a bulkhead.'' ''Almost all of these passengers suffered traumatic brain injuries to varying degrees.''

Let me explain how and why this happened. Seconds before the crash, the train's engineer was text-messaging on his cell phone. He was the only personnel aboard that train when he looked down to send a text to a teenage boy. This was one of 21 text messages sent by this engineer this day. He received 20 secretaries messages and made four outgoing telephone calls, all while he was driving a large commuter train.

According to the NTSB's comprehensive report on the crash, this behavior distracted the engineer and caused the collision. It led to the train running red signals. In fact, NTSB found the passenger train's engineer never even hit the brakes before impact. NTSB found that a crash avoidance system would have stopped the train and prevented this disaster, but, unfortunately, the tracks in Los Angeles had and have no such system nor do most tracks in the United States.

As a result of this accident, 25 people died and 100 people were injured. The statistics about the Chatsworth disaster do not begin to tell the story. Perhaps I might be able to better put into words what is at stake in this debate in one of the votes we will be taking about positive train control by telling you a little bit about Kari Hsieh and Atul Vyas.

Eighteen-year-old Kari did not want to trouble her father to drive her from the family's Newhall home to a restaurant in Simi Valley, so she took the train. In October 2008 she became one of many young people killed in this crash. She was just starting her senior year at Hart High School and looking forward to a career in medicine, according to her family. She played tennis for the school and was well liked by her classmates who described her as warm and caring. ''Anyone who knew her can remember her by her beaming smile and infectious laugh,'' one of her classmates told the Los Angeles Times.

Here she is.

''She had such a positive outlook on life and always had something nice to say about everyone,'' wrote a parent of a varsity tennis player. ''I feel blessed to have been part of her life.''

Then there is Atul Vyas, a student at Claremont McKenna College, who was studying to become a doctor. At 20 years old, he was in the process of applying to graduate programs at MIT, Duke, and Harvard. He scored in the top 1 percent of his medical school entry exams, but he was having trouble answering one question on applications: Describe a hardship you have overcome.

''He said 'I have not had any.' I have had a blessed life,'' explained his father. Atul never finished that application nor did he reach his goal of medical school. He took Metrolink train 111 home to visit his family as he did every 2 to 3 weeks, but he never made it home because an engineer was texting.

As the NTSB found, these young lives and the lives of 23 others could have been saved if crash avoidance technology, known as positive train control, had been in place. In 2008, Congress finally required railroads to deploy positive train control, which the National Transportation Safety Board had placed on its top 10 most wanted safety technologies listed since 1990. This body gave the railroad industry 7 years to deploy positive train control crash avoidance systems nationwide. The leaders of Southern California's Metrolink, Union Pacific, and BNSF railroads each committed to deploy positive train control systems in Los Angeles years earlier than the national mandate. These railroads are still on track to deploy the system next year.

I met yesterday with John Fenton, the new CEO of Metrolink, and Matt Rose, the CEO of BNSF. They both indicated their desire to make their highest priority positive train control, and I thank them. Metrolink is going to go ahead with it as soon as possible regardless. BNSF told us if they delay—if this bill delays it, they may take an additional year.

I salute both of them for their support of this program. However, I am very alarmed that others in the railroad industry and in Congress diminish the value of positive train control.

As a matter of fact, the bill we will most likely be voting on—in one of its titles, the commerce title—delays positive train control until 2018. The House bill delays it until 2020. When the technology is there, despite its complications of installation, when you have high-risk lines, freight lines and commuter lines traveling in opposite directions on the same track, and when you have human frailty—in this case one engineer texting aboard a commuter train of a couple of hundred people—the only answer to assure the safety to the commuter trains of this Nation, in my view, is positive train control. I view it as an emergency need. The NTSB views it as an emergency need.

According to them, scores of deadly accidents across the country since 1970 could have been prevented if positive train control in effect were installed. I agree strongly with the NTSB Chairman, Deborah Hersman, whom I happen to know, who recently wrote to the Congress that:

> The NTSB will be disappointed if installation of this vital safety system to prevent fatalities and injuries is delayed.

The need to extend the 2015 positive train control deployment deadline has not been demonstrated. The Senate Commerce Committee has held no hearings on this issue and no published reports investigating this question have recommended an extension, according to the NTSB experts.

Furthermore, every railroad has submitted an approved plan to meet the 2015 deadline to the Federal Railroad Administration, and the administration is preparing a report to Congress on positive train control deployment progress this year, which should provide us guidance on that effort to date.

I think Congress should consider the FRA's findings carefully before scaling back or delaying a system that can prevent crashes such as Chatsworth. And there have been three prior crashes that have taken lives on this Metrolink system. These are not isolated. They happen. We now have a technical system that can be 100 percent proof-positive to provide safety. So I am very concerned that without a national strategy, deployment of positive train control in southern California will become more difficult. There will be excuses, and there will be a lessening of effort. And both BNSF and Metrolink have made very strong efforts to comply with 2015. Why change it? The Los Angeles area is a huge commuter area, and when it is not necessary to change it, why do it? The national requirement to deploy the system by 2015 creates a substantial incentive for industry to develop new and cost-effective technology that lowers the deployment costs for everyone, including Metrolink.

The national strategy, which will hopefully be presented in the FRA's 2012 report to Congress, could play a significant role in addressing positive train control deployment barriers. This system can prevent human error from causing collisions, dangerous releases of hazardous materials, and passengers and train crews from being killed and injured.

So I make these remarks today in the hopes that there will be support in this body for the 2015 deadline. And I really appeal to the committee that right now it is locked in at 2018—we have tried, we have talked to the staff, and we have been rejected—to understand that what they are delaying is a device that saves lives, and there is no excuse for so doing. The case has not been made to do so. The hearings have not taken place, there was no markup to add this, and I strongly believe it should not be delayed in this bill. I hope Members will listen. I hope they will respond. Hundreds of thousands of commuters are at risk until this system is put into place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, dependency often leads to indolence, lethargy, a sense of entitlement, and ultimately to a state of insolence. Egypt has been receiving welfare from the United States for nearly 40 years. America has lavished $60 billion on Egypt. They react with insolence and disregard by detaining 19 of our U.S. citizens. For several months now these citizens have been essentially held hostage, unable to leave Egypt. They are held on the pretense of trumped-up political charges, held in order to display them in show trials to placate the mob.

The United States can respond in one of two ways: We can hang our head low; we can take the tack of Jimmy Carter; we can try to placate Egypt with concessions and offer them bribes in the form of more government aid; or America can respond with strength.

Today the President should call the Egyptian Ambassador in and send him home with a message, a message that America will not tolerate any country holding U.S. citizens as political prisoners. Congress should act today to tell Egypt that we will no longer send our annual welfare check to them; that this year's $1.8 billion is not on the way. America could put Egyptian travelers on notice that the welcome sign in America will temporarily expire unless the Egyptian Government lets our people go; or America could hang her head, promise to continue the foreign aid to Egypt, and apologize for supporting democracy. Which will it be?

So far, the signal sent to Egypt from the President and from the Senate has been weak or counterproductive. In late January the President's Under Secretary of State said to the administration that he wanted to provide more immediate benefits to Egypt; let's speed up the welfare checks. The President's budget this week still continues to include $1.8 billion for Egypt without a single word of rebuke or any demand that our U.S. citizens be released. The President went one step further when he actually increased foreign aid to the Middle East in his budget, and now the Senate refuses to hold a single vote to spend 10 minutes discussing why U.S. citizens are being detained in Egypt.

One might excuse the Egyptians for not believing we will cut their aid. You cannot lead from behind. Senate leadership appears unwilling to address this issue head-on, so the Senate won't act to help our citizens this week.

I hope that when Senators return home and talk to their constituents in their States, their constituents will ask these questions: Senator, why do you continue to send our taxpayer money to Egypt? Why do you continue to send our money to Egypt when they detain our citizens? Senator, why do you continue to send billions of dollars to Egypt when 12 million Americans are out of work? Senator, why do you continue to send welfare to foreign countries when our bridges are falling down and in desperate need of repair? Senator, how can you continue to flush our taxpayer money down a foreign drain when we are borrowing $40,000 a second? The money we send to Egypt we must first borrow from China. That is insanity, and it must end. Finally, Mr. Senator, I hope your constituents ask you this when you go home: When working families are suffering under

rising food prices, when working families are suffering because gas prices have doubled, how can you justify sending our hard-earned taxpayer dollars to Egypt, to countries that openly show their disdain for us?

When will we learn? You can't buy friendship, and you can't convince authoritarians to love freedom with welfare checks.

America needs to send a clear and unequivocal message to Egypt that we will not tolerate the detention of U.S. citizens on trumped-up political charges or otherwise and that we will not continue to send welfare checks to Egypt, to a country that commits an injustice to American citizens.

I ask unanimous consent today to set aside the pending amendment and call up my amendment on Egypt that would end all foreign aid to Egypt if our U.S. citizens are not released within 30 days. I think this is an important amendment which deserves discussion, and Egypt deserves to hear a message from the Senate that we will not tolerate this.

I ask unanimous consent to bring up amendment No. 1541.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Madam President, reserving the right to object, I want to be very clear here that Members on both sides of the aisle, Republicans and Democrats, have very strong feelings that this amendment should not be brought up at this time. We need to be smart and strategic when we have people in harm's way in other countries.

Further, I think it is important to note what Senator LEAHY has said several times, which is already in law—we have certain conditions placed upon aid to Egypt, and I think that needs to be understood and explored.

So because there is so much objection to this amendment being brought up at this time, I will object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. If it is appropriate, I would like to ask unanimous consent to speak as in morning business for about 15 minutes.

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

THE BUDGET

Mr. GRASSLEY. If a Republican like this Senator says that the President's 2013 budget doesn't pass the smell test, I would probably have half the country questioning my judgment. But I would like to quote the Washington Post's Dana Milbank's comments on the President's budget. This was recently in the Washington Post, these words by a columnist who I think is generally pretty favorable toward President Obama as a person and his administration, but there is great disagreement by this columnist about the President's budget.

The White House budget for fiscal 2013 begins with a broken promise, adds some phony policy assumptions, throws in a few rosy forecasts, and omits all kinds of painful decisions . . . the proposal would add $1 trillion more to the national debt than Obama contemplated a few months ago.

Dana Milbank added that the Obama budget ''is a nonstarter on Capitol Hill, where even Senate Democrats have no plans to take it up. It is, in other words, exactly what it was supposed to be: a campaign document.''

So with that background from somebody who is not a Member of Congress, not a Republican or Democrat—I don't know how he might be registered—I would like to give my views on the President's budget, but just so that people know it isn't just Republicans who disagree with the President's budget.

I think you could sum up the President's budget with three words that might say you are giving it a D grade, and probably most people would give it an F grade, but they would be debt, deficit, distrust, and disaster—too much spending, too much taxing, and too much debt. This comes from the fact that earlier this week the President submitted—as he has to every year—a budget proposal, and this budget proposal was all too predictable. It was predictable because it follows the same path as his previous three budgets. With breathtaking irresponsibility, the President's 2013 budget would expand the scope of government by spending more money, increase taxes on job creators, particularly small business, and continue on the path of enormous deficits and record debt—déjà vu.

The President's budget proposal is supposed to be a serious document, a document that lays out the President's priorities along with the President's ideas on how to address our national fiscal and economic challenges. This budget fails those goals miserably.

As a member of the Budget Committee, I have heard from numerous experts who come before that committee about the need for Congress and the President to get serious about the fiscal cliff we are approaching. We have had deficit commissions—you remember Simpson-Bowles, as an example—we have had task forces, and we have had what we call gangs, the Gang of 6, six Senators trying to work things out, and other Members of Congress. All have put forward deficit reduction plans. It is going to take more than a commission, and the President didn't even back the recommendations of his own commission a year ago. It is going to take more than task forces, and it is going to take more than gangs of Senators because the single most important political and moral leader in America is whoever holds the Presidency of the United States. In this particular instance of this executive budget, that person and that document has failed to lead on this critical issue. It does not matter how many commissions, how many tasks forces, and how many gangs of Senators we have, without Presidential participation a problem as big as this country's national debt is never going to be solved.

What President Obama put forward on Monday of this week is not a serious budget. As I said before, it is a political statement. The fact is Americans are going to pay a heavy price for the President's unwillingness and inability to lead.

While President Obama claims his budget will create an America built to last, his budget builds higher deficits and debt, a bigger, more intrusive government, and economic decline for future generations.

We want to remember that more important than the economic points of a budget is, when we get a more intrusive government, the less economic and social freedom people have.

By nearly every fiscal measure, President Obama's budget makes matters much worse. Not only has the President chosen to ignore the looming fiscal catastrophe, he has chosen to continue the course and even step on the accelerator.

This year, the Federal Government will spend $3.8 trillion—equal to 24.1 percent of our GDP. During the past 60 years, we have averaged about 21 percent of GDP. So we quantify government growing dramatically from taking 21 percent out of the economy—that government spends, 535 Members of Congress spend; instead of 300 million Americans—and that is raised to 24.3 percent.

Alarmingly, over the 10-year period ahead, in the 2013 budget, in this budget, spending never gets below 22 percent. So forever they are growing government and detracting from individual freedom.

The President intends to lock in historically high levels of spending. Do not take it from me, but it is right here in these budget documents we have all been given this week. He is a big spender of other people's money.

In dollar terms, spending goes up from $3.8 trillion this year to $5.8 trillion 2022. Over a 10-year period of time, this budget spends about $47 trillion, and during that period of time, it increases the national debt by $11 trillion. So it is clear this document the President gives to Congress under law is built to spend.

President Obama's budget is also harmful to our fragile economy because it would impose a $1.9 trillion tax increase.

I always go back to what I thought was a very wise decision President Obama made about 2 or 3 weeks before he actually took the oath of office. During the campaign, he reminded everybody he wanted to raise taxes. But when he got to being sworn in, he looked at how bad the economy was, and he clearly said it is not too wise to raise taxes when we are in recession.

Maybe technically we are not in a recession, but for the 8.3 percent of the American people who are unemployed, it is not just a recession, it is also a depression for each one of them.

So since the unemployment rate stands at 8.3 percent, and the President seems to be just fine this year, compared to 3 years ago when he was sworn in, that hiking taxes is not going to be harmful to the economy, it is not going to be harmful to those 8.3 percent of the people who are unemployed and looking for jobs, it is going to be. So why has the President flip-flopped on this issue of whether you ought to increase taxes when people have such high unemployment rates?

This tax increase will harm the economy and result in fewer job opportunities, particularly among the small businesspeople who create or provide for 25 percent of the jobs in America and generally create 70 percent of the new jobs in our economy. That is where it is going to be very harmful.

I recently asked Federal Reserve Chairman Bernanke about the prospects of a tax increase and the impact it would have on our economy. He indicated a significant tax hike could slow the economy, slow the recovery. In my question to him before the Budget Committee, I quoted the Congressional Budget Office that says unemployment would go up and the economy would grow less if we had this big tax increase the President wants.

The President has spent many hours speaking about helping our economy, investing in our future, and increasing economic opportunities for all Americans. While he is saying all those things that he is probably sincere about, at the same time he does not put his actions where his words are because he does not allow a pipeline to be built that will create 20,000 jobs right now and 110,000 indirect jobs connected with it.

If he gets his wish to hike taxes by $1.9 trillion, it will harm all Americans, further prolong this already 3-year slowdown, while growing an even larger, more intrusive Federal Government impinging upon personal liberties to a greater extent.

Maybe the President's purpose in imposing this huge tax increase is an effort to reduce the Nation's debt and that is probably what he would tell us, and he may truly believe that. Unfortunately, that is not what he has planned. He wants to spend every dollar. His budget leads to an additional, as I said before, $11 trillion increase in debt—national debt—over the next 10 years. Debt held by the public increases from 74 percent of our economy today to 76 percent of our economy by the year 2022, at the end of this 10-year budget window.

We have to compare that to the historic average since World War II, and that was just 43 percent, compared to where it is right now: 74.2 percent, going up to 76 percent.

If people believe President Obama is putting us on a path to fiscal sustainability by taxing increases, I would suggest they look at the annual deficits over the next 10 years. These deficits never drop below $575 billion, and actually go up toward the end of his budget, rising to $704 billion by 2022. This budget puts America on the course of deficits and debt as far as the eye can see into the future.

Additionally, the President took a pass on proposing any real changes to our entitlement programs, which are the real driver of future deficits and debt. That is only part of it. The main part of it is, do we want to preserve Social Security, Medicare, and Medicaid for future generations? Because if we do not do something about it, it is not going to be preserved. Again, he is absent from the discussion when Social Security, Medicare, and Medicaid comes up.

He has offered no solution in this budget, even though the Simpson-Bowles Commission he appointed—he never endorsed their recommendations 1 year ago; and why he did not endorse and trust the people he put in place to get a solution to these problems I do not know, but even the Simpson-Bowles Commission has solutions for Social Security, Medicare, and Medicaid. That is further evidence that the President has chosen not to lead on these very difficult issues.

President Obama has spoken a lot lately about the issue of fairness. President Obama believes this type of budget, with higher taxes, more borrowing, and enormous deficits and debt will bring about fairness.

If the President is referring to sharing in our Nation's economic decline, he is right. If he is talking about sharing in a Japanese-like prolonged period of stagflation, he is right. If he is talking about sharing in an economic collapse such as the one going on in Greece, he is right. It may not be tomorrow, but all signs point down the road in those directions because based upon the national debts of those particular countries, that is where we are headed.

The budget proposed by President Obama will have all Americans sharing in higher taxes, a larger, more intrusive government, less freedom, and deficits and debt that will lead to economic decline for future generations.

We all know a large budget deficit reduces national savings, leading to higher interest rates, more borrowing from abroad, and less domestic investment, which, in turn, would lower income growth in our country.

This will hurt the lower and middle class the most. The gains President Obama touts in his budget that he is delivering to the middle class will be dwarfed by the loss of economic activity caused by deficits and debt.

This is not a serious document. It is a political document. As evidence of how out of touch this budget is, few of my Democratic colleagues have even acknowledged President Obama submitted a budget, much less defend it.

I hope the Senate will have an opportunity to debate and vote upon President Obama's budget. Last year, we had such a vote. Last year, the President's budget was defeated in the Senate by a vote of 97 to 0. Not a single member of the President's party supported his budget.

So when constituents ask me why we cannot do something in a bipartisan way in Congress—and we do a lot in a bipartisan way that does not get the attention of the press, so people are cynical about Congress being bipartisan—I quote a 97-to-0 vote about whether there is bipartisanship, and that was a vote against the President's budget. Every Republican and every Democrat agreed. Once again this year, if we ever get this to a vote, I predict that very few, if any, will support this budget.

Quite frankly, it would be humorous if the consequences of inaction were not so serious. We have a moral obligation to offer serious solutions for today and for future generations. The President's budget fails in this responsibility. He has chosen a politically expedient path rather than a responsible, forthright path.

Our grandchildren and great-grandchildren will suffer as a result of this failure, and that suffering comes from this fact: that for nine generations of Americans, each succeeding generation has lived better than the previous generation, and a lot of Americans feel that is not going to happen with the next generation. That would be a sad commentary.

I yield the floor.

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. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

CHINA TRADE

Mr. BROWN of Ohio. Madam President, I was presiding earlier today before the Senator from North Carolina. I listened to Senator BOXER talk about the importance of this Transportation bill, this highway bill, which I underscore.

This week we have seen movement on extension of the payroll tax and tax cuts and unemployment benefits, two very important things—with the doctors fix too—very important things to keep our economy moving. It made me think back what has happened in the last couple of years.

In 2009, when Senator Obama became President Obama, we were losing 800,000 jobs a month in the United States. We know what was happening, especially to manufacturing and especially in States such as the Presiding Officer's, North Carolina, and my State of Ohio. In fact, we had for 12 years—

every single year for 12 years—from 1997 to 2009, we had lost manufacturing jobs every single year in Ohio and in the United States.

But after President Obama took office, we passed the Recovery Act, we did some other things, the health care bill, all of that. We have begun to see, month after month after month, job growth. Not job growth that we want yet, not the kind of strong job growth we want. But for 21, 22 consecutive months we have seen more manufacturing jobs than the month before, including my State of Ohio—more manufacturing jobs every single month than the preceding month for 20, 21, 22 months in a row.

Why is that? There are a lot of reasons. No. 1 is we have begun to put the economy on track—no longer losing 800,000 jobs a month; instead, gaining manufacturing jobs every month.

The auto rescue has made a huge difference in States such as Ohio, but really across the country as we have seen manufacturing take off.

Coming out of every recession, what leads out of the recession? Typically it is the auto industry. And in the Midwest and throughout the country, people are making cars, they are buying cars, all the economic activities generated from making a car and buying a car and running a car.

One of the untold stories, in Toledo, OH, in northwest Ohio, near the Michigan border, the Jeep plant, the Chrysler-Jeep plant—Chrysler, a company that was saved by the auto rescue. They went into bankruptcy. The restructuring and the financing by U.S. taxpayers got that company back on its feet, back into business making cars. But prior to the auto rescue in 2008, the Jeep plant in Toledo—only 50 percent of the products going into a Jeep, the components assembled in Toledo, only 50 percent were American made. Do you know what happened after the auto rescue? Now 75 percent of those products are American made, those components. That is exactly the point. Because it is not just the companies you hear about—Honda has a big operation in Ohio, Chrysler, GM, Ford, all big operations in Ohio, all expanding, all investing—just in the last 6 months, each of those four companies has announced major investment dollars going into Ohio operations.

It is not just those auto plants, it is the supply chain. So if a Chrysler Jeep is made out of 75-percent American parts rather than 50-percent American parts, think of the jobs that creates: tires, steering wheels, blocks, transmissions, the engine, the fenders, all of the steel, all of the electronics, all of the products that go into those automobiles and trucks. That is in many ways the untold story.

The problem, though, with that is we are still seeing China, the People's Republic of China, Communist China, cheating when it comes to auto parts. The auto parts trade deficit a decade ago was about $1 billion, meaning that the U.S. companies bought $1 billion in Chinese-made auto parts more than we sold to China—auto parts made in this country. We had a $1 billion deficit in auto parts. Today, that deficit is about 800 percent bigger than that. It is around $10 billion, that auto parts trade deficit. So the point of that is if we can turn that around, if we can force the Chinese to play fair and stand up and practice trade according to our national interests, not according to some economic textbook that is 20 years out of print, if we can do that, it will mean way more American jobs making auto components in steel, in rubber, and all of those things that go into the creation of an automobile, the assembly of an automobile and a truck.

Yesterday, 100 feet from here, a group of us met with the Vice President of China, who will soon be the leader of that country, people who know China well predict. I asked him a question about that, that China does not play fair, they do not play fair on currency, they do not play fair when it comes to subsidizing energy and water and capital and land. Of course, he deflected the question. He did not answer. I did not expect him to. But I wanted him to know as eight or nine of us were sitting around the table, I was the only one who directly brought up the issue of jobs and this economic relationship, leveling the playing field.

But that is why it is so important that the House of Representatives pass my China currency bill. This is legislation the Senator from North Carolina, Mrs. HAGAN, has cosponsored. It is legislation that LINDSEY GRAHAM from South Carolina, a Republican, has cosponsored. It is legislation that CHUCK SCHUMER of New York, a Democrat, has cosponsored, along with OLYMPIA SNOWE, a Republican from Maine, and DEBBIE STABENOW, a Democrat from Michigan, and Senator SESSIONS, a Republican from Alabama, all of us who have come together.

My currency bill was the largest bipartisan jobs bill that the Senate passed in 2011. Unfortunately, Speaker BOEHNER in the House of Representatives is blocking it. It is important that he move on that. It will have a strong bipartisan vote out of the House of Representatives, as it did—far in excess of 60 votes in the Senate.

It works like this, briefly: With China cheating on currency, it means that a product made in Cleveland, OH, and sold in Wuhan, China has a minimum 25 percent—some former Reagan administration officials say 40 or 50 percent—but at least a 25-percent currency tariff or tax, that every one of our products is taxed that way. That cost is added to it when it is sold in China.

Conversely, if the Chinese make something and sell it into Akron or Lima or Mansfield, OH, that product is 25 percent less expensive, which means that American companies cannot compete. There was a company in Brunswick. I was talking to two brothers who run this company. They were about to make a million-dollar sale. All of a sudden the Chinese competitor came in, with that 25-percent bonus that they get because China games and cheats on the currency system, and they were underpriced by 20 percent. So that clearly does not work.

That is why I said that to the Vice President of China about the importance of currency. That is why the House of Representatives needs to pass my legislation. It will mean we can keep this recovery going. The 21 months in a row of manufacturing job growth, coupled with the extension of the payroll tax cut, coupled with the extension of unemployment benefits, coupled with the Transportation bill, the highway bill that Senator BOXER and Senator INHOFE bipartisanly are working on, coupled with standing up to the Chinese on trade enforcement and on this currency bill, will mean we are going to get this recovery, we are going to sustain it, we are going to grow it. It is going to mean significant new jobs in my State of Ohio and across the country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

FISCAL RESPONSIBILITY

Mr. MANCHIN. Madam President, I rise today to speak about the dire finances of this great Nation and the policies and laws of this government that are only weakening our fiscal standing for future generations.

A year ago, I was in a Senate Armed Services Committee meeting and then-Chairman of the Joint Chiefs of Staff ADM Mike Mullen was asked: What is the greatest threat to our Nation and our national security? I would have thought he would have said terrorism, the terrorists, al-Qaida, North Africa, could have been Iran, it could have been another rising military power, but he didn't hesitate in responding that the national debt is the greatest threat to our country.

That was one of the most sobering moments I have experienced since becoming a Senator. I thought more people would hear what he said and take this situation more seriously, but things have only gotten worse since then. Our debt ceiling is at a record here, $16.4 trillion. By 2022, according to the President's newly proposed budget, we will be $25.9 trillion in debt. That means every man, woman, and child will be responsible for more than $79,000 of debt. Our children and grandchildren will be paying more in interest on that debt than we spend on education, energy, and defense—combined. Our elected leaders should be negotiating solutions but instead everyone is

cooking up short-term Band-Aids that create long-term obligations that will take years for future generations to repay. They are trying to figure out how to point fingers at the other side.

There is not a person in West Virginia who can understand why politics is trumping our future fiscal stability. I don't think there is a person in America who understands why in Washington we cannot come together on a long-term fix to the problems we have. And for the life of me, I cannot imagine why our elected leaders from both sides of the aisle continue to play political football with our spending, our debt, and our children's future. This isn't how we reach a solution.

When I was Governor of the State of West Virginia, I didn't blame previous administrations for our problems. I took the responsibility for fixing them. And I didn't come here to blame anyone for our problems either. I came here to fix them. I didn't come here to put the next generation into more debt; I came here to get them out of it. I came here to serve my State and Washington because my parents and grandparents left me a country that was in very sound fiscal shape and I want to do the same for the next generation. I came here because in West Virginia, even during a recession, we lived within our means and had a surplus every year that I was Governor. The people of my State are proud of what our little State accomplished, and I know Americans can again feel that same pride in this great Nation of ours. I know we can put our fiscal house back in order.

I had those priorities in mind when I looked at the President's proposed budget, the projected deficits, the accumulated debt over the next decade and wondered, what in the world are we doing? This budget claims to be balanced, but only if we don't count the exploding interest we must pay on our ever-increasing debt. Including interest, there is not a single year that this budget is balanced. At the end of the decade, this budget puts an additional $6.7 trillion more on the debt. And I would ask anybody, how does that make sense?

This is not the first time I have shared my concerns about this country going down the wrong fiscal track, and I can already hear some folks saying: Oh, there goes JOE MANCHIN again blaming President Obama. Well, let me tell you, I am a proud Democrat, but I am a proud West Virginian and American first, and I will stand and speak my mind whether our President is a Democrat or Republican. I am trying to be as understanding and respectful as possible in my critique, but what we are doing doesn't make any sense at all to me, and I certainly cannot in good conscience tell the people of West Virginia any differently. And if we don't do anything to address this fiscal mess, the priorities of both Democrats and Republicans will face the consequences.

Standing here, I tell my Democratic friends that we must face the truth that the very programs we care so dearly about and fight so hard for will be destroyed unless we do something about this exploding debt. Standing here, I also tell my Republican friends that they too must face the truth or not only will the programs they care about be destroyed, they may be forced to one day support a massive tax increase to simply keep this country solvent. Both scenarios are unacceptable and preventable.

There is a commonsense solution to our Nation's dire fiscal woes within our grasp. We already have a template with substantial bipartisan support, split evenly between Democrats and Republicans in both the House and the Senate, that gives us a starting point with which to move forward. As I have said before, the Bowles-Simpson framework might not be perfect, but it has more support from both sides of the aisle than anything else I have seen since I came here. Not only that, it withstood the test of time better than any other proposal I have seen. It is a framework that cuts trillions from our debt, makes our tax system more fair, and raises revenue without raising tax rates. The only problem is that our country's leaders from both parties won't move forward with the recommendations of the Bowles-Simpson Commission. So instead of real solutions where we choose our priorities based on our values, we see political proposals that will only send this country further into a death spiral of debt.

Take for example the fact that this body will soon debate extending the so-called payroll tax cut for the remainder of this year, 10 more months. Let's call that what it really is: It truly is cutting funding to Social Security. This Congress has voted twice since I have been here to tell Americans that they don't have to pay their share as far as their obligation to Social Security. I voted for the idea the first time around because I thought, as it was proposed to me, it might create jobs or save jobs. But I don't think we have seen much evidence that that happened, so I decided to stop throwing good money after bad and stop jeopardizing Social Security. But, as I warned this fall, along with my dear friend Senator MARK KIRK, whom all of our prayers are with, now we are talking about extending this policy indefinitely because once something like this is enacted, even an act of Congress can't reverse it. It might take an act of God to reverse it.

I know going back home and saying we voted for tax cuts is popular. Everyone wants to be popular in this arena. But this is not a tax cut, this is a Social Security cut, plain and simple, and you cannot make it look any different. Knowing that we are adding 10,000 beneficiaries turning 65 years of age every day—and when you look at last year, Social Security was the first time we paid out more than we took in—it doesn't make any sense. Just what exactly will continuing this policy do to the long-term solvency of Social Security? The answer is very simple: It will be a disaster.

The so-called experts will tell you that everything will be right because we will backfill those contributions with revenue from the general fund. Let me remind you that this is the fourth straight year the general fund has operated with a deficit of more than $4 trillion. That has never happened in the life of this great country. We have accumulated $15.36 trillion of debt as of today, and the President just allowed that to grow to $16.4 trillion with a new debt ceiling. These are the same experts who tell us we can balance a budget if we simply ignore the fundamentals of math. Does that make sense?

When this body votes on whether to extend the so-called payroll tax cut or, as it should be more accurately described, the defunding of Social Security's revenue stream, I cannot in good conscience vote to undermine Social Security. I have taken this position because at the end of the day the people of West Virginia and this Nation must be told the truth, which is why the budget proposal the President offered this week is so disappointing and maddening.

Let's be clear. Both Republicans and Democrats are responsible for our budget problems. Everybody is responsible for where we are today. In fairness, this administration inherited a tremendous debt, falling revenues, and a terrible economy. Everyone was at fault, and the public spoke loudly and clearly. They changed things with the 2008 election, and they said: Fix it. But we haven't done it, and this budget doesn't do it either.

If we are going to address our fiscal nightmare and stop digging a deeper debt hole, we must have meaningful tax reform that not only ensures that everybody pays their fair share but that also strengthens our economy and creates jobs—good jobs. Instead, this budget is not balanced even once. Over the next decade, it would actually add an additional $6.7 trillion more debt on top of the $16.4 trillion debt ceiling we have now that the President just authorized. That is more than $23 trillion of debt by 2022. That is simply unsustainable.

This proposed budget relies too much on phantom accounting from so-called war savings from a war that should have been over when its purpose changed to what I call nation building.

In terms of energy investment—one area that business and labor both believe is critical to not only creating more jobs but keeping the good jobs we have—this administration continues to pick winners and losers. Take the role of coal, for example. As I just pointed out in the Energy and Natural Resources Committee, the administration's own Department of Energy forecasts that coal will play a major role in

the energy portfolio well into the coming decades, up through 2035. But this budget slashes funding for the research that would allow us to use coal more efficiently and cleanly with environmental standards for which we must be responsible. This doesn't make sense, and it puts the livelihoods of an awful lot of West Virginians and Americans in jeopardy. Those priorities defy common sense, especially when millions of people rely on coal for their jobs and the affordable, reliable electricity it produces.

We are spending more where we don't need to and less where we do. We are extending programs that do not work and going into debt to pay for them, and then we wonder why this great Nation faces such a dire fiscal future. So if and when the President's budget proposal comes up for a vote, I simply cannot support it. As always, though, I will continue to work diligently with my colleagues on both sides of the aisle to push for a more commonsense fiscal approach based on the bipartisan Bowles-Simpson template so we can finally and responsibly address the fiscal problems our Nation and our families face. I urge the President and my colleagues to do the same.

Madam President, allow me to close by saying I do travel my State, like most of my colleagues, and I am sure you do in Missouri. I meet with my constituents, as you do also, and I can tell you what I find out from them. There are a lot of issues they are worried about. There are some places where they disagree, but there is one issue that gets universal agreement and brings everybody together when they tell us, to a person, they are concerned that those of us in Washington are not listening to their cries to put the country ahead of our politics. They urge all of us to stand and do what is right for this country.

We must not let selfish ambitions about the next election cloud what must be done for the Nation that I know we all love. The challenge before us is a simple one. Over the course of our history, this Nation has succeeded because our parents and grandparents left our country better off than what they inherited from their parents and grandparents. We cannot be the first generation to fail to leave the United States in better shape for the next generation. I don't want to be a part of that. I do not intend to stand by and let a party or politics destroy the hopes of the next generation for this great country, and I urge all of our congressional leaders and our President to put politics aside and realize one simple fact: Whether we are Democrats or Republicans or Independents, we all belong to the same party, and that party is called America, and we will rise or fall together.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, we voted 85 to 11 to start work on the highway bill, which is an essential piece of legislation to reauthorize our highway and transit programs.

Eight hundred sixty-eight days have passed since our last Federal Transportation bill expired. If you cannot do the math very fast, just to put a little more emphasis on that, that is 2 years, 4 months, and 18 days since the last Federal Transportation bill expired.

We need new legislation to help streamline Federal programs, spur job creation, and move our transportation system into the 21st century.

This Transportation bill before us is about infrastructure. We call it infrastructure because ''infra'' means ''below.'' So it is the foundation beneath everything else on which our civilized country is built. As we think about the buildings and operating our municipalities and our States and our Federal Government, our country, it is about making sure we have a sound infrastructure.

Our businesses, our workers, our innovators, all of them rely on a system of quality infrastructure to succeed. More funding for transportation in this bill means we can do critical roads and bridges, and we can do repairs to the existing roads and bridges. It means we have more transit for buses and railroads, and it means we can put people back to work. More jobs for construction and manufacturing workers, more jobs for workers means more consumer spending and a stronger overall economy.

The Federal Highway Administration estimates that for every $1 we spend on highways, that spending supports more than 27,000 jobs. Economists at Moody's estimate that for every $1 we invest in infrastructure, our gross domestic product goes up by $1.59. That is because of the ripple effect those investments have on our economy.

The bill before us would help create about 1 million American jobs, many of them in the construction industry, which has been one of the hardest hit by the recession. In New Hampshire, the number of people who were working in the construction industry in 2010 was the lowest it had been in a decade—25 percent lower than it was in 2006, 5 years ago. We need to pass this bill to help put those people back to work.

One of the most important efforts we have in New Hampshire right now is the long overdue and badly needed widening of Interstate 93, which is in the southern part of New Hampshire. I–93 is our State's most important highway. It connects New Hampshire citizens to their jobs, businesses to global markets, and communities to each other.

Right now this vital artery is badly clogged. Every day 100,000 cars travel on a road designed for 60,000. This congestion wastes time and wastes money. Crowding so many vehicles on Interstate 93 is not only an inconvenience to the thousands who use it every day, but it also compromises the safety of drivers traveling at regular highway speed in heavy traffic.

The Interstate 93 project was budgeted and planned based on the idea that the Federal Government would provide a consistent level of funding. But the uncertainty created by the lack of a long-term highway bill has made the project difficult to finance. Right now New Hampshire transportation officials have $115 million worth of bonding for this project that is sitting on the sidelines until the Federal Government makes good on its commitment. We need to move these Federal funds off the sidelines and get this project going.

Laura Scott, who is the economic development director for the town of Windham, near the Massachusetts border, summed it up best:

> The I–93 project is critical to the future economic vitality of Windham and all of southern New Hampshire. Our businesses want it, our citizens want it, and we need to get it done.

The bill before us today can help complete this vital project and others like it. We need to work on this bill in a bipartisan fashion just as it has come out of the Environment and Public Works Committee. There was strong bipartisan support coming out of that committee. We need to set aside the partisanship now, the election year comments, and come together to do what is right for our economy and our country. I hope in the end all of my colleagues on both sides of the aisle will support that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CORKER. Mr. President, I have come to the floor to talk about a topic I spoke a little bit about yesterday.

I know all the focus right now is working on a solution to some of the things going on between the House and the Senate. I know that is what people are focused on today. I understand that probably sometime tomorrow there will be a vote on the highway bill, which is expected to fail, and then it is my understanding there will be some amendments brought forth to bring a finance bill, an EPW bill, a commerce bill, and a banking bill together that will actually be debated and, it is my sense, will ultimately pass, but that after the recess is over we will come back and deal with that.

I wish to speak to that topic now. I know I am beginning to sound a little

bit like a broken record on this, but we have had so many people down here on both sides of the aisle who have actually worked together, for a year and a half after the Bowles-Simpson report came out, on long-term deficit reduction, progrowth tax reform, and entitlement reform, and there seems to be a real seriousness about that issue. I think all those who have signed letters in support of it were very sincere. Yet I think what we are finding with this highway bill, in spite of the changes that are likely to take place with the finance component, is that what we are ending up with is a situation where we have 2 years' worth of spending that is taking place and we are using 10 years' worth of pay-fors.

I can tell you there is no one in this body who likes infrastructure more than me or has spent more time on the back of a paving machine or on a screed. Those are the kind of things I love to see happening. I know they create jobs and tremendous economic growth over the long haul. But I know the Presiding Officer remembers the debate we had for a long time in this body over health care, and I know he remembers the tremendous discussions that took place on the floor over the financing mechanisms. I don't think there is any question that people on my side of the aisle railed strongly—I might say as they should have—over the fact we had a pay-for formula where basically we were spending money over a 6-year period and paying for it over 10.

Ultimately, the bill passed, but there was tremendous divide in this body over mostly just the budget gimmickry that took place. Yet what I see getting ready to happen, in a large bipartisan way, is we are going to vote for a highway bill, possibly—I am not going to do that—that spends money over a 2-year period and recoups it over 10.

I am actually stunned by this. We talk about all the things we need to do in this body regarding Medicare and how we need to focus on reforms that make sure seniors in Vermont and seniors in Tennessee have these programs down the road, and we talk about Medicare in the same light. I think all of us want to make sure Social Security is here for future generations—for these young people in front of us. All of us know we have to figure out a way to solve that problem. The highway bill is simple. It is just math. It is unlike Medicare, it is unlike Medicaid, and it is unlike so many of the things we deal with around here that are so complex to get it just right. We have a highway bill that is not complicated. It is just math. There aren't all kinds of moving parts, as far as people providing health care and the incentives that are in place. But it feels to me like what we are getting ready to do as a body—and I hope this is not the case—is to pass a highway bill where we are going to do exactly what we have done with the sustainable growth rate for physicians in Medicare.

Back in 1997, we passed a bill here—I wasn't here at the time—that basically created a mechanism for paying physicians who dealt with seniors, and the formula was flawed. So what we have done every 18 months or every year is cause the medical community to be panicked and seniors to be panicked over whether this is going to be extended because the sustainable growth rate, as it was put forth, was going to call for huge reductions in payments to physicians.

We are actually dealing with that right now. It is one of the issues we are trying to work out with the House. What we did was to create a cliff. So every time we deal with this issue it gets more and more difficult to deal with it because we will not just sit down and do the long-term reforms on that one component that need to happen. We keep taking from Peter to pay Paul. We keep wrestling with this issue but we will not deal with it.

What we are getting ready to do with the highway bill is basically inject that same poisonous formula into the highway bill. What we are getting ready to do is to pass a highway bill that will fund highways through 2013, but at the end of that period of time we will have the same kind of cliff that we deal with regarding the SGR. We will have a $10 billion shortfall, instead of just dealing with a funding formula. If we don't think we are spending enough on infrastructure and people want to offer that in some way, now is the time to do it. Otherwise, if people don't want to go into a deficit situation, what we ought to do is spend the amount of money that is coming in.

But it feels to me as if we are getting ready, in a very bipartisan way, when we get back from recess, to show the country it is ridiculous to think this Congress will deal with the kind of reforms to Medicare to make it solvent, to do the kinds of things we need to do with Social Security—both of which are more complex—because this Congress will not even deal with this little program. It is a very important program, very important to my State and I am sure to Vermont. But we will not even deal with the reforms to it, in this time of great concern about our fiscal situation.

Again, I strongly support infrastructure funding. But I think what we will show the country, if we pass a bill like this, in a strong bipartisan way, is that there is very little hope Congress will ever deal with the more complex issues that challenge this country and which cause many seniors in our country to be concerned, which cause taxpayers to be very concerned, and certainly cause future generations to wonder whether this body is ever going to deal with the issues they know will haunt them down the road.

I came down to speak on this. I have done it daily in the lunch meetings we have with our own side. I just hope that sometime over the recess period, prior to coming to the floor, the Finance Committee will come up with a different package that actually either pays for this bill by offering funding formulas—which, by the way, is just math, it is not very difficult—or where we spend the amount of money that is actually coming in.

I will say that if we spent just the base moneys that are coming in, States such as Vermont and Tennessee and other places have the ability, if they choose, to generate gasoline taxes in their own States and do things with road money. Candidly, the way this program works, I think most people know that citizens send up $1 and they get back 98 cents. So it actually could be a more efficient way for this to work than sending it up to us and letting us get our hands on part of the money and figuring out what we are going to do with it.

I do believe this is one of the most irresponsible things we can do, especially when there may have been some criticisms over the President's budget. I haven't heard a lot of people speak on it because I don't think it has been taken up as a document that we will debate on this floor in a real way. But it is difficult to criticize the President's budget. I know the vote on last year's budget was 97 to 0 against it. But it is very difficult for people on either side of the aisle to criticize the President's budget if, in fact, there is a large bipartisan desire to pass a highway bill that does exactly the same thing.

I hope the Finance Committee will meet again and come up with a solution to this. It is not urgent. We have a recess period that is coming up. Surely, this Congress, this Senate, can show the ability to deal with an issue such as this, which, again, is so simple, and demonstrate to the American people, in a bipartisan way, that we have the ability to begin looking at these programs that are so important to people across our country in a way that doesn't take us down the fiscal tube.

I thank the Chair for listening. I know it is tough when there is not much happening down here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ELIZABETH PERATROVICH DAY

Mr. BEGICH. Mr. President, I rise today to recognize a great civil rights leader in Alaska and to join all Alaskans in celebrating Elizabeth Peratrovich Day.

Almost 25 years ago, the Alaska State legislature designated today as Elizabeth Peratrovich Day to commemorate the signing of the Alaska Anti-Discrimination Act of 1945, and to honor Ms. Peratrovich.

Elizabeth Peratrovich is a Tlingit Alaska Native who fought for equal rights for all Alaskans long before her now famous address to the Alaska legislature. She was grand president of the Alaska Native Sisterhood and fought against the very public discrimination taking place against the first people of Alaska.

In many places in southeast Alaska just 60 years ago, public signs read: No Dogs, No Natives or Filipinos. Others simply said: No Natives Allowed.

There were separate drinking fountains and separate doors in public buildings. As Tlingits, the Peratrovichs could only purchase property in Native neighborhoods, could only be seated in segregated portions of the theater, and could only send their children to missionary schools—not the public schools for which they paid a school tax. In the face of this discrimination, Ms. Peratrovich demonstrated courage in her convictions—a courage which changed the course of civil rights treatment for Alaska Natives.

In 1941, Elizabeth and her husband Roy wrote a joint letter to Territorial Governor Ernest Gruening about their concerns. In part, they wrote:

> My attention has been called to a business establishment . . . which has a sign on the door which reads, ''No Natives Allowed.'' In view of the present emergency when unity is being stressed, don't you think that it is very un-American?
>
> We have always contended that we are entitled to every benefit that is accorded our so-called White Brothers. We pay the required taxes, taxes in some instances that we feel are unjust, such as the School tax. Our Native people pay the school tax each year to educate the White Children, yet they try to exclude our children from these schools. Although antidiscrimination legislation had been floating around the territorial legislature for years, it had not gained any traction.

Again, I want you to put your mind in this time. This was the 1940s. Many legislators believed Alaskan Natives were second-class citizens. Despite the fact they paid taxes and bore arms in defense of this Nation, they were not endowed with the same rights as others.

In 1945, however, hope emerged. Antidiscrimination legislation had passed the Alaska statehouse but was stalled in the State senate. One senator made a speech stating that Natives had only recently emerged from savagery and were not fit for society. He argued that they had not had the experience of 5,000 years of civilization.

With great courage and composure and poise, Elizabeth Peratrovich confronted the senator who had just belittled her and her people. Not only was she a Native addressing the mostly White Alaskan audience, she was also the first woman ever to address the Alaska State senate. In a quiet, steady, but bold voice, Elizabeth Peratrovich opened her testimony with the following words:

> I would not have expected that I, who am barely out of savagery, would have to remind the gentlemen with 5,000 years of recorded civilization behind them, of our Bill of Rights.

She then recounted her experiences with discrimination—how she and her husband had not been allowed to lease a house in a White neighborhood; how she was prohibited from enrolling her children in the same schools as everyone else, the schools for which she paid a school tax. She talked about the embarrassment her children felt when they were not allowed to sit with their friends in the theater.

Following Elizabeth Peratrovich's speech, the senate exploded in applause. Her plea had been effective. The opposition that had been so absolute shrank to a mere whisper.

On February 8, 1945—again, I underline the date, thinking of our national history—on February 8, 1945, a bill to end discrimination in Alaska passed the senate by a vote of 11 to 5. Elizabeth Peratrovich had been instrumental in making Alaska the first organized government under the U.S. flag to condemn discrimination.

Today in Alaska we celebrate Elizabeth Peratrovich Day and affirm our beliefs in equality. With each passing year we move closer to truly realizing the quote that all men are created equal and all are endowed with certain unalienable rights.

Thank you for allowing me to embrace the memory of one woman who fought for those fundamental principles, Alaskan Elizabeth Peratrovich.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

TRIBUTE TO BEN LUJÁN

Mr. BINGAMAN. Madam President, I come to the floor, along with my colleague Senator UDALL, to honor Ben Luján, who is the longtime speaker of the New Mexico House of Representatives. After tirelessly representing District 46 in our State legislature for 37 years—the last 12 years of that 37 years as speaker of the house—Ben is retiring. He is doing so to pursue his fight against lung cancer. I am certain he will bring the same strength and tenacity and courage to that battle that he has brought to every other endeavor he has taken on throughout his life.

Throughout his long career, he has fought fiercely to ensure that the needs of his fellow New Mexicans were being addressed. He has worked hard to improve the quality of New Mexico's school system. He has fought for the rights of our workers, and he has worked hard at strengthening our economy.

I know I speak for all of his colleagues in our State legislature when I say that his service and strength throughout his recent personal difficulties have been an inspiration to all, and his fighting spirit will be missed once he leaves our legislature. His exemplary work ethic is something to which we should all aspire.

He was born into a family of nine children, the son of a sheepherder in the small town of Nambe in northern New Mexico. In 1957 he began working as an ironworker at Los Alamos National Laboratory. It was from these experiences that he learned the importance of always striving to do better, to do more, not only for his family but for his community and for his beloved State. In 1970 he began his extraordinary public service when he was elected to Santa Fe's County Commission. He aspired to have a wider impact, and he ran for the New Mexico House of Representatives in 1975. After nearly a quarter of a century in the house, he was elected by his colleagues as the speaker of the house in 2001.

His devotion is a characteristic that is reflected in all aspects of his life, public and private. He and his wife Carmen have been married for 52 years. His children—Shirley, Jackie, Jerome, and BEN RAY—are a testament to the values with which they were raised. In fact, we are fortunate to have his son BEN RAY as a Member of the U.S. House of Representatives representing the Third District of New Mexico. Tom and I have had the good fortune to serve with BEN RAY in the New Mexico delegation, and he represents our State extremely well.

All of us whose lives have been enriched by Ben Luján's work in bettering our State owe him a debt of gratitude for his service. His illness has not hindered his dedication and hard work for our State, as he continued running the house of representatives in our State throughout the current session of our legislature, which is expected to end today.

I am joined with all New Mexicans and Senator UDALL in extending my gratitude to the speaker for his extraordinary work for the people of New Mexico. We are, indeed, fortunate to have had a man of his character serving our State in such an exemplary way and in such an important position for so many years.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I also rise today to join New Mexico's senior Senator, who has served New Mexico so well. It is a real honor to join Senator BINGAMAN in paying tribute to one of our great New Mexico citizens, Speaker Ben Luján. Ben, as Senator BINGAMAN said, is retiring this month. He is an esteemed colleague of ours, and he is also our friend—a good friend at that. Indeed, Ben Lujań is a friend to all New Mexicans. Ben recently said:

> Let us make our time on Earth . . . worthwhile, and do what is right, and make a difference for the children, our working families, and our elderly.

He has lived up to that challenge throughout his career, fighting for education, for workers, for middle-class families, for Native Americans, for health care, and for jobs. In a world that grows ever more cynical, Ben Luján has always been the real deal.

Ben was born in 1935 in the small community of Nambe, NM, one of nine children. His family, like so many, struggled through the Great Depression. He used to relate tales of his father as a sheepherder herding sheep from the Valley Grande to the Chama in New Mexico. Ben still lives on the property that has been in his family for three generations.

Ben is that rare combination—humble but tenacious in what he believes. He has never forgotten from where he came, and he has always been a champion for the less fortunate among us. Even in his youth, Ben showed a remarkable talent for teamwork, for playing by the rules, for just plain hard work, and for determination.

He loves basketball. In high school he was the captain of his high school varsity basketball squad, and the gymnasium where the Pojoaque Elks play today is named in his honor. Ben Luján has been leading teams ever since.

He attended the College of Santa Fe but had to disenroll for lack of money. For the next couple of years, he sought work wherever he could find it in California and in New Mexico, wherever he had to go to get a job. He understands hard times. He knows what it is like to try to make ends meet. And in all of his years of public service, a sense of justice and fair play has always been at his core.

Ben worked as an iron man in Los Alamos. He joined the International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers. In 1959 Ben married his high school sweetheart, the love of his life, Carmen, his devoted partner for over half a century. They began a family that would grow to include four children: Shirley, Jackie, Jerome, and Congressman BEN RAY LUJÁN. As Jeff said, we are fortunate to have BEN RAY serving in our delegation, and we have worked with him on many occasions on a daily basis. Ben began his extraordinary career in public service when he was elected to the Santa Fe County Commission in 1970. Four years later he was elected to the New Mexico House of Representatives. After a quarter of a century of service in that body, he was elected speaker of the New Mexico House of Representatives.

He has always called attention to the needs of others and not to himself. Ben is an inspiration not just to those who aspire to a life of public service but also to a life of personal integrity. His word is his bond to his family and to the people of New Mexico. His principles have illuminated his life and brightened the lives of all who know him. I count myself among that number. I am proud to call Ben Luján my friend.

I was present at the opening of the New Mexico State Legislature last month when Ben informed us of his illness—an illness that left him weakened but not defeated. Like everyone in that room, I was deeply saddened at the news of Ben's illness, but that sorrow is tempered by admiration—admiration for Ben, for Carmen, for the entire Luján family and for the incredible strength they have shown. He would not allow a terrible illness to distract from his duties as speaker of the house. He remains steadfast in his services to the people of New Mexico. Even while undergoing chemotherapy, he continued to work as speaker. Even a devastating illness could not deter Ben Luján from the job he had committed to do, and his family supported him every step of the way. That is honor, that is integrity, and that is courage.

None of us will ever forget Ben's brave words the day last month when he said, ''While this has taken a toll on me physically, it has not broken my spirit, my will, my faith and my commitment to New Mexico.''

So to Ben, I want to say thank you. Thank you for your service, thank you for your sacrifice, and thank you for your friendship.

As we celebrate this great son of New Mexico, I will close with these lines from the poet, Lord Alfred Tennyson:

> Though much is taken, much abides, and though we are not now that strength which in the old days moved earth and heaven, that which we are, we are—one equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield.

That, my friends, is Ben Luján—to serve, to strive, and not to yield.

It is a real honor to be on the floor with Senator BINGAMAN to talk about our good friend Ben Luján.

I yield the floor.

Mr. BINGAMAN. I suggest the absence of a quorum.

The assistant bill clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

SERGEANT ADAM J. RAY

Mr. MCCONNELL. Madam President, I have the sad and solemn task today to speak of one brave and honorable Kentuckian who was lost in the performance of his duties while wearing his country's uniform. SGT Adam J. Ray of Louisville, KY, was killed on February 9, 2010, in Afghanistan when an improvised explosive device set by the enemy detonated near his patrol. He was 23 years old.

For his heroic service, Sergeant Ray received many medals, awards, and decorations, including the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman Badge, the Weapons Qualification Badge, and the Overseas Service Bar.

Sergeant Ray knew the risks of Army service and faced them squarely without flinching. In fact, a reporter imbedded with Sergeant Ray's unit has written of how his patrol's assignment on the day he was killed was to find and deactivate explosives hidden by the enemy in culverts under the main road heading west from Kandahar connecting to major cities such as Kabul.

''People ask me if I regret letting Adam join,'' says his mother, Donna Ray.

> Well, I don't. Adam died doing what he loved more than anything else in the world. No, Adam did not go into this wanting to die for his country, but he was more than willing to do it. I am so very honored to be his mother and to tell everyone about him.

Adam Ray was born March 9, 1986, to Jim and Donna Ray. When Adam was in the third grade, he went on a school field trip to a military museum. From that moment on, he wanted to be a soldier.

''He would play army with his little toy solders in the bath tub,'' remembers Donna.

> He lined them up around the edge of the tub and prepared for the attack of his dinosaurs. At night, when I tucked him in his bed, I would have to pry the toy soldiers out of his clenched fist.

Adam's father Jim attended West Point, and Adam wanted to follow in his footsteps and also go there. However, after the terrorist attacks of 9/11, Adam felt an urgency to serve his country that could not wait, so he entered military service in April of 2005 and graduated basic combat training at Fort Benning, GA.

Adam then attended advanced individual training at Fort Sam Houston, TX, where he was trained as a patient administrative specialist. His first deployment was to Camp Casey, Korea. After 1 year in Korea, Adam reenlisted and was transferred to an infantry unit. By the time he was deployed to Afghanistan, he was assigned to C Company, 4th Battalion, 23rd Infantry Regiment, 2nd Infantry Division based out of Joint Base Lewis-McChord, WA.

In early 2009, Adam was deployed to Afghanistan. He visited his family while on leave in September of that year and returned to Afghanistan in October. By Christmas, his family was hearing less from him because he was preparing for a dangerous mission.

''The Friday before he was killed, he called about 2 a.m. our time—he always forgot about the time difference,'' Donna remembers. ''He told me that his unit was moving and that I may not hear from him for a while, and not to worry.''

A few days later came the fateful Tuesday that was February 9. Adam's

unit was conducting ''culvert denial'' in an area where an Afghanistan soldier had recently been killed by a bomb hidden in a culvert underneath a road.

At approximately 9:30 a.m., the explosion went off, and as one contemporary news report puts it, ''Adam Ray, the third of five children, beloved son of a minister and a devoted mother, a soccer player and a flirt, who tutored dyslexic kids and was known to ask less popular girls to dance at school events, died.''

We are thinking of Sergeant Ray's loved ones today as I recount his story for my colleagues here in the Senate. We are thinking of his parents Jim and Donna Ray; his grandparents John and Doris Ray and Bobby and Marilyn Sumner; his brothers Zachary and Seth Ray; his sisters Betsy and Amanda Ray; his nephew Christopher Mitchem; and many other beloved family members and friends.

I know my colleagues join me in extending the sincere and profound gratitude of the Senate to the family of SGT Adam J. Ray. We have set aside this moment to recognize his service, service proudly and freely given, for the country he so loved. And we pay tribute to his supreme sacrifice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

PAYROLL TAX CONFERENCE REPORT

Mr. WARNER. Mr. President, let me rise today to speak about the conference report that it appears we will be voting on tomorrow regarding the issues of the payroll tax, unemployment benefits, and the so-called doc fix. Let me first of all acknowledge that I know that many of my colleagues have worked long hours on the payroll tax deal that was apparently reached late last night.

I have been briefed on pieces of this deal and I've also seen many of the press reports that have described this deal as a new sign of bipartisanship. As a new Member of the Senate, I know, like the Presiding Officer, we believe that we do our best work here in Congress when we can have bipartisan solutions, when we can find ways to reach common ground.

All of those factors make it doubly difficult for me to now rise and say I will be voting against the conference report when it comes before this body tomorrow.

Now, let me acknowledge on the front end that I think there are worthy reasons in this recovering economy we have got right now, it makes some sense to maintain some form of payroll tax holiday for a limited period of time.

I know the Presiding Officer feels that one of the most important issues our country confronts right now—I would say the most important issue and the one that overhangs everything else we debate here—is our inability to come to grips with our debt and deficit.

I know, as we try to nurture this growing recovery, one of the ways we take on that debt and deficit is by having a growing economy.

But I also believe it is terribly important that we show progress on this issue. Our national debt now exceeds $15 trillion. Every day that we fail to act, we add $4 billion to that total. None of this becomes self-correcting. It will not correct itself until and unless we act.

I, for one, believe there is no action this body could take that would be more stimulative to our economy, that would be a better jobs program, that would do more to restore the trust of the business community and the public than to show bipartisan collaboration and cooperation on a long-term debt and deficit deal. So let me share with my colleagues the five reasons I will be voting against the conference report tomorrow.

First and foremost, the payroll tax cut that has been proposed isn't being paid for. It will add $100 billion to the debt.

Second, I think the compromise that has been put together turns some of our traditional policies on their head. By taking this action of saying tax cuts somehow don't have to be paid for, we are advancing a policy I believe will come back to haunt us later this year when the Bush tax cuts expire.

As a matter of fact, while I have only been a Member of this body for 3 years, I know it has been a tradition that in moments of economic crisis, the Congress will sometimes extend unemployment benefits, particularly for those States that have been hardest hit. In those moments of crisis, the unemployment benefits sometimes go unpaid for. Well, in the compromise in this conference report, we turn that policy on its head in that there was a requirement to pay for the extension of unemployment benefits but no requirement to pay for the $100 billion of additional debt taken on by the payroll tax cut.

I know in this body, as we have had debates about debt and deficits and economics, we have discussed the economic theories of a whole host of thinkers and economists—John Maynard Keynes, Frederick Von Hayek, Milton Friedman, Paul Krugman. I somehow feel as though this conference report we will be voting on tomorrow may reflect the thinking of a more obscure individual, but someone I recall as a child growing up, and that was Wimpy, who was a cartoon character—Popeye's hungry pal. Wimpy used to always say, ''I will gladly pay you Tuesday for a hamburger today.''

Well, it seems on this economic policy we are talking about today, of deferring payment for this payroll tax policy, that Wimpy once again has won out.

Let me cite the third reason I will be voting against the conference report tomorrow. As I acknowledged at the beginning of my comments, I believe extension of the payroll tax holiday makes sense in this recovery, but it just needs to be paid for. So I could have very easily supported a number of the proposals put forward by my colleagues on the Democratic side, including a 1-percent increase of the taxes on those of us who make more than $1 million a year—a defined benefit for the defined pay-for.

If we couldn't breach the gap on that, I could have looked at means-testing the payroll tax holiday.

If we are trying to make sure these dollars get into the economy as quickly as possible over this coming year, then clearly a payroll tax holiday for folks who make less than $150,000 a year or $250,000 a year or $500,000 a year or $1 million or less a year—it didn't make sense to say that regardless of one's income. This payroll tax holiday—going to folks like me, who are doing pretty well—is not going to have a stimulative effect, I just don't think economic theory bears that out. So if we had paid for this or put some restraints on it, I would have been happy to support this conference report.

The fourth reason I can't support the conference report is because I am concerned this payroll tax holiday—which goes into the Social Security trust fund, is supposed to end at the end of this year. But we have no metrics placed on it. It scares me greatly that we will approach the end of the year and there will be some other reason it needs to be extended again.

I believe we should have put in place a requirement that this payroll tax holiday would start to ratchet back if we continued to see growth in the economy—perhaps ratcheted back one-third if we had seen GDP growth for the next 3 months or employment growth for the next 3 months, ratcheted back another one-third, ratcheted back another one-third—so we wouldn't have the cliff effect that is being proposed at the end of the year, again, a cliff effect that will come at the same time as the end of the Bush tax cuts, the imposition of the so-called $1.2 trillion sequester cuts, and the proverbial train wreck that is already being talked about.

So while I believe this payroll tax holiday is important, the price, the fact we are not paying for it, the fact we have put no restrictions or parameters around it and the fact that there's no guarantee it will actually expire because we have no metrics of how much economic progress we need to have before it expires are reasons I will be voting no.

Let me raise one other concern I have about the conference report. This

is one more example of particularly our colleagues in the House saying the first place they go for any pay-for for any project seems to be our Federal workers—the same Federal workers, close to 2 million strong, who keep our streets safe, make sure we get those Social Security checks, try to take out terrorists, drug dealers, you name it. They are the same Federal workers who have had their pay frozen for the last 2 years and who have had to endure the prospects of two or three potential shutdowns over the last year and a half. To say we are going to come back to the well time after time on this group I don't think is fair or right.

As someone who has looked at the Federal pay and benefits, when we get to that issue of a comprehensive tax reform, entitlement reform, big deficit deal, all these items will need to be reviewed. But the notion the first place to come back to for any pay-for is our Federal employees, to me, doesn't seem fair nor does it seem right. So for these five reasons, I will reluctantly be voting against the conference report tomorrow. I believe it was, again, in the context of the debt and deficit particularly, Will Rogers who said: When you find yourself in a hole and you want to get out, stop digging. Well, in some small way, by voting no tomorrow, I hope I will send a signal that I—and I hope others will join me—will stop digging.

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

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum?

Mr. WARNER. I will.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S.J. Res. 36 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

Mr. BENNET. Mr. President, I am here on the floor today to talk a little bit about our economy and something that I think is very important that has been left unaddressed in this payroll tax compromise that I think is a real tragedy for our country and for my State, the State of Colorado, and, most importantly, for people who are suffering through this incredibly difficult economy.

It is not well understood by people—I think maybe even in this Chamber—that our country's gross domestic product—the economic output of our country—is actually higher today than it was before we went into this recession. We saw it rising all the way in the 1990s and 2000s, and then we had the worst recession since the Great Depression. Now we are seeing economic output that is actually at a level that is higher than it was before we went into the recession.

Our productivity is higher today than it has been at any time in the history of the United States of America. It has become fashionable to talk about what has happened or not happened since the founding of our country. Since the founding of our country, our economy has never been more productive than it is today, and there are several reasons for that. Competition from abroad that has become a daily occurrence—something we have to fight hard every day to stay ahead of—has driven productivity. That is a good result. Technology has driven productivity. That is a good result. And the recession itself drove productivity straight up. As our business men and women of this country did what they had to do to get through this incredibly tough economic time to keep their businesses alive, to keep their doors open, to keep a promise to the next generation of Americans, productivity went ever skyward. That is a good result. That is progress. And we are only going to become more productive over time as we face competitive threats from around the world.

But we can see what else has happened over this period of time. Median family income has fallen over the last decade for the first time in our country's history. The middle class is earning less today in real dollars than in the early 1990s. And, as the President knows, we are producing this economic output with 23 or 24 million people who today are unemployed or underemployed in this economy. There are no jobs for these Americans in this economy even though our output is as high as it was before we went into this recession.

There are a lot of people smarter than I am who could figure out the answers to this, but there are at least two big ones we have to keep in mind. The first one is education because the worst the unemployment rate ever got for people with a college degree during this recession was 4.5 percent. That is the worst it got for people who had a college degree, who could compete in the 21st century, even in the worst recession since the Great Depression.

As I have said on the floor of this Chamber that has 100 seats, 100 desks, if we were poor children living in the United States of America today, only 9 of these 100 seats would represent college graduates because 91 of 100 poor children in the United States in the 21st century cannot get access to a college degree. So that is job No. 1, to keep a promise to the next generation of Americans.

I think job No. 2 needs to be driving innovation and job growth in this economy, which is what has brought me to the floor today because we are failing in this package, among other things, to extend the wind production tax credit which cuts right to the core of whether and how we want to compete in the 21st century in this global economy.

For people here or elsewhere who think these jobs aren't real in the wind industry, I brought some pictures. I brought some pictures of a manufacturing plant made in America—made in America—in this case, in Brighton, CO—a manufacturing plant, the towers from which wind turbines are going to be hung, driving electricity and jobs in the United States. So we are not talking about some fly-by-night, experimental industry. This credit has triggered enormous economic growth in Colorado and across the country.

Congressman STEVE KING, a Republican from Iowa, wrote today in an op-ed that he published that ''the production tax credit has driven as much as $20 billion in private investing.'' This isn't some Bolshevik trick, some Socialist trick; it is $20 billion in private investment in real American manufacturing jobs.

Wind power accounts for more than one-third of all new U.S. electric generation in recent years. In Colorado alone, I can tell you it has created 6,000 jobs in my State. It has moved our State toward a more diversified and cleaner energy portfolio, so that Colorado today is a leader among the 50 States in diversifying our portfolio.

Let's be clear. We have oil and we have coal and we have natural gas. We have abundant wind and abundant sun and entrepreneurial horsepower all across the Front Range. What we don't have is Washington's cooperation. What we don't have is the decency of people coming together and doing better than just keeping the flickering lights on in this place.

It is because they can't get any certainty out of Washington that developers and manufacturers are starting layoffs already in anticipation of the credit expiring at the end of this year. This is the result of nothing other than our political dysfunction in Washington.

Vestas, which has a huge manufacturing footprint in Colorado—from Windsor all the way south to Pueblo—is poised to lay off 1,600 workers if we fail to act. Iberdrola Renewables, also doing business in Colorado, has already laid off 50 employees for no reason other than our inability to get our work done. Nationally, 37,000 jobs are at risk, not to mention the ones we could have created after 2012 but won't if we let this credit expire.

I brought a couple of other pictures just to make sure people know this is distributed all over the United States.

This is Pennsylvania and Texas.

I know I sound like a broken record when I say this because I have said it over and over on this floor, but we should not be confused that the rest of the world is somehow waiting for us to get our act together, that they are somehow waiting for us to cure our politics and do something that will actually solve those curves that I mentioned earlier and put Americans back to work manufacturing in jobs that are actually driving middle-class family

income up, rather than down, which is what we are doing today.

Our largest single export from the United States of America is aircraft. We export $30 billion a year. China's export of solar panels last year was $15 billion—half our largest single export. They didn't export one solar panel 10 years ago, and we invented the technology here in the United States. In fact, some of us believe we invented that technology in the State of Colorado. I am sure the Chinese would love to have this business as well. And my concern is not that this is a temporary interruption in our wind industry but that this will become a permanent shutdown of our ability to drive economic growth across the United States. This is a perfect example of an industry that can move this employment level back up, an industry that we don't have today, one that is in its infancy but 50 years from now or 20 years from now may be driving significant employment growth across the United States of America. This is an industry that, by the way, would drive this curve up as well.

I met a young man in Logan County not long ago. He was working—he was giving me a tour on the top of a wind turbine. I was standing on the very top of the box. It was about 10,000 feet in the air—or it felt that way to me. I was wearing the shoes I am wearing right now on the floor of the Senate, which is not what you should wear when you are on the top of a wind turbine, swaying in the wind. He told me he would be unable to live in his home community and raise his family in his home community if it had not been for that job, a job he could not even have imagined there being 5 years ago. And there it is today.

These are high-quality, high-paying jobs in the United States of America. It would seem to me the Congress ought to figure out a way to support these industries. I actually do not believe any of these kinds of credits should be permanent. I want to be clear about that. I think we would be doing ourselves and the country a service if we designed them in a way that phased them out over time, because at a certain point every business has to sink or swim based on its merits. We are ''this close'' to being there with wind production and we are ''this close'' to turning it over to the rest of the world.

This is not a partisan issue. This is not a partisan issue. Last week Republicans and Democrats from the Colorado delegation came together in the House and the Senate to urge a quick extension as part of the payroll deal. I know my colleagues Senators HARKIN and GRASSLEY did the same with the delegation from Iowa.

I ask unanimous consent to have those letters printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, February 7, 2012.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen Building, Washington, DC.

Hon. DAVE CAMP,
Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND CHAIRMAN CAMP: The undersigned Members of the Colorado delegation urgently request inclusion of a provision to extend the wind energy production tax credit (PTC) as your conference negotiates the payroll tax reduction package. In passing this extension, we would urge the conference committee to include a pay for as well.

The PTC has been very effective in facilitating new market penetration of wind energy and moving us toward a more diversified and cleaner energy portfolio. A delay in this extension would do enormous damage to that progress. Since its inception, the wind PTC has driven economic growth across the nation, including substantial growth in Colorado. Our state is a wind energy leader, currently generating the third highest percentage of power from wind of any state in the nation. Colorado is home to several major wind energy developers and wind turbine manufacturing facilities, employing upwards of 6,000 workers statewide. We're also home to the National Renewable Energy Laboratory (NREL), a critical government lab and the world's premier renewable energy research facility.

Unless the wind PTC is renewed in the first quarter of this year, new wind energy development projects and the thousands of jobs associated with those projects are predicted to drop off precipitously after 2012. This dire situation will be especially pronounced in Colorado, where we manufacture many of the components for wind turbines. Wind-related manufacturing workers will be the first to lose their jobs as developers stop ordering turbines for installation after the PTC ends. Companies with a footprint in Colorado have already started layoffs and several thousand Colorado jobs could be lost if the PTC isn't extended in the near future.

While the PTC is vital to the near-term future of wind energy production in Colorado and across the nation, the credit should not exist in perpetuity, particularly as the wind industry matures. Following a prompt extension, we believe that Congress should engage in a broader conversation about an incremental phase-down of the credit over the long-term.

In a difficult economy, with thousands of high-quality jobs at stake across our state and the entire country, we urge the Conference Committee to extend the wind PTC as part of your upcoming package.

Sincerely,

MICHAEL F. BENNET.
MARK UDALL.
DIANA DEGETTE.
ED PERLMUTTER.
JARED POLIS.
CORY GARDNER.
SCOTT R. TIPTON.
MIKE COFFMAN.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 8, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

Hon. Speaker JOHN BOEHNER,
Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

Hon. DAVID CAMP,
Chairman, Conference Committee on H.R. 3630, House of Representatives, Washington, DC.

Hon. MAX BAUCUS,
Co-Chairman, Conference Committee on H.R. 3630, U.S. Senate, Washington, DC.

DEAR LEADER REID, LEADER MCCONNELL, SPEAKER BOEHNER, REPRESENTATIVE PELOSI, REPRESENTATIVE CAMP, SENATOR BAUCUS, AND MEMBERS OF THE CONFERENCE COMMITTEE ON H.R. 3630: The undersigned Members of the Iowa delegation respectfully urge you to include a short term Production Tax Credit (PTC) extension for wind energy as part of any payroll tax cut extension you are currently negotiating.

Our state and the whole nation have benefited tremendously from the economic development, new manufacturing jobs, and increased domestic energy supply that wind energy has provided. And the PIC has been a major factor behind this success. Iowa is now receiving 20% of our electricity from wind at stable and dependable rates. There are over 215 wind related businesses operating in 55 counties across our state, employing over 5000 people. While Iowa has been a leader, we are seeing these results multiplying across the country.

However, with the PTC for wind due to expire at the end of 2012, the expansion, jobs and manufacturing of the industry is put in serious jeopardy—not just in Iowa, but across the country. We must provide some certainty to allow this industry to keep growing. If the PTC is not extended immediately, our communities back home stand to lose thousands of jobs, manufacturing, infrastructure and private investment. The manufacturing workers, in particular, are the first to lose their jobs as developers have already stopped ordering turbines for installation after 2012 because of uncertainty about the continuation of the credit.

Clearly, no energy incentive should be in place forever, but now is not the time to pull the rug out from under the wind energy industry, as it is putting in place the domestic manufacturing, the private investment and the technological advancements that will allow it to prosper without the PTC in the near future. We appreciate your consideration of our request to include language in the upcoming payroll tax cut legislation to immediately extend the wind energy PTC.

Sincerely,

SENATOR TOM HARKIN.
SENATOR CHARLES GRASSLEY.
REPRESENTATIVE BRUCE BRALEY.
REPRESENTATIVE TOM LATHAM.
REPRESENTATIVE DAVE LOEBSACK.
REPRESENTATIVE LEONARD BOSWELL.
REPRESENTATIVE STEVE KING.

Mr. BENNET. As I recall, Senator GRASSLEY actually was the one who wrote this to begin with. We have also recently filed an amendment, a bipartisan, fully paid for, 1-year extension of the credit to the surface transportation

bill. I thank Senator MORAN, a Republican from Kansas, for joining me to lead on that amendment.

There is plenty of support out there for us to get this done. More important than that, if we do not act, there are thousands of people who are going to have to go home to their families and say they were laid off from their job for no reason other than the political dysfunction here in Washington, DC.

I think enough is enough. I cannot tell you how much I look forward to a time when we have a thoughtful, bipartisan, fact-based tax reform in this country; when we are thinking about our Tax Code and our regulatory code and asking ourselves: Are we driving job growth here in the United States with these policies? Are we driving up middle-class family income with these policies? Are we addressing the income inequality gap by having an economy that truly does lift all ships and, as the President would make the point, are we dealing with the fiscal challenges this country faces so we do not strap our kids with this mountain of debt?

I know there are people on both sides of the aisle who are anxious to work on this, but we have failed that test in this compromise measure. It is my hope that at some point in the near future we can get a vote on this amendment, Senator MORAN's amendment, and we can put Americans back to work in these industries before we lose them forever.

Mr. TOOMEY. Mr. President, I rise today to speak about an important reimbursement issue that impacts the lives of millions of Medicare beneficiaries and providers. The sustainable growth rate, SGR, originally implemented in 1997 through the Balanced Budget Act, was intended to constrain overall Medicare spending growth in physician services. However, since 2002, actual expenditures for physician services have exceeded allowed targets, yielding negative updates in prospective years. As a result, Congress intervened 13 times to preempt a physician payment cut. In doing so, they failed to address the underlying issue and sustained a flawed reimbursement mechanism. With each year that passes, the cost of 'fixing' the SGR grows, amounting to an albatross of several hundred billion dollars. Consequently, on March 1, 2012, Medicare physicians will face a 27.4 percent cut to their reimbursement. Our budget baseline perpetuates an illusory premise that these cuts will occur. However, it's widely acknowledged that if implemented, these cuts would have a debilitative effect on medical practices and Medicare beneficiaries.

As Congress looks to yet again preempt a physician payment cut, I believe it is imperative that we identify a viable pathway to replacing the SGR. We can begin by utilizing Overseas Contingency Operations, OCO, funding to pay for the $195 billion in accrued SGR retrospective debt. OCO funds, deemed to be budgetary savings from the drawdown of military engagement in Iraq and Afghanistan, can be appropriately reallocated against accrued SGR debt that will not be collected. This would not constitute new spending, but rather amount to a down payment on an SGR fix. I urge conferees to give strong consideration to utilizing OCO funding to offset SGR's retrospective debt. It's time that Congress use honest budgeting and provide Pennsylvania's 2.2 million Medicare beneficiaries and 155,776 employees of medical practices, with some certainty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, are we in morning business or do I have to ask consent to speak as in morning business?

The PRESIDING OFFICER. The Senate is on the bill.

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

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

RECESS APPOINTMENTS

Mr. WICKER. Mr. President, I came to the floor previously to speak about President Obama's unconstitutional appointments of Richard Cordray as Director of the Consumer Financial Protection Bureau and of three new members to the National Labor Relations Board. I spoke about why this blatant overstep of executive authority violates the President's right to make recess appointments under article II, section 2 of the Constitution. I described its unequivocal reversal of years of precedent which the Obama Justice Department's Office of Legal Council has since defended, essentially stating that pro forma sessions no longer matter.

This issue is far from over. We cannot allow it simply to go away and the illegal appointments must eventually be set aside.

The 23-page Justice Department opinion, written by Assistant Attorney General Virginia A. Seitz, wrongly advises that, despite the convening of pro forma sessions, the President ''has discretion to conclude that the Senate is unavailable to perform its advise-and-consent function and to exercise his power to make recess appointments.'' Under this misguided opinion, the Obama administration is suggesting that the executive branch—not Congress—can determine when the legislative branch is in session. The egregious overreach undermines the checks and balances at the very heart of our Constitution.

I am deeply concerned that this presumptuous action by the President poses profound and dangerous implications. As others have suggested, President Obama's abuse of his recess appointment power could lead to unilateral ''recess'' appointments anytime, such as during lunch or in the middle of the night. This is not that far fetched.

As I said before, it is my hope that both parties will rise to defend the separated powers our Founders put in place to prevent tyranny and the misuse of authority.

It is worth repeating that the controversy surrounding the President's non-recess appointments has nothing to do with the personal character of Mr. Cordray or of those named to the National Labor Relations Board. Nor is the debate over appointments when the Senate is in recess. What the President has done transcends party issues and ideological divides.

A day after the appointments were made, former attorney general Edwin Meese III and former Office of Legal Counsel lawyer Todd Gaziano wrote in the Washington Post that President Obama's move is ''a constitutional abuse of a high order.'' It challenges 225 years of executive practice.

The Constitution is very clear in its delegation of powers. It explicitly grants the Senate the exclusive responsibility to give ''advice and consent'' on treaties and nominations. It endows the President with the right to fill vacancies when the Senate is not in session—a provision conceived by the Framers as a way to keep the government operational when the ability of Senators to communicate with the executive branch and travel back to the Capitol took much longer than today.

Of course, it is disappointing that President Obama has dismissed the will of the Senate, which rejected Mr. Cordray's nomination in December.

But never before has a President assumed the authority to issue recess appointments when the Senate is not in recess. In doing so, the President is violating the Constitution plain and simple, and invalidating the legitimacy of his appointees. It stands to reason that any decisions of the CFPB or NLRB will be subject to the same shroud of unconstitutionality and legal contest.

The Constitution and nearly a century of legal opinion provide a solid basis for determining the parameters of what qualifies as a legislative ''recess,'' which is required for the President to invoke his appointment privileges.

Under Article section 5, clause 4 of the Constitution, the House of Representatives must grant its consent in order for the Senate to adjourn longer than 3 days. The Senate must do the same for the House.

It is an undisputed fact that the House of Representatives did not give this chamber that consent and, in keeping with the Constitution, this Senate did not adjourn for more than 3 days.

The President's claim that a brief adjournment can be called a ''recess'' goes against 90 years of legal opinion. In 1921, President Harding's Attorney General Harry M. Daugherty had this to say about what defines a recess: ''[N]o one, I venture to say, would for a moment contend that the Senate is not in session when an adjournment [of two days] is taken. Nor do I think an adjournment for 5 or even 10 days can be

said to constitute the recess intended by the Constitution.''

Since then, Attorneys General and Presidents of both parties have agreed that at least 10 days should pass before a recess is acknowledged.

And yet, as we are aware, there were not 10 days of adjournment when President Obama made his four appointments. We were holding pro forma sessions—proceeding just as the Senate did in 2007, when Majority Leader REID wanted to block President Bush from making recess appointments—and succeeded in doing so. As Edwin Meese and Todd Gaziano acknowledged in their op-ed, ''Reid was right, whether or not his tactics were justified.''

Michael McConnell, a former Federal judge and director of the Constitutional Law Center at Stanford Law School, came to the same conclusion. Last month, he wrote in the Wall Street Journal:

> Several years ago—under the leadership of Harry Reid and with the vote of then-Sen. Obama—the Senate adopted a practice of holding pro forma sessions every three days during its holidays with the expressed purpose of preventing President George W. Bush from making recess appointments during intrasession adjournments. This administration must think the rules made to hamstring President Bush do not apply to President Obama. But an essential bedrock of any functioning democratic republic is that the same rules apply regardless of who holds office.

It is appalling that the Obama administration would call into question the entire legitimacy of pro forma sessions when, less than two weeks before the appointments, the President signed into law the payroll tax extension that the Senate had passed in such a session.

What makes the business conducted during the pro forma session on Dec. 23 any different from the pro forma sessions that came just days after? Based on this case, it appears the validity of a Senate session is subject to the President's whim. He signs legislation passed in one pro forma session. He concludes that another pro forma session did not exist at all.

In the same op-ed to the Washington Post, Edwin Meese and Todd Gaziano concluded:

> If Congress does not resist, the injury is not just to its branch but ultimately to the people. [And that is what is important.] James Madison made clear that the separation of powers was not to protect government officials' power for their sake but as a vital check on behalf of individual liberty.

Indeed, the forefathers of this country were candid about the crucial link between the separation of powers and freedom itself.

As Madison wrote in essay No. 48 of The Federalist:

> It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respective powers. It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

As elected public servants, we are bound by our oath of office to uphold and preserve the principles of the Constitution.

To do that, we must guard the sanctity of the decisions made and privileges held by this chamber. Our government's separation of powers is not an antiquated idea but a timeless safeguard to liberty.

In 1985, Sen. Byrd, the Democratic Majority Leader from West Virginia, wrote in a letter to President Reagan:

> Recess appointments should be limited to circumstances when the Senate, by reason of a protracted recess, is incapable of confirming a vitally needed public officer. Any other interpretation of the Recess Appointments clause could be seen as a deliberate effort to circumvent the Constitutional responsibility of the Senate to advise and consent to such appointments.

Where are the Robert Byrds today?

Those who served before us provided precedent and wisdom to address our problems today. They defended the constitutional duties we are now entrusted to protect. Is there not one Democratic Senator who will step forward to defend the constitutional principle of separation of powers?

The President has made no secret of his contempt for Congress in recent months. His campaign rhetoric is heavy with ''do-nothing'' accusations.

The President is certainly free to engage in election-year hyperbole. But he is not free to overstep the constitutional limits of his office. I can think of a number of other priorities demanding our undivided attention right now—fixing the economy and putting Americans back to work are top among them. Yet in order to address these challenges, we need a working relationship between the legislative and executive branches. The President's power grab undermines the very constitutional foundation of this relationship.

I urge Members from both sides of the aisle to call for President Obama to rescind these appointments. Regardless of our party allegiances, we are united by a pledge to serve the American people. That is what motivated Robert Byrd earlier, and it is what ought to motivate us today. Keeping that promise means standing for the sanctity of our country's founding document and the integrity of this institution.

I thank the Chair.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I wish to take the time now to talk about the conference report that has been filed in regard to the extension of the payroll tax holiday, the Medicare physician issues so our seniors can continue to have access to their doctors, and the extension of the unemployment insurance.

I was appointed to that conference, and the conference has been meeting now for the better part of the last 6 to 8 weeks. We were able to reach an agreement that was filed. I first wish to compliment Senator BAUCUS, the Senate chair of the conference committee. There was a real effort made that this conference would operate the way a conference should operate; that is, the House and Senate Members meeting, discussing the differences between the two bodies and trying to reconcile their differences in a somewhat open process. We had several open discussions where we talked about some of the issues.

Each Member of the conference had a chance to express themselves on the issues, and we had a good exchange. I think during that exchange we were able to reach some consensus. Almost immediately we reached a consensus that all of us wanted to make sure the payroll tax holiday was extended. The payroll tax holiday provides tax relief for 160 million Americans. This is not the time for paychecks to actually go down for American workers. We are trying to build a confidence in the workplace, in the marketplace. The more money in the paychecks allows people the opportunity to be better consumers, helping to create jobs.

There was general consensus that we needed to extend the unemployment insurance, that we are still in the recovery where unemployment rates are so high that it is important we use this countercyclical program to help people but to also build our economy. It helps create jobs, again having more money available for the consumers to help our small businesses and to help our economy.

Lastly, we all understood we could not allow a 27-percent cut in Medicare rates for physicians, that that would deny many of our seniors access to health care. So very early in the conference process we reached consensus that those three issues should be extended, at least through the end of this calendar year. For the payroll tax holiday, that was our understanding, to extend it through the end of the year.

We know the Medicare issues need to be extended for a longer period of time. We worked together. I thought it was very important that we allow the full Senate, the full House to consider that conference report. We have had too much gridlock. We have had too much of individual Members trying to block the consideration of important legislation, particularly in the Senate. So I think it is very important that we were able to bring this issue to the full Senate, and we are going to have, I hope, a good debate, and sometime tomorrow we are going to have a chance to vote

on whether to accept the conference report.

There is some good news. I do applaud again Senator BAUCUS and my colleagues Senator CASEY and Senator REED on the work that was done by the Democrats on the committee. We took a very strong position against adding these extraneous positions that came over from the House, the so-called Boiler MACT, which was a provision that would have affected the health of people in our community. There is no question that if we would have accepted the House position, it would have weakened our Clean Air Act, it would have led to more premature deaths, more hospital admissions, more lost days from work. The cost-benefit ratio of this rule is well documented, that it will help our economy, help save the health and workdays for American workers.

We also removed a provision from the House bill that dealt with the Keystone issue. This has to go through a regular regulatory process. It should have no place in this conference. We were able to remove that provision.

On the unemployment insurance front, let me mention that we were able to reserve the extension of unemployment insurance benefits. Under the current law, there is a maximum available of 99 weeks. Let me remind my colleagues that because of the way the extended benefit program is calculated, that at least in my State by April, those 20 weeks are likely to be not available for new people who become unemployed, and throughout the rest of our Nation, we are finding that extended benefit program will not be providing those extra weeks.

So the conference committee recommendation is to try to use better triggers as it relates to the different tiers of benefits in the extended benefit program, so the high unemployment States have a greater number of weeks than those States that are doing better and to transition us to a more regular unemployment system as we go through the year.

In regard to the Medicare provisions in this bill, we were able not only to extend the sustainable growth rate, the SGR system, so we do not get the automatic cuts that would occur against physicians, we were able to extend that through the end of the year. But we also extended the therapy caps. If we did not do that, those who are the victims of stroke or who have had a hip replacement would have run into an arbitrary cap which would provide them the therapy they need for their recovery. We were able to get that done.

On the payroll tax, as I said earlier, there was an agreement we would extend that. The payroll tax is all about helping 160 million Americans. It is about creating jobs.

That is where we were able to come to an agreement that I think was in the best interest of the conference. Let me talk about some serious problems I have with the conference report. It deals with how we decided to fund or offset the cost of unemployment insurance extensions. Let me remind my colleagues that this is a short-term extension, where we are phasing out the extra benefits through the end of this year. It is calculated to cost about $30 billion. Historically, we have extended unemployment insurance benefits during tough economic times without having offsets.

Why? Because unemployment insurance is countercyclical. It is there to help people during tough times. During good times we pay money into the system. We are trying to put more money into the economy. It does not make sense to take money out of the economy when we are trying to create jobs and get our economy back on track.

Unfortunately, that principle was violated in this conference report. The $30 billion is offset. Let me compare that to the payroll tax holiday, which is $100 billion, which many of us think should be offset, which is not offset. As you know, we came in with recommendations where we could fairly offset the extension of the payroll tax holiday without adversely affecting our economy. We had suggested we would have a surtax on income, exempting $1 million of taxable income from the surtax—a little bit of fairness in our Tax Code—in order to make sure we do not add to the deficit, do not hurt the economy but allow middle-income taxpayers to continue to get their tax relief.

To me, that would have been the responsible thing for us to do. But we do not do that in this conference. Instead, we did not pay for the $100 billion for extending the payroll tax, but we paid for the unemployment insurance benefits, $30 billion, which I would suggest is an emergency. That truly is a matter that historically we have not paid for.

All right. Here is the problem. In order to pay for that $30 billion, we picked on our Federal workforce. I tell you, I find that wrong. We put a provision in this bill that will require new Federal employees, those who start work after January of 2013, to pay more for their defined retirement benefit. That is how we funded about half the cost of extending the unemployment insurance. I think that is wrong.

Let me also say that the extension of the unemployment benefits is temporary—only until the end of this year. The extra costs for the retirement benefits are permanent. It stays in the law. That doesn't seem like a good deal for what we are trying to do.

We also are saying that one group of workers, and only one group, makes a contribution toward this. These are middle-income workers who will be paying for this, a large part of the unemployment insurance cost. I don't think that is right. I don't think we should have done that.

Let me also point out, as we talk about the Federal workforce, that the additional cost the new workers will pay will be 2.3 percent of their payroll, which will go to a retirement trust fund that is already fully funded. So this is not to address a problem with the funding of the retirement plans for our Federal employees; I think this is strictly a punitive hit at the Federal workforce.

Public servants have already given $60 billion toward deficit reduction in the form of a 2-year pay freeze and will give at least another $30 billion if the base pay adjustment for 2013 is .5 percent instead of the 1.2 percent, which is what the adjustment should be under the Federal Employees Pay Comparability Act. Add it all together, and present and future Federal workers are providing over $100 billion in deficit reduction. That is $100 billion in deficit reduction coming out of our Federal workforce. Yet the Republicans continue to defend the most affluent Americans who won't pay one extra penny for funding this payroll tax package. I don't think that is right, I don't think that is fair, and I don't think we should have done it in that manner.

Now, I want to say some positive things. You can always look at things and say it could have been a lot worse. And that is true, it could have been a lot worse. When you look at the House bill that included these provisions, it included a pay freeze for our Federal workers. That is not in this. We got that out.

I worked very hard with my colleague, Congressman CHRIS VAN HOLLEN from Maryland. We worked together. In the original package, all Federal workers would have had to pay more, including current Federal workers. This package does not affect current Federal workers. They will not have to pay extra for their pension plans. That is fair. When they signed up as a Federal employee, they knew what the ground rules were and they knew what the pension contributions would have to be and what the benefits were. It is right that we live up to that commitment. So this agreement will not affect current workers. Their pension contributions will remain the same.

The bill that came over to us from the House also reduced pension benefits. We took that out of the bill. That is not in the bill. And the rate they would have had new hires pay is higher than what we agreed to in this package.

Congressman VAN HOLLEN and I worked very hard to try to accommodate the parameters of the conference and what was being required of our Federal workforce in a way that it would not penalize our existing workers and would not be anywhere near as punitive as the provisions that were put in the House bill. So we are at least grateful that the conference includes that, but I can't help but be disappointed that the unemployment insurance is being financed at least in half by a permanent change in the contribution rates to defined benefit plans

by those who join the Federal workforce after January 1, 2013. They are the only ones who are affected by that proposal.

Let me conclude by saying that we all should be pleased that the conference worked, that we took a difficult issue in which there are strong fundamental differences between the House and the Senate and we were able to come to an agreement to at least be presented to the Members of the House and Senate for an up-or-down vote where each of us can make our own judgment as to whether we think this is the right package for the American people. I might have a different view than the Presiding Officer, and we will both be able to express our views by our votes tomorrow.

I hope that process will be used to get more work done for the American people. They want us to work together. They want Democrats and Republicans to say: OK, we know we differ on issues. Now let's get together and get things done.

We have the Transportation bill that is on the floor and that we are talking about today. That Transportation bill should end up on the President's desk. That Transportation bill came out of our committees with bipartisan votes. So now let's not clutter that bill with issues that will divide us. Let's work in the spirit the conference committee did—a committee on which I was privileged to serve—and try to keep it relevant to the issues at hand so that at the end of the day we can not only pass the Transportation bill in the Senate, but we can get it passed in the House of Representatives—or work out our differences—and get it to the President for his signature. That bill will create jobs.

By the way, I think the American people will applaud us for moving forward with the people's business. That is what we need to do. If we could get that bill done, maybe—just maybe—we can get other issues done.

I have talked to my Republican colleagues, and they all agree we can't allow sequestration to take place. That is these automatic cuts, if we can't do another $1.2 trillion of deficit reduction over the 10 years. We should be able to get that done. We shouldn't have to wait until after the November elections. Let's take a lesson from the conference committee on which I served. Let's sit down and work out our differences and not just say ''it has to be my way or it is not going to get done.'' That is what is in the best interests of the Senate, and that is in the best interests of our Nation.

I hope we will have a robust debate on the conference report. I hope each Member will have an opportunity to review it, and at the end of the day we will have a chance to see how the votes turn out. Again, I am sorry I have certain reservations about it, and I needed to express them, but, quite frankly, I think we need to stand for our Federal workforce out there every day providing services to our people. Whether it is guarding our borders, whether it is finding the answers to the most dread diseases, whether it is helping us develop the technology that will make America competitive, or providing public safety as a correctional officer or helping us make sure we get our Social Security checks or get our disability checks, these are the people on the front lines. We are asking them to do more with less, and they deserve not just the respect of this body but they deserve our support.

Mr. President, 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.

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

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

Mr. INHOFE. I ask unanimous consent that I be recognized as in morning business.

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

(The remarks of Mr. INHOFE pertaining to the introduction of S.J. Res. 37 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business and would also ask unanimous consent that following my remarks, my colleague in this effort to fund transportation projects, Senator HOEVEN, follow me.

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

Mr. WYDEN. Mr. President, we all understand that our country faces an array of major economic challenges, and I made the judgment quite some time ago that it was simply impossible to have big league economic wealth with little league transportation systems. All across the country—I know the distinguished Presiding Officer has seen this in Minnesota, where he has been doing good work on infrastructure and bridges—we have seen this in every corner.

When the Senator from North Dakota came to the Senate, I had the good fortune to begin to have discussions with him with respect to some new ways to address the question of how to generate funds for the critical transportation work that needs to be done and to generate those funds in a fashion that would be acceptable to the American people.

I think we all understand that with this kind of an economy and with skyrocketing gasoline prices, it is not very likely that folks will be marching outside our Senate offices anytime soon carrying signs saying: Senator, please raise the gas tax; that is what I hope you will spend your time doing. So we have this challenge given the fact that the traditional system of funding transportation—user fees—of course, in a tough economy, is going to be hard to suggest as a route to generate additional funds.

So for quite some time I have been devoted to the cause of trying to find a way to secure the possibility of getting additional funds through transportation bonds. They, of course, have been used at a variety of levels of government, particularly State and local, over the years.

About 8 years ago, I put forward the first proposal for looking at paying for transportation projects with our former colleague, Senator Jim Talent, a Republican from Missouri, and we called them Build America Bonds. Senator Talent and I thought at that time that this was an opportunity to come up with a fresh and attractive way to pay for transportation projects. We sought to work with the private sector to find some way to use Federal tax credit bonding for these projects, and over the years Senator Talent and I were able to attract a number of Senators on both sides of the aisle for this cause. To give an idea of just how bipartisan this effort has been over the years, Senator THUNE, Senator VITTER, our former colleague Senator Dole, Senator COLLINS, Senator WICKER, and our former colleague Senator Coleman are just a few on the Republican side who were part of the effort. And on the Democratic side, Senator KLOBUCHAR, our former colleague Senator Dayton, Senator CARDIN, and Senator ROCKEFELLER have been just a few of those who have supported the bonding efforts.

In 2009 the Congress decided to test a version of Build America Bonds. In effect, as a member of the Senate Finance Committee, I had brought it up so many times with Chairman BAUCUS and Senator GRASSLEY, who was then the ranking member, I think the two of them said: Well, let's give this a try as part of the Recovery Act. In effect, it would essentially go from the middle of 2009 until the end of 2010.

Late in the evening, as Chairman BAUCUS and Senator GRASSLEY were working to put together the details on the Recovery Act, I was asked what I thought might be the results of the Build America Bonds program, and I said: Well, it is not going to last all that long. It is going to take the Internal Revenue Service a period of time to put together the rules. And I said: I am just making this up, but why don't we just estimate that it might generate $6 billion to $10 billion worth of transportation and infrastructure investments.

Everybody said: It is an experimental program, sounds promising, go ahead. Let's give it a try.

Well, between April 2009 and the end of the program at the end of 2010, there was more than $181 billion worth of Build America Bonds issued. It was just a little bit more than 18 times what was predicted.

You don't often have this kind of challenge, but, in effect, one of the issues we had to deal with was Build America Bonds became so popular that there was an effort to use them for a variety of other kinds of projects, many of them very laudable but they were not projects that focused specifically on transportation, and, of course, that was the original intent of Build America Bonds. Also, there was no cap on them. Nobody realized they would be so popular.

So there was a concern that this was more than colleagues on both sides of the aisle had bargained for.

We do want to note that the Treasury Department issued their final report on Build America Bonds earlier this year, and they said that Build America Bonds issuers saved well over $20 billion in borrowing costs on a present value basis as compared to tax-exempt bonds.

So clearly there was something to work with in terms of trying to take the next step, and when the Senator from North Dakota arrived here, I said: It would be great to have an opportunity to work with a partner and look specifically at trying to rebuild the concept of focusing specifically on transportation in a way that would generate a substantial amount of new revenue and would be acceptable to colleagues across the political spectrum and those who follow these issues.

As the Senator from North Dakota knows, we have now come up with a new approach called Transportation and Regional Infrastructure Project Bonds. Chairman BAUCUS and Senator HATCH have been good enough to include them in the finance title of this year's Transportation Funding Program, and we wanted to take a few minutes to talk a little bit about how this would work.

Given the fact that we have been able to attract a number of folks on the progressive side of the political spectrum—folks in labor, for example—Doug Holtz-Eakin has issued a very helpful paper that I hope will also bring conservatives to this cause. We have shared that paper with Senators on both sides of the aisle.

The way the TRIP bonds would work is, first, they are tax credit bonds created specifically for transportation projects. We would allow infrastructure banks that already exist in nearly every State to issue these bonds. This time we are looking to really focus on the States. The States are the primary vehicle for ensuring that these projects would have local support and would really meet the long-term needs the States have identified.

We would pay for the bonds with a sinking fund comprised of State matching contributions and Customs user fees. In the proposal that was accepted by the Finance Committee, we would cap the total amount of bonds issued at $50 billion, giving each State 2 percent of the total. In effect, what the Finance Committee has done is put a placeholder in their bill for us to go forward with this effort.

Each State would get at least $1 billion in bonds to issue on projects at their discretion. States can also band together to bond for larger projects or ones that would have the benefit of addressing a concern of States in a region. This would give the States the incentive and the ability to invest in their own transportation and does so in a way that leverages private investment and costs little to our government in lost revenue.

We would give private investors who show a willingness to help build our roads, bridges, and rail systems a tax credit for their commitment. What Build America Bonds taught us is that there is a real market out there, and what we would like to do is look at a different approach now, focusing on the States, focusing on an approach that would drive these projects, not in Washington, DC but at the local level.

The Joint Committee on Taxation has told us this is an approach that would produce a particularly good deal for American taxpayers.

We can get a transportation bill done. We can put folks back to work. But we are going to have to find a way to come up with more creative approaches to generate additional revenue. If we do not, I think we are going to continue to see, in every corner of the country, critically needed projects simply go unaddressed. We are going to continue to see traffic jams in areas of the country nobody could have even dreamt a traffic jam would be.

I hope Senators, as we go forward with this debate, particularly after the President's Day break, will join my colleagues. Senator BEGICH has been very supportive of this approach as well. We think this is an approach with a proven track record given what we saw with Build America Bonds. We believe this is a chance to take the lessons we learned from that experience and, by changing the focus so it zeros in more directly, one, on transportation, two, on the States, and looks to some creative features—it is possible, for example, for someone to strip the credit from the underlying bond and to sell the credit—so this provides a lot more flexibility in terms of finding a way to get the private sector into the transportation area.

I hope my colleagues, when we come back, will be supportive of this effort. It has won, as I have indicated, support from across the political spectrum.

I want to thank my partner from the State of North Dakota. I have very much enjoyed working with him both on the Energy Committee and on this issue. As a former Governor, I think he understands particularly well the role of the States in terms of infrastructure.

We will be talking to colleagues between now and the time the Transportation bill comes up, and I thank my friend from North Dakota for his support.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank my esteemed colleague from the great State of Oregon, Senator WYDEN, for his leadership on this important issue, for his work on the highway bill, and specifically for his work on the TRIP bonds, as he said, the Transportation and Regional Infrastructure Project bonds. It is a creative concept, and I think it is very timely.

Senator WYDEN approached me and said: As we are working on this highway bill, can we work together on this concept of something like a TRIP bond concept? I expressed my appreciation for his creativity and the offer to work together and said, one, I absolutely wanted to do it because it is so important to our country right now—we need the jobs, we need the economic activity, we need the infrastructure, that is clear—and, as the good Senator said, we have to be creative in figuring out how to do this.

I said: We are going to have to do it within the framework of making sure it is paid for and making sure it does not add to the deficit or the debt. He said: Agreed. And we went to work on it.

So this truly is bipartisan, and I thank him for taking the initiative and for all the work both and he his staff have put into what I think is a very creative idea and a real opportunity for us, as I say, in infrastructure and in job creation and economic activity for our country.

I also extend my thanks to two Members of the House of Representatives as well, both ED WHITFIELD, Congressman from Kentucky, Republican, and Congressman LEONARD BOSWELL, Democrat from the State of Iowa.

So in both the Senate and the House this has been a bipartisan effort. That is important because at the end of the day, if we are going to get this passed, that is what it is going to take, bipartisan support. So this is about addressing something that is vitally important: our infrastructure needs, job creation. It is something we pay for, so it does not increase the deficit or the debt, and it is absolutely bipartisan.

Again, as my esteemed colleague just mentioned, I bring a perspective as a Governor. We are talking about $25 billion in addition to the normal highway funding. So this is for projects in infrastructure that State departments of transportation and Governors—people at the State level, at the local level—decide what infrastructure projects need to be done, and they can then use

these funds accordingly. That is of tremendous value to them. Without exception, go across the States, ask any of the Governors or directors of transportation, and they will tell you: That is exactly the kind of funding we want and need to do the very best job for the people we serve in our respective States.

Mr. President, $25 billion—$10 billion the first year, $15 billion in year 2—will make an incredible difference for every single State in the country.

Now, the other thing to keep in mind is—Senator WYDEN went through for just a minute how we have structured the bonds—essentially, it results in a 4-to-1 leveraging of funds for every State. They put their dollars into the sinking fund. They select the projects. Then, on a project-by-project basis, they put forward dollars in the sinking fund, and we provide them a 4-to-1 match.

So, for example, $½ billion goes to a State. As they select projects, that $½ billion funds those projects. They put up $100 million as they select and advance those projects. For their $100 million, they are doing $500 million in projects.

Again, this is exactly what the States are looking for. This is exactly what they need to meet their infrastructure needs. Anyone driving around the country—whether it is in the District or anywhere else—is going to tell you: Look, we have to address our infrastructure needs. And this is absolutely something that will make a big difference in doing that.

Again, in addition to being truly a bipartisan effort, and a bicameral effort, at this point we have received tremendous support and encouragement from across the country and from truly a diverse range of groups—from labor, from business, from mayors, from county commissioners. It truly has not only bipartisan support but incredibly strong support across the country.

Just some of the various groups that have come out and already endorsed the project include the American Association of Road and Transportation Builders, the American Association of State Highway and Transportation Officials, the U.S. Chamber of Commerce, the American Highway Users Alliance, the Associated General Contractors of America, the International Union of Operating Engineers, the Labors' International Union of North America, the National Association of Manufacturers, and the American Society of Civil Engineers.

Again, mayors, commissioners—this truly has broad, strong support at the grassroots level. That is reflective of the fact that it is exactly the kind of project we need to advance.

So as we work on this highway bill, I see this as a tremendous opportunity—really an opportunity, and not just in terms of the infrastructure we so badly need but to put people to work in good jobs, in good-paying jobs. Think of the ramifications that has, the secondary ramifications that has for our economy right now. It is incredibly important. It makes a huge difference, and then we have the lasting infrastructure, we are meeting the lasting infrastructure needs of this country.

Before I yield the floor, just a final comment and that is to ask our colleagues to join us in this effort. If they have good ideas, we are absolutely open to those ideas. But this is a concept whose time has come. We need to make sure, as we work forward on this highway bill, we include the TRIP bonds as part of that package.

With that, I yield the floor back to my esteemed colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for just 2 additional minutes. I see our friend from Iowa is in the Chamber.

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

Mr. WYDEN. Mr. President, I thank my colleague from North Dakota for his statement. This is bipartisan. It is a bicameral effort. My colleague's point at the end, in terms of our being open to additional ideas and suggestions, is particularly appropriate.

What the challenge is going to be on this transportation issue for years to come is to try to find a way to generate the additional money for the work that needs to be done in a fashion that is acceptable to the American people. If it was so easy, everybody would be just ripping through one idea after another.

The two of us have spent many months trying to take the lessons we have learned from the Build America bonds effort to try to come up with a fresh approach, a fresh bipartisan approach, that would be acceptable to colleagues on both sides of the aisle. We think we have done it. We do not think this is the only way. We are certainly open to ideas and suggestions. But the model of trying to focus on the States, to build on the support we have from folks in business and labor unions, and a whole host of groups at the local level—mayors and county commissioners—strikes us as the way to go.

We are open to additional ideas and suggestions. Our staffs will be working all through this week, the period of the President's Day recess, to refine our proposal, to deal with the various issues related to scoring. But this is a genuinely new approach to generating revenue. It is bipartisan; it is bicameral, with the support of folks in labor and business. We hope colleagues will be supportive, and we are interested in their ideas and suggestions over this period between now and when we start voting on the Transportation bill.

So, again, I thank my friend from North Dakota. It has been great to work with him.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the cloture vote with respect to the Reid amendment No. 1633; that if cloture is invoked on the Reid amendment, the second-degree amendment be withdrawn, the Reid amendment be agreed to and the bill, as amended, be considered original text for the purposes of further amendment; that if cloture is not invoked, the motion to recommit and the Reid amendment No. 1633 be withdrawn; that immediately following the cloture vote and the actions listed above, depending on the result of the cloture vote, the Senate then proceed to executive session and the cloture motion on the Furman nomination be vitiated; that there be 2 minutes equally divided between the chair and ranking members of the Judiciary Committee prior to a vote on the confirmation of the Furman nomination; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; that following the vote on confirmation of the Furman nomination, the Senate then resume legislative session and the majority leader be recognized.

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

The Senator from Iowa is recognized.

PAYROLL TAX CONFERENCE REPORT

Mr. HARKIN. Mr. President, I come to the floor to state my vehement opposition to the agreement to extend the payroll tax cut and to slash the Public Health and Prevention Fund to help pay for the continuation of unemployment benefits.

Let me preface my remarks by stressing that the No. 1 priority in Washington today must be creating jobs, growing the economy, and restoring the middle class. In recent months, we have seen modestly good news on the jobs front, including the manufacturing sector, and we must do everything possible to keep our economy moving in the right direction.

To this end, nothing is more effective than continuing unemployment insurance benefits for those hardest hit by the great recession. Details on the unemployment insurance portion of this agreement are not available. But what I am hearing sounds less and less like a good or fair deal for workers.

Federal unemployment benefits will be dramatically scaled back over the year, especially in Iowa, my own State, and some other States in the Midwest. I do not understand that. It seems to me, if you are unemployed, you are unemployed. If you are out of work and your family needs help, I do not care whether you live in Iowa or Minnesota or New York or New Jersey or anywhere else.

The payroll tax provisions are also seriously flawed. This Congress will be making a grave mistake—a grave mistake—and reinforcing a dangerous precedent by extending the payroll tax cuts and adding another negative, without paying for it. I am dismayed that Democrats, including a Democratic President and a Democratic Vice President, have proposed this and are willing to sign off on a deal that could begin the unraveling of Social Security.

Two of the critical strengths of Social Security are that it is universal and it is self-funded. Not one dollar in benefits ever came from any source other than the payroll tax on future Social Security beneficiaries. Moreover, the program has never contributed even one dime to the deficit or the national debt. How often have we, those who support Social Security in its entirety—how many times have we come to this floor and argued against those who would invade Social Security and say, well, we have to reduce the deficit, so we will cut Social Security. What do we say, with all honesty, with all the evidence backing us up? Social Security has never contributed one dime to the deficit.

So cutting Social Security will never reduce the deficit. With this bill, we can no longer say that. We can no longer say Social Security does not contribute to the deficit. This argument, this fact, that Social Security has never contributed a dime to the deficit has given Social Security a unique, even an almost sacrosanct, status in our society.

It was one of the strongest arguments, I repeat, for those of us defending Social Security from misguided attempts to cut it in the name of deficit reduction. Some might say, well, people are out of work; with the fragile economy, we need to put some spending in the pockets of our middle-class Americans.

I could not agree more. The biggest job creator in America is not someone who is rich and has billions of dollars. The biggest job creator in America is a working American with money in his or her pocket to spend. That is the biggest job creator.

So, yes, we have to get money in the pockets of working Americans, and we have done that in the past in a good way. In the 2009 Recovery Act, working Americans received a 6.2-percent credit of their taxes, refundable up to $400, to increase their spending power and boost the economy. This in no way impacted the Social Security trust fund. I supported that, wholeheartedly supported that.

However, in late 2010, Congress voted to replace that tax credit with a 2-percent reduction in payroll taxes which are dedicated to the Social Security trust fund. This was done on a temporary basis to provide added income for working families, and it was not offset. It was not paid for. So for the first time—for the first time—general revenues were transferred to the Social Security trust fund to replace lost revenue.

While this ensured that no financial harm was done to the trust fund itself, what it did is it created a dangerous precedent by calling into question Social Security's dedicated funding. I voted against that bill. So in late 2010, we transferred general revenues to replace lost revenue.

In December of 2011, just a couple months ago, we were persuaded to support the 2-month extension of the payroll tax cut. Some may look at the record and say: HARKIN, you voted for that. I did with misgivings. But a critical factor was that it was at least fully paid for and would not negatively impact the Social Security trust fund.

However, we are being offered an agreement that extends the payroll tax cut through the end of this calendar year. Bad enough, doubly negative, it does not pay for it. This is terrible public policy, with grave consequences for Social Security. With this new agreement, we will be taking $100 billion from the general fund, which is in deficit, by the way. So we are going to add $100 billion to the deficit, to substitute for the $100 billion in revenues lost due to the payroll tax cut. As I said and I repeat, we will be adding $100 billion to the deficit and the debt.

This compounds the mistake Congress made in late 2010 by passing the original payroll tax cut without paying for it. No longer—no longer—can we say Social Security is a program that pays for itself without adding to the deficit. Mixing general revenues into the system will make it easier for those who have long wished to dismantle Social Security to do so in the future.

Worse—worse—since this tax cut is not being paid for, there is a much greater likelihood it will be extended yet again in the future because, you see, there is another precedent here: Tax cuts do not have to be paid for. Only spending has to be paid for, not tax cuts.

Does this not open the door to even further extending payroll tax cuts because we do not have to pay for it? I choose my words carefully. Make no mistake about it, American people, make no mistake about it. This is the beginning of the end of the sanctity of Social Security. The very real risk is that Social Security will become just another program to be paid for with deficit spending and then in the future perhaps raided to help reduce the deficit.

I never thought I would live to see the day when a Democratic President and a Democratic Vice President would agree to put Social Security in this kind of jeopardy. Never did I ever imagine a Democratic President beginning the unraveling of Social Security. I warn my colleagues to consider the long-term ramifications of these actions.

While we need to maintain temporary supports for middle-class families in these tough economic times, this assistance should not come at the expense of American's retirement security. As traditional pensions have fallen by the wayside, as the value of peoples' retirements in 401(k)s has plummeted, Social Security remains the one essential program preventing millions of seniors from plunging into poverty in their retirement years, a program started by a Democratic President and a Democratic Congress, further enhanced by future Democratic Presidents, others, Truman, Kennedy, Lyndon Johnson, of course, the Great Society.

This, I believe, has been the hallmark and the underpinning of the party I have been proud to belong to. Now this party—this party—the Democratic Party, with a Democratic President, is now beginning the unraveling of Social Security. That is what is happening, the unraveling of Social Security. Never again can any one of us come to the floor and say: No. No, we cannot cut Social Security to reduce the deficit because it does not add to the deficit.

With this agreement, Social Security will add to the deficit by $100 billion. Think about it. I urge my colleagues to look at excellent alternative ways of providing temporary support to our middle class. One proven approach would be to enlarge the Making Work Pay tax credit I talked about that was in the Recovery Act. Again, this tax credit, as I said, put an additional $800 in both 2009 and 2010. It could be enlarged to provide the similar level of benefits to median-income working families as compared to the payroll tax cut.

So instead of cutting the payroll tax, let's do the tax credit that we had in 2009 and 2010, just bump it up a little bit. How do we pay for it? The same way we are paying for the cut in the Social Security taxes. Put it on the deficit. Put it on the deficit. But at least we are not invading the Social Security trust fund. Cutting the payroll tax is a bad idea, a terrible idea. I am embarrassed it is being proposed by a Democratic President and a Democratic Vice President.

We could fully pay for a tax credit, a refundable tax credit, do it over a 10-year period of time so it does not negatively impact the fragile economic recovery. It would support middle-class families, give them the support they need and deserve, but it would not harm Social Security.

I said there were a couple reasons I am opposed to this. That is one. That

is a big one, what we are doing to the Social Security trust fund. But I must also state my strenuous opposition to the cuts in this agreement to the Public Health and Prevention Fund that is in the Affordable Care Act.

My Republican friends and colleagues have been trying to get at the health care reform bill ever since we passed it: Cut it here, nick it there. We have fought that off. The health care act is now making a big impact in Americans' lives. Need I mention the fact that kids are covered now, even though they may have a preexisting condition. Young people can stay on their parents' policy until they are age 26. But we put into that affordable care act a Prevention and Public Health Fund, with the aim of transforming America's sick care system into a true health care system, emphasizing wellness and prevention and public health, keeping people out of the hospital in the first place.

So this last October things started kicking into effect. Beginning last October, for example, women over age 40 could get a mammogram every year with no copays, no deductibles, no cost. It has to be absorbed in the insurance program. Seniors on Medicare get a free screening of their health and a health assessment every year so they know what to do in the future to keep themselves healthy. No copays, no deductibles. Colonoscopies over age 50, no copays, no deductibles. We also started investing in proven programs to promote health and wellness, decreasing obesity, for example, across the country, through this fund.

Earlier this month, the Trust for America's Health released a remarkable study showing that a 5-percent reduction in the obesity rate could yield more than $600 billion in savings on health care in the next 20 years. This study is the latest confirmation of what common sense tells us: Prevention is the best medicine both for our bodies and for our budgets.

Now think about it. We currently spend more than $2 trillion on health care each year. An estimated 75 percent of that is accounted for by preventable chronic diseases and conditions. Chronic disease is a prime culprit in the relentless rise in health insurance premiums, and it contributes to the overall poor health that places our Nation's economic security and competitiveness in jeopardy.

This is shameful and, frankly, exasperating because we know how to prevent many of these diseases and conditions from developing in the first place. We know a lot about the power of prevention through the kinds of evidence-based clinical and community prevention programs and things that are funded by the Prevention and Public Health Fund. For example, for every $1 we spend on the full course of childhood vaccines, we can save $16.60 in future health care costs. Not a bad return on a dollar, not to mention the quality of the lives of kids who don't get measles, mumps, rubella, polio, and a whole bunch of other diseases.

Given the relentless rise in health care costs, it is a classic case of penny wise and pound foolish to take money from the Prevention and Public Health Fund. Americans get it. Americans get it when it comes to disease prevention. They understand that prevention saves lives, saves money, and is the commonsense thing to do. In this bill—again, for the first time—$5 billion is taken out of the Prevention and Public Health Fund—$5 billion. This is outrageous and unacceptable.

As I said, Americans get it. Here is a letter from the American College of Preventive Medicine urging us to oppose taking any money, to diverting any money from the Prevention and Public Health Fund. Here is the Coalition for Health Funding, opposed to taking money from the prevention fund. The American Heart Association is opposed taking money from the prevention fund; the Campaign to End Obesity Action Fund, opposed to taking money from that fund; the Center for Science in the Public Interest, opposed to taking money from the prevention fund; the Heartland Alliance, opposed to taking money from the prevention fund; the Association of State and Territorial Health Officials, opposed to taking money from this fund; the Prevention Institute, opposed to taking money from the Prevention and Public Health Fund; the American Heart Association, the National Alliance of State and Territorial AIDS Directors, the American Public City Health Officials, the American Lung Association, the National Viral Hepatitis Roundtable, the Association of Maternal & Child Health Programs, the American Association of Colleges of Pharmacy—722 groups across this country—opposed to taking money from the Prevention and Public Health Fund.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks some letters in opposition to this taking. There are over 700 organizations in opposition to this.

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

(See exhibit 1.)

Mr. HARKIN. So who do we listen to, Mr. President? Do we listen to public health officials—the American Heart Association, the American Lung Association, people all across America saying don't do this?

This is what is going to save us in the future. Yet they are taking $5 billion out of it. It is totally unacceptable and it is outrageous—outrageous—outrageous. And again, this wasn't in either the House or the Senate bill. If I'm not mistaken, maybe a point of order lies against things in a conference report that were not considered either in the House or the Senate.

This agreement is being presented as a done deal, nothing we can do about it. Well, I urge Senators to think about the dangerous consequences and precedence of passing this bill in its current form. This bill ends Social Security's historic status as a program that pays for itself. Think about it. The bill validates the absurd idea that tax cuts have a special status—they do not need to be offset, but spending does. Think about it. And this bill foolishly slashes funding for the Prevention and Public Health Fund, cuts that will significantly add to the deficit in future years.

I repeat: We need to continue to bolster the economy and boost the income of ordinary Americans. This bill is not the way to do it. It is a devil's deal. It is a bad deal. There are better ways to accomplish these goals. I urge my colleagues to vote against this terribly misguided bill in its current form.

EXHIBIT 1

AMERICAN COLLEGE OF PREVENTIVE MEDICINE,
February 9, 2012.

On behalf of the American College of Preventive Medicine (ACPM), I urge you to oppose any effort to divert funds from the Prevention and Public Health Fund to finance an extended ''doc fix'' in the Medicare physician fee schedule as part of the negotiations on H.R. 3630, the Temporary Payroll Tax Cut Continuation Act of 2011. ACPM is the national professional society for over 2,500 physicians who dedicate their careers to prevention and health promotion at the individual and population levels. As such, ACPM has a primary interest in expanding our nation's investment in prevention to improve the health of communities across the country while adding greater value to our health care system.

While ACPM has been a staunch supporter of efforts to fix the broken sustainable growth rate formula used to calculate Medicare physician reimbursement levels, the College will not support any proposal that diverts funds away from disease prevention programs in order to increase payments for disease treatment. The Prevention and Public Health Fund, established through the Affordable Care Act, represents a critical investment in public health and a historic commitment towards efforts that will help shift the focus of our health care system from disease treatment to disease prevention and health promotion.

Already, states are using Prevention Fund dollars to bolster our public health infrastructure and to build a stronger foundation for prevention in communities and neighborhoods that are most in need. To drain the fund of its important resources just when communities are now putting prevention to work represents a shortsighted approach to fund increased reimbursements for Medicare providers.

There has long been strong bipartisan support for efforts that improve health, reduce costs, and enhance the value of our health care system. Now is not the time to abandon these goals. ACPM will continue to strongly oppose any efforts to decrease the federal commitment to prevention and public health and we ask that you join us in these efforts.

Sincerely,

MIRIAM A. ALEXANDER,
MD, MPH,
ACPM President.

COALITION FOR HEALTH FUNDING,
Washington, DC, February 15, 2012.

DEAR MEMBER OF CONGRESS: The Coalition for Health Funding is gravely concerned and

deeply disappointed that Congress—in negotiating a compromise on the ''extenders'' package—plans to raid the Prevention and Public Health Fund to partially offset the costs of a temporary patch to Medicare physician fee schedule. The Coalition's 75 national organizations—representing more than 100 million patients and families, health care providers, public health professionals, and scientists—feels strongly that it is penny-wise and pound foolish to cut public health and prevention funding. We urge you to oppose these proposed cuts to the Fund, and instead consider the return on investment the Fund will show in the long-term by keeping people healthy.

Prevention and public health are vital to securing America's position as a global leader in prosperity, discovery, and military capability. The Prevention and Public Health Fund, established through the Affordable Care Act, represents a critical investment and an unprecedented commitment to improving America's health.

Already, states and communities are using the Fund to combat chronic diseases, which account for 70 percent of all deaths and 75 percent of all Medicare spending. Specifically, the Fund is bringing communities together to reverse the obesity epidemic. A new analysis by Trust for America's Health shows that reducing the average body mass index by just five percent could lead to nearly $30 billion in health care savings in just five years.

Evidence abounds—from the Department of Defense to the U.S. Chamber of Commerce—that healthy Americans are stronger on the battlefield, have higher academic achievement, and are more productive in school and on the job. Healthy Americans drive our economic engine, and cost our nation less in health care spending. It is shortsighted to drain the Fund just as communities are now putting prevention to work. We need to improve health, reign in health care spending, and reduce our nation's deficit and debt. The Fund will help us achieve these goals.

There has long been strong bipartisan support for efforts that improve health, reduce costs, and enhance the value of our health care system. Now is not the time to abandon these goals by ''robbing Peter to pay Paul.'' The Coalition strongly opposes any efforts to reduce the federal commitment to prevention and public health. We hope you will join us in our opposition.

Sincerely,

JUDY SHERMAN,
President.
EMILY J. HOLUBOWICH,
Executive Director.

AMERICAN HEART ASSOCIATION,
Washington, DC, February 15, 2012.

Hon. MAX BAUCUS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BAUCUS: The American Heart Association (AHA), on behalf of its more than 22 million volunteers and supporters, urges you to protect the Prevention and Public Health Fund (Fund) and oppose any efforts to reduce, eliminate, or divert its funding as you consider options for paying for an extension of the payroll tax reduction, for unemployment insurance benefits, and for Medicare payments to physicians.

The programs supported by the Fund are essential if we are to reduce the growth of chronic diseases, such as heart disease and obesity, and decrease tobacco use rates, which are primary drivers of rising health care costs. Cardiovascular disease (CVD), including heart disease and stroke, is the leading cause of death and disability in the United States and our nation's costliest illness. Based on recent projections, prevalence and costs of CVD will increase dramatically in the next two decades, leaving 40 percent of the population with some form of the disease.

We know that prevention works and is one of the best ways to avert this cardiovascular crisis. In a 2008 study, the AHA used a model to evaluate the impact of 11 widely recognized measures for cardiovascular prevention. We found that if all 11 measures were addressed, heart attacks would be reduced by 36 percent and strokes by 20 percent. These measures could add 200 million life-years over the next three decades and increase life expectancy by 1.3 years.

However, only 18 percent of U.S. adults follow three important measures recommended by the AHA for optimal health: not smoking, maintaining a healthy body weight, and exercising at moderate-vigorous intensity for at least 30 minutes, five days per week. Programs supported by the Fund can help Americans adopt healthier lifestyles and we know that the earlier in life they develop these habits, the better. Studies estimate that when people practice these healthy habits reach middle age, they have only a six to eight percent chance of developing CVD in their lifetimes.

Investing in prevention is a smart move during these fiscally challenging times to maintain both a healthy economy and a healthy society. We urge you to protect the Fund.

Sincerely,

NANCY A. BROWN,
Chief Executive Officer.

PRESIDENT'S BUDGET PRESENTS DANGEROUS, COSTLY SETBACK TO OBESITY EPIDEMIC, CAMPAIGN WARNS

WASHINGTON, DC.—In the face of staggering costs—both in lives and in billions of taxpayer dollars spent because of the nation's obesity epidemic—the President's budget cuts vital obesity prevention programs by $4 billion over the next ten years, the Campaign to End Obesity Action Fund warned today.

The President's budget recommends drastic reductions to programs that the White House championed a little more than 18 months ago designed to promote prevention and wellness through ''an unprecedented funding commitment to these areas.'' At that time, the President specifically proposed ''the creation of a national prevention and health promotion strategy that incorporates the most effective and achievable methods to improve the health status of Americans and reduce the incidence of preventable illness and disability in the United States.''

These programs were largely contained in the Affordable Care Act, which established the Prevention and Public Health Fund in significant part to reverse the obesity epidemic and help the nation secure a healthier future. The Fund—the whose budget the President now proposes to cut by more than 20 percent over the next 10 years—enables work by state and local governmental agencies and community organizations to increase healthy food options in schools, create physical activity programs and promote incentives for workplace wellness.

In a statement, Stephanie Silverman, cofounder of the Campaign to End Obesity Action Fund, said:

''The President must know that there is little good news about obesity—the epidemic continues, and with it the long term costs to our nation increase. The First Lady has done exemplary work highlighting some of the successes of prevention efforts, but obesity remains one of the country's costliest medical conditions. We respectfully urge the President to reconsider his recommendation, which would undermine vital obesity prevention and reversal initiatives already in place around the country.''

''The initiatives supported by the Prevention Fund can help our communities to get on track to a healthy weight and achieve more manageable long-term health care costs. Standing pat will not get us there. If we are serious about reigning in health care costs, we must have strategies to change our nation's current course. No easy fixes exist to balancing our budget, but failing to put all of our muscle behind tackling the obesity epidemic will only lead to greater illness for patients and greater expenses for taxpayers in the long run. Reducing the Prevention and Public Health Fund is economically backwards.''

Ultimately, slashing obesity prevention programs will not help the U.S. to reduce its deficit, particularly in light of a recent study from the Trust for America's Health, which finds that if obesity rates were reduced by five percent in the U.S. the country could save $29.8 billion in five years, $158.1 billion in 10 years and $611.7 billion in 20 years in health care costs.

Currently, the annual health costs related to obesity in the U.S. are as high as $168 billion and obesity drives nearly 17 percent of U.S. medical costs, according to research released by the National Bureau of Economic Research. By 2018—just six years from now, researchers at Emory University estimate that obesity could account for 21 percent of all health care spending. Employers alone experience a more than $73 billion loss each year due to losses in productivity, absenteeism and medical costs attributed to obesity, according to researchers at Duke University.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
Washington, DC, February 13, 2012.

Hon. Senator MAX BAUCUS,
Chairman, Finance Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: On behalf of the Center for Science in the Public Interest, I urge you to support the Prevention and Public Health Fund and oppose any efforts to reduce, eliminate, or divert its funding. At a time when today's children are in danger of becoming the first generation in American history to live shorter, less healthy lives than their parents, we need to do more—not less—to reduce the burden of heart disease, cancer, and other preventable diseases.

The Prevention Fund, supported by nearly 720 organizations, is a much-needed investment in national, state, and local efforts to prevent disease, save lives, and reduce long-term health costs. Due to the growing burden of chronic disease, our country faces exploding health-care costs that diminish our economic productivity and limit businesses' ability to compete in a global economy. Right now, 75 percent of all health care costs are spent on the treatment of chronic diseases, many of which could be prevented.

States are also using Prevention Fund dollars to mount campaigns to reduce obesity and tobacco use, promote healthy eating and physical activity, expand mental health services, provide flu and other immunizations, and fight infectious diseases. If we are serious about reducing health care costs and the deficit, decreasing funding for prevention would be counterproductive. With your support, we can ensure that vital programs aimed at preventing illness and promoting health and wellness continue through the next decade. Please let me know what you

will do to protect this important health funding.

Sincerely,

MARGO G. WOOTAN,
Director of Nutrition Policy.

FEBRUARY 13, 2012.

Hon. RICHARD J. DURBIN,
U.S. Senate, State of Illinois, Hart Senate Office Building, Washington DC.

DEAR SENATOR DURBIN: Your support is needed to maintain funding for critical preventive health work made possible by the Prevention and Public Health Fund. Recent proposals to reduce, eliminate or divert its funding ignore the long-term fiscal and health benefits of investing in prevention.

We urge you to oppose any reduction in funding to the Prevention Fund. The fund is an unprecedented investment in national, state and local efforts to prevent disease, save lives and reduce long-term health costs. More than 700 national, state and local organizations support the Prevention Fund.

Last year, Illinois received almost $21 million to invest in effective and proven prevention efforts. That money is going to communities making changes to improve long-term health, the state's public health infrastructure and training centers, HIV prevention efforts, tobacco prevention, and primary care and behavioral health services.

Overall, the Prevention Fund will provide communities across the U.S. with more than $16 billion over the next 10 years. Slashing this funding would be an enormous step backward in our progress on cost containment, public health modernization and wellness promotion.

By and large, our health care system is based on treating illness rather than preventing it: Billions of dollars are spent each year through Medicare, Medicaid, and other federal health care programs to pay for health care services once patients get sick. Before the Prevention Fund, there was no corresponding, reliable investment in efforts to promote wellness, prevent disease, and protect against public health or bioterrorism emergencies.

Prevention is the key to lowering health care costs and creating a long-term path to a healthier and economically sound America. I urge you to continue our investment in the Prevention and Public Health Fund.

Sincerely,

JOSEPH A. ANTOLIN,
Vice President,
Heartland Alliance;
Executive Director,
Heartland Human Care Services, Inc.

Mr. HARKIN. Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, today I have submitted an amendment to the pending surface transportation reauthorization bill.

Community colleges are a critical source of education and job training for many individuals. Nationwide, we have 1,655 community colleges, which enroll nearly 6 million students. These community colleges will play a big role in helping Americans develop the skills to be competitive in our 21st century economy.

In light of the President's call for job training assistance, it is imperative that we support programs that help workers meet the new demands of our economy. My amendment does just that.

This amendment ensures that transit agencies that partner with community colleges on job training programs are eligible for Federal grants.

By supporting collaborative job-training programs between community colleges and transit agencies, we support our workforce in gaining valuable technical skills, while also supporting industries that are facing a workforce shortage.

I will urge my colleagues to vote for this amendment to ensure that we are supporting our workers in getting a valuable education and supporting an industry that is facing a critical workforce shortage.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we go to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNIZING BILL BOARMAN

Mr. REID. Mr. President, I rise today to recognize the service of the 26th Public Printer of the United States. Bill Boarman led the Government Printing Office, GPO, with distinction over the past year. He has been a tremendous asset to the organization, and we will miss his service.

President Obama nominated Bill to serve as the Public Printer in April 2010, and his nomination was reported favorably by the Senate Rules Committee in July of that year. Because the Senate was unable to confirm Bill in the 111th Congress, President Obama used a recess appointment to install Bill as the Public Printer in December 2010.

Once in office Bill found that the GPO faced serious financial problems. Bill immediately took steps to put GPO on solid financial footing by cutting spending overhead and other nonessential costs. He successfully implemented a buyout to adjust the size of GPO's workforce. Perhaps most important, Bill set up a special task force to collect millions in outstanding payments owed to the GPO by other Federal agencies. These actions saved the GPO and the taxpayers millions of dollars.

Bill did more than just cut costs. To help Congress reduce its use of printed documents, Bill ordered the first-ever survey of all Senate and House offices that allowed them to opt out of receiving printed copies of the CONGRESSIONAL RECORD and other publications. He put the GPO on Facebook, oversaw the release of the GPO's first mobile Web app, and drafted a strategic investment plan to modernize the GPO's technology. He also presided over the observance of the GPO's 150th anniversary and made history himself by appointing as his deputy a seasoned GPO official who is the first woman ever to hold that position.

Unfortunately, the Senate did not confirm Bill before the 112th Congress adjourned, and Bill's recess appointment expired. He leaves the agency in sound condition and in the good hands of Acting Public Printer Davita Vance-Cooks. During his brief tenure, Bill compiled a remarkable record of accomplishments. I know I speak for the Senate family when we thank Bill for his service as our Nation's Public Printer.

RECOGNIZING MIDWAY COLLEGE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an educational institution that has been determined to create job opportunities and more easily accessible pathways to attaining professional degrees for Kentuckians, Midway College.

Midway College is a private school in Midway, KY, located in between Lexington and Frankfort. The school, established in 1847, has since created not only a rich tradition but a bright future for itself as well. Grounded in the golden rule, the school's motto is ''ama vicinum acte,'' Latin for ''love your neighbor in deed.'' And Midway College and its faculty are dedicated to living just so. The college has opened 14 different branches across the State offering numerous disciplines students can choose to study and thereby diversifying the type of student who could potentially enroll by constructing schools in an array of unique locations.

In 2009, Midway College president Dr. William B. Drake, Jr., along with attorney G. Chad Perry III, and his wife Judy Perry, had a vision to create a 15th branch of the college in a small Kentucky town. This new branch would be expected to not only strengthen the Commonwealth but the entire Nation as well. Their dream soon became a reality in January of 2010 when Midway College's board of trustees announced plans to open the Midway College School of Pharmacy in Paintsville, KY.

The small community of Paintsville is located in Johnson County, and, according to President Drake, they could not have asked for a more perfect location for the school. The town's citizens, who strongly care about education, got involved early with the project and stepped forward to ensure that Paintsville would be the right home for the school. The new institute of learning will not only offer over 100 jobs to an area that is suffering from high unemployment rates but will generate around $30 million in revenue each year.

The climate of our Nation is rapidly changing. As baby boomers age and are now in more medical need than ever before, Midway College is breaking new grounds in its attempt to combat the problem. Only four States have greater need of pharmacists than Kentucky, a State which currently has only two pharmaceutical schools. Midway seeks to provide an opportunity to students in the Appalachian regions of eastern Kentucky, in hopes that they will take their professional degree and return to

their hometowns across the Commonwealth and make a difference for those in need.

Eighty percent of Kentuckians are still without a college degree. The fight to educate citizens of Kentucky wages on, and with the help of forward-thinking institutions like Midway College, the future looks brighter than ever before. So today I would like to ask my colleagues in the U.S. Senate if they would join me in recognizing the faculty and staff of Kentucky's own Midway College.

Mr. President, the Kentucky publication ''Discover the Power of Southeast Kentucky,'' published by the Southeast Kentucky Chamber of Commerce, recently printed an article extolling Midway College and its president, Dr. William B. Drake, Jr. I ask unanimous consent that said article be printed in the RECORD.

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

[From Discover the Power of Southeast Kentucky, Summer 2011]

MIDWAY COLLEGE PRESIDENT DR. WILLIAM B. DRAKE, JR.

Anticipation is in the air as the new Midway College School of Pharmacy prepares to greet its inaugural class. The City of Paintsville, Johnson County, and people throughout the region are excited about the arrival of students aspiring to earn the Doctor of Pharmacy (PharmD) degree.

Five years ago, the vision of bringing a pharmacy school to eastern Kentucky began taking shape in the minds of Paintsville attorney G. Chad Perry III, his wife, Judy, and the administration of Midway College led by Midway College President Dr. William B. Drake, Jr. One by one, the people whose support was needed recognized the merit of the idea and got behind it. One by one the obstacles to such an ambitious plan were overcome.

In January 2010, Midway College Board of Trustees Chairman James J. O'Brien, Chairman and CEO of Ashland, Inc., officially announced that the Midway College School of Pharmacy would open in Paintsville. Local and state government officials were on hand along with a large crowd gathered for the announcement. U.S. Representative Hal Rogers said, ''This project will bring a hundred good paying jobs to the region during a time of high unemployment rates. It also builds educational resources at home to continue the mission of providing quality opportunities so our best and brightest students don't have to leave Kentucky for professional degrees and careers.''

In explaining why Midway College chose Paintsville as the site, President Drake said, ''The citizens of this community care about education and these citizens, as well as the local public officials, have stepped forward at this unique time to make this school happen.'' A two-million dollar campaign took place in Paintsville to assist with the capital expenses of building the new school. The school is expected to generate more than $30 million in economic activity annually in the Paintsville area.

President Drake said the college could not ask for a more enthusiastic or dedicated community than Paintsville. ''They understand the value of education,'' he said. ''And it is an incredibly attractive place to work, live, and earn your professional degree.''

Dr. Drake has been making weekly trips to Johnson County to oversee the process which he says has been taxing but worthwhile. ''It's like building a whole new culture,'' he said, describing the many facets of expanding the college's already sizable system of location. He called the projected $20-million startup venture one of the biggest decisions ever for the private college, whose roots predate the Civil War.

Founded in 1847, Midway College has a main campus in Midway, Kentucky, which is located between Frankfort and Lexington, and offers coursework in 14 different locations across the Commonwealth. In addition to offering in-seat coursework in both the traditional and accelerated setting, Midway offers classes in an online format, providing additional flexibility for students to have the opportunity to obtain their degree. One program unique to Midway includes an online bachelor's degree in Mining Management and Safety. This is one of the only programs in the country designed for those working in the mining industry. Midway College also offers a Masters of Business Administration and will launch a Master of Arts in Teaching this fall, both of which are offered in an online format.

The new school is expected to fill a need for pharmacists all across the nation. With the baby-boomer generation coming into its retirement years, there is a call for pharmacists not only to care for the aging populace but to replace those ''boomers'' who are retiring from behind the drug counters themselves. According to industry data, there are approximately five applications for each opening at pharmacy schools in the U.S., with even greater need in Appalachia. Only four states have more difficulty than Kentucky in filling pharmacists positions, and there are only two other pharmacy schools in Kentucky—the University of Kentucky in Lexington and the Sullivan School in Louisville.

''Because of the number of students that apply to pharmacy schools, we could fill enrollment with students from California, there are that many,'' Dr. Drake said. But, he explained, there is a special emphasis on drawing students from the immediate area. ''It has been the intent of those who care about the school that we look first and foremost at the students from Appalachia'' he said.

''As students graduate from our school they will meet the pressing need that exists in Kentucky today for pharmacists.''

Within a year of the official announcement about the opening of the school, the process was underway to select the 80 students who would make up the enrollment of the first class. More than 430 applications were received for the coveted 80 spots. To date, 25 faculty and staff members have been hired with an anticipated total of approximately 100. The school's faculty salaries will be in the 60th percentile of pharmaceutical faculty salaries in the United States.

When asked about the contributions of his staff, President Drake said, ''Having a staff like mine, with such an entrepreneurial spirit, has been like gold to me.'' The staff includes Martha Jean McKenzie Wells (PhD, MsS) and Emily L. Coleman (PhD, MEd) who are natives to the area. The school is also honored to have Dr. Barry Bleidt taking the helm as its Dean. Dr. Bleidt, who earned his undergraduate degrees in Pharmacy and Environmental Geography from the University of Kentucky, was formerly a founding member of Texas A&M's Health Science Center College and left there as the school's Professor of Pharmaceutical Sciences and Associate Dean of Academic Affairs. He has also held prestigious positions at other pharmacy schools in California, Virginia, and Louisiana.

The School of Pharmacy has a vision of expanding the scope of pharmacy practice and elevating the level of care to patients in all practice settings, with special emphasis on eastern Kentucky and Appalachia. With that goal in mind, Midway College has signed an agreement with the University of Pikeville guaranteeing interviews to the top 10 students who meet the academic qualifications. Similar agreements have been penned between Midway and Eastern Kentucky University, Big Sandy Community and Technical College, and Morehead State University. These agreements not only benefit the students through specific pharmaceutical instruction, but they will allow all schools to share their academic resources. Hand in hand with the University of Pikeville's School of Osteopathic Medicine and other post-secondary institutions in the area, Midway is looking to show the mountain communities the diverse options that are available to them. With 80 percent of Kentuckians without college degrees, the new institution will offer a fresh new route, a route that's already proving popular with students from the area. Fifty-five to 60 percent of the incoming class is from the state, and even more from adjacent mountain communities.

In keeping with the original vision of Midway and its donors, the new pharmacy school is by Kentuckians for Kentuckians, strengthening the region through strong ties to surrounding communities and its renewed outlook to higher education.

AMBASSADOR SHERRY REHMAN

Mr. KERRY. Mr. President, I want to welcome Pakistan's new Ambassador to the United States, Sherry Rehman. Ambassador Rehman has rightly been described as representing ''the traditional values of Jinnah's Pakistan.'' As a journalist, politician, and diplomat, she has fought tirelessly in defense of tolerance and moderation and has been a leading voice for women's equality and protection of minority rights.

The United States-Pakistan relationship has been tested this past year, and while the problems we face are daunting, the basic fact is that stability in Pakistan remains vital to our national security. Ambassador Rehman has arrived in Washington at a time of deep mistrust on both sides. A series of tactical disputes have strained our strategic partnership. Progress on bedrock national interests has stalled, and Pakistan's internal politics seems exceptionally turbulent at this time.

Pakistan faces major challenges today, including an economic and fiscal crisis, a growing insurgency within its borders and cities, and chronic energy shortages. There is increasing anxiety in Pakistan about how the war ends in Afghanistan and what implications this will have for regional stability. Many on both sides are questioning the value and meaning of our strategic partnership.

The truth is we have a lot of work to do to rebuild a productive relationship. Despite our many frustrations and setbacks, we still have more to gain by finding common ground. Whether it is finding a political solution in Afghanistan, reducing militancy, supporting democracy and civil society, or promoting economic and development reforms, the basic fact is that our interests do converge. The challenge for all

of us now is to find ways to act together in common purpose, when and where possible.

For instance, on Afghanistan, we need to make our goals and strategy absolutely clear. Pakistan has a constructive role to play in forging a durable political settlement that will bring an end to this war. And while we have often been frustrated by the divergence of policies on Afghanistan, it remains important that we work together to further a reconciliation process that is Afghan led and supported by the region's key players. This is a time for us to be careful, to be thoughtful, and to proceed deliberately but determinately—as I believe we are—to strengthen our relationship and confront our common challenges.

Moreover, I want to emphasize that this relationship is not only about the threats we face. It is not only about defeating militant extremists who threaten the security of both our countries. It is also about building a deeper, broader, and long term strategic engagement with the people of Pakistan. As I have said before, Pakistan's prosperity and its security—as well as our own—depend on it. And I am determined to make sure that the kinds of projects supported by Kerry-Lugar-Berman funds remain on track and demonstrate our long term commitment to the stability of Pakistan and to the region itself.

Make no mistake: our ability to influence events in Pakistan is limited, and we should be realistic about what we can achieve. But we cannot allow events that might divide us in a small way to distract from the shared interests that unite us in a big way. Mohammad Ali Jinnah said it best in his address to Pakistan's Constituent Assembly in 1947. His words are as relevant in today's context as they were then:

> If you will work in cooperation, forgetting the past, burying the hatchet, you are bound to succeed.

The road ahead will be difficult no doubt. But I look forward to working with Ambassador Rehman as a partner in these efforts in the months and years to come.

RECOGNIZING THE SALT LAKE COUNCIL OF WOMEN

Mr. HATCH. Mr. President, I rise today to pay tribute to the Salt Lake Council of Women on the upcoming 100th anniversary of its founding.

In the ranks of those who greatly admire this wonderful organization and its exemplary members, I stand front and center today to salute them for their accomplishments and outstanding public service. As I do so, I am humbled by the magnitude of the task. It is difficult to find the right words that will do justice to their extraordinary contributions to Utah.

A century after its founding, this remarkable group has more than lived up to its motto: ''Community Service for Civic Improvement.'' Evidence of its good works is found throughout the Wasatch Front, including the International Peace Gardens the group was instrumental in making a reality in 1947 and has helped preside over ever since.

That alone is sufficient to ensure that the Salt Lake Council of Women's legacy will long endure in the heads and hearts of its legions of admirers. But this service organization's legacy neither begins nor ends there.

Its service began on February 26, 1912, when it organized with the aim of bettering the ''social, civic and moral'' environment of the Salt Lake City area, and that service has continued unabated and on an ever-increasing scale ever since.

Over the years, members of the Council have been a tireless advocate for Utah's youth, supporting child labor laws, visiting nurse and teacher programs for children who are ill, respect for the American flag, and the installation of the first drinking fountains in public schools.

They have further assisted with the Boy and Girl Scouts programs and helped found a home for troubled girls, which has evolved into what is now known as the Utah Youth Village. The organization has also helped the Utah State Development Center, Alcoholics Anonymous, Ronald McDonald House, and numerous hospitals, nursing homes, and homeless shelters and animal shelters, just to name a few.

And Utahns have not been the only beneficiaries. During World War I, the group provided relief to the embattled and starving Finnish people. When World War II erupted, the council gave generously to the USO, American Red Cross, and War Bond Drives. The council also has been a strong advocate for the arts, supporting the Utah Symphony, Ballet West and the Days of '47, Utah's annual July celebration to commemorate the 1847 arrival of the Mormon Pioneers in the Salt Lake Valley.

Today, as the Salt Lake Council of Women's centennial anniversary nears, its 200 members—representing 40 organizations and 5,000 women—are as engaging and anxiously engaged in the community as ever. Along with their continued commitment to the International Peace Gardens and Utah Youth Village, council members are involved with the YWCA, University Hospital Project, Wasatch Youth Center, and with an ever-widening variety of special projects. This month, for instance, the council will award a college scholarship to a victim of domestic violence, who will be chosen from mothers in the YWCA's long-term transitional housing program.

No matter what they do or who they serve, members of the Salt Lake Council of Women are the embodiment of what Mahatma Gandhi called ''the spirit of service and sacrifice.'' As the council gathers February 25th to celebrate its 100th anniversary, I add my voice to the chorus of praise in saluting its visionary and selfless members, both past and present, who have done so much for so many to make Utah the great place it is today.

REMEMBERING WHITNEY ELIZABETH HOUSTON

Mr. LAUTENBERG. Mr. President, on Saturday, February 11, 2012, New Jersey lost one of its proudest daughters and our country lost one of its brightest stars when Whitney Houston died at the untimely age of 48.

Whitney Houston's New Jersey roots run deep. She was born in Newark in 1963. She moved to East Orange at age 4 and attended high school at Mount Saint Dominic Academy in Caldwell.

The daughter of noted gospel singer Cissy Houston, Whitney spent her young life singing in the choir of the New Hope Baptist Church in Newark. She never forgot her roots, and even after she became a star, she sometimes returned to New Hope Baptist Church to sing on Easter Sunday. Fittingly, it is at New Hope Baptist Church that Whitney's family and friends will mourn her loss and celebrate her life this Saturday, February 18.

Virtually from the moment of the release of her debut album, ''Whitney Houston,'' Whitney was an international superstar. The album spent a record 14 weeks at the top of the Billboard charts, and it was the first album by a female artist to yield three No. 1 hits. One of those hits, ''The Greatest Love of All,'' became an anthem and a symbol of hope. For all of us who work to make a better world for our children and grandchildren, the song's opening line, ''I believe the children are our future,'' is a constant reminder of our mission.

Much more than just a great singer and performer, Whitney was a great patriot and humanitarian. Her performance of the ''Star Spangled Banner'' for Super Bowl XXV in 1991—during the first gulf war—has been hailed as the yardstick for other singers performing our national anthem. Whitney donated her proceeds from that performance to the American Red Cross Gulf Crisis Fund. When her rendition was re-released in the wake of the September 11 attacks, Whitney donated those proceeds to firefighters and victims of the attacks.

For her many accomplishments, Whitney received numerous awards, including 6 Grammys, 2 Emmys, and 22 American Music Awards. But no achievement meant more to Whitney than the birth of her daughter Bobbi Kristina in 1993.

Though her loss will be felt far and wide, Whitney's powerful words—''I believe the children are our future. Teach them well and let them lead the way''—live on in New Jersey, across the country, and around the world.

ADDITIONAL STATEMENTS

TRIBUTE TO CHIEF DONALD F. CONLEY

• Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate chief of police Donald F. Conley of the Nashua, NH, Police Department for his 32 years of dedicated service to the law enforcement profession, the City of Nashua, and the State of New Hampshire.

After serving in the U.S. Marine Corps, Chief Conley began his law enforcement career with the U.S. Capitol Police and then joined the Nashua Police Department in 1980. He was promoted to sergeant in 1988, lieutenant in 1995, captain in 1998, and deputy chief of police in 2002. He was named the chief of police in 2007.

During his long tenure as a police chief, Donald Conley has been a leader in promoting community-oriented policing, improving public safety within the State of New Hampshire, and promoting sound public policies and practices that have helped keep New Hampshire one of the safest States in the Nation. Chief Conley has worked tirelessly with his peers and with other public safety officials to better the administration of justice.

As Donald Conley celebrates his retirement, I want to commend him on a job well done and ask my colleagues to join me in wishing him and his wife Tricia well in all future endeavors.•

RECOGNIZING THE JUNIOR LEAGUE OF BALTIMORE

• Mr. CARDIN. Mr. President, I rise today to recognize the 100th anniversary of the Junior League of Baltimore. Mary Goodwillie founded the Junior League of Baltimore in 1912 with the goal of engaging educated young ladies to help alleviate the ills of the city. The league members began working with underprivileged women and children in Baltimore. Their early advocacy efforts helped bring about reduced work hours for women and better living conditions for children. Throughout its 100-year history, the league has harnessed the spirit of volunteerism to help countless families in Baltimore with projects ranging from a nursery school for blind and deaf children in the 1940s, a drug abuse education program in the 1970s, and the Kids in the Kitchen nutrition education program today.

Once, the league was a volunteer activity for well-to-do women; today, it is a training ground where women interested in nonprofit management, social work, and public service professions receive hands-on experience. Volunteer activities are designed to empower diverse women from all walks of life to make a difference in their community.

The Junior League of Baltimore is part of the Association of Junior Leagues International and continues its foremothers' legacy of service and advocacy, emphasizing collaboration, coalition building, and responsiveness to community needs. The Junior League of Baltimore's recent projects include art programs, family support services, and partnerships with various organizations such as Read Across America, in addition to its innovative nutrition education program designed to fight childhood obesity.

I would ask my colleagues to join me in congratulating the Junior League of Baltimore on 100 years of service to Baltimore, and in thanking league members past and present for all that they have done and are doing to enrich the lives of the citizens of Baltimore and Maryland.•

TRIBUTE TO DR. KENNETH HALL

• Mr. CORNYN. Mr. President, today I would like to commend the extraordinary career of Buckner International CEO Dr. Kenneth Hall, who will soon be retiring from the Dallas-based organization after 19 years of dedicated service. Throughout his tenure, he has promoted founder R.C. Buckner's mission of bringing unconditional Christian love to needy children. Hall has been instrumental in expanding the scope of Buckner's activities, which are inspired by the biblical principles of James 1:27: ''Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.''

A Baptist minister by training, R.C. Buckner devoted his life to helping children whose families had been displaced or broken by war, poverty, and other hardships. The mustard seed of Buckner International was planted on a hot July day in 1877, when Dr. Buckner gathered concerned citizens around an old oak tree in Paris, TX, and asked for their assistance in building a home for orphans. From a humble collection that day of $27, Dr. Buckner created Buckner Orphans' Home in Dallas in 1879. Now known as Buckner Children's Home, it is one of the oldest orphanages west of the Mississippi River.

One hundred and thirty-five years after the famous oak tree meeting, Buckner International is aiding more than 400,000 people in countries across the world. Dr. Hall became its fifth President and CEO in 1994. Under his leadership, the endowment surpassed $200 million, and the organization established a new global ministry program. It now does charitable work in China, the Dominican Republic, Egypt, Ethiopia, Ghana, Guatemala, Honduras, India, Kenya, Mexico, Peru, Russia, Sierra Leone, South Korea, and Vietnam. Buckner also runs several retirement communities in Texas, and provides an extensive array of services to assist and empower families in crisis.

I am grateful for all that Dr. Hall has done to improve the lives of the vulnerable and underprivileged, both at home and abroad. I join my colleagues in saluting him for his tireless efforts, which have brought joy and comfort to so many. He deserves recognition as a true humanitarian and a true American patriot.•

TRIBUTE TO JOHN E. FRAMPTON

• Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing John E. Frampton on the occasion of his retirement as director of the South Carolina Department of Natural Resources, SCDNR.

John has dedicated the past 35 years to advancing and improving the State of South Carolina's natural resources and quality of life. He has been a tireless advocate of wildlife preservation in South Carolina and across the United States. As director of SCDNR, he served as the chief administrator for natural resources in the State and was responsible for management and supervision of the agency's five divisions.

Leading with passion, determination, and humility, John has worked to protect and promote South Carolina's natural resources at every level around the State. John joined SCDNR in 1974 as an assistant district biologist. Prior to his appointment as director, he served as a regional wildlife biologist, chief of wildlife, and assistant director for development and national affairs. On April 2, 2003, Mr. Frampton was selected as the agency's director by the SCDNR Board.

John is an active member of multiple regional, national, and international wildlife organizations and served as a past president of both the Southeastern Association of Fish and Wildlife Agencies and the Association of Fish and Wildlife Agencies. Because of his dedicated leadership and commitment to conservation, John was appointed to the National Marine Protected Area Federal Advisory Committee by the Secretary of Commerce and appointed to the prestigious Wildlife and Hunting Heritage Conservation Council by the Secretary of Interior and the Secretary of Agriculture in 2010.

John's well-deserved acknowledgments and recognitions highlight the impact he has had on the conservation community at the State and national level. John has received numerous honors and awards over his career, including the International Canvasback Award from the North American Waterfowl Management Plan Committee, the Clarence W. Watson Award from the Southeastern Association of Fish and Wildlife Agencies, the Shooting, Hunting and Outdoor Trades', SHOT, Business Person of the Year Award, the Henry S. Mosby Award from the National Wild Turkey Federation, the Captain David Hart Award by the Atlantic States Marine Fisheries Commission, and the Seth Gordon Award by the Association of Fish and Wildlife Agencies. Additionally, John is recognized for initiating South Carolina's

Ashepoo, Combahee, and South Edisto, ACE, Basin Project in 1988 and continues to serve on the ACE Basin Task Force. He is an invaluable asset to the conservation community and as a leader has set an example for future SCDNR directors to follow.

Born in Summerville, SC, John holds a bachelor of science degree in marine biology from the College of Charleston. He later received a master of arts in teaching degree in biology from the Citadel and a master of science degree in wildlife biology from Clemson University. He is a certified wildlife biologist through the Wildlife Society.

I ask that the Senate join me in celebrating John Frampton's lifelong dedication to the South Carolina Department of Natural Resources, the State of South Carolina, and our Nation. I wish John the very best in his future endeavors.●

REMEMBERING BRIAN DONNELLY

● Mr. LEVIN. Mr. President, my colleague Senator DEBBIE STABENOW and I would like to pay tribute to Brian Donnelly. The measure of a man is seen from many vantage points, from the family he loves, to the good work he has done, to the lives he has positively influenced along the way. By this measure, Brian Donnelly lived a full and prosperous life. We see that in the words of his adoring and devoted wife and family; we see that in the seemingly endless outpouring of affection from his colleagues, friends, and associates; and we see that even from those he prosecuted.

Brian Donnelly, who died suddenly last month, was a dedicated civil servant from my home State of Michigan. He devoted his life to upholding the law and serving the citizens of Michigan. This devotion and commitment can be seen through Brian's 25 years of service as a prosecutor, most recently for Kalkaska County. Brian was a skilled and highly respected litigator who was known to work long days, often returning to the office after dinner. Brian was admired not only by his colleagues but by those on both sides of the bench. His commitment both to his work and to his family was evident to all who knew him.

Brian graduated from Michigan State University and received his law degree from the University of Michigan School of Law. He married his wife Ruthann in July of 1987, and they remained partners for the rest of his life. While Brian's life was full of many successes, he also experienced tragedy. Brian's brother, Mac J. Donnelly, Jr., was killed in the line of duty while working as a police officer in Lansing, MI, in 1977. His brother's death helped encourage Brian to pursue a successful career as a prosecutor. It also led to his continued support of Michigan Concerns of Police Survivors, MI–C.O.P.S, an organization dedicated to supporting the families of fallen officers. He took what was a personal tragedy and transformed it into a lifelong, positive pursuit that filled a void for many across Michigan.

After his death last month, Ruthann was inundated with letters of condolence from across our State. Some of these condolence letters even came from people Brian had prosecuted, who praised his fairness and decency and expressed sorrow for his loss. To be respected by one's colleagues is a sign of a job well done, but to be respected by one's adversaries is the mark of a truly unique man. Posthumously, Brian was honored by the Prosecuting Attorneys Association of Michigan for his outstanding service as a prosecutor in Kalkaska County, an honor he richly deserved.

Brian Donnelly left a legacy of nobility and dedicated public service for Michigan and for the legal profession. He will be missed, but his many efforts and the good he has done will be remembered for years to come. Senator STABENOW and I are proud to honor him today.●

TRIBUTE TO MAJOR GENERAL JEFFREY J. DORKO

● Mr. LEVIN. Mr. President, I would like to pay tribute to MG Jeffrey J. Dorko, deputy commanding general for military and international operations for the U.S. Army Corps of Engineers, who is retiring from Active Duty service on Friday, February 10, 2012. As we reflect on the career of this exemplary public servant, I express appreciation for his distinguished and selfless service on behalf of a grateful nation. It is his sacrifice, along with the sacrifices of countless others in uniform around the world, which helps to keep our Nation strong and secure.

Major General Dorko has accumulated more than 33 years of service to our country, and, more important, has amassed an impressive record of accomplishments. His military career began in 1978 as a platoon leader, company executive officer, and assistant battalion operations officer for the 299th Engineer Battalion at Fort Sill, OK. Over the next three decades, he served three tours of duty with the U.S. Army Corps of Engineers in Germany and was deployed in support of Operations Joint Endeavor and Joint Guard in Bosnia-Herzegovina.

From 2007 to 2008, Major General Dorko assumed command of the U.S. Army Engineer Division, Gulf Region, headquartered in Baghdad, Iraq, in support of Operation Iraqi Freedom. And currently, as the deputy commanding general for military and international operations for the U.S. Army Corps of Engineers, Major General Dorko is responsible for the successful execution of more than $28 billion in design, construction, and environmental projects.

I know Major General Dorko would want us to also recognize his family's many sacrifices throughout his exemplary career. Major General Dorko's dedicated service and sound leadership have served as useful examples to our men and women in uniform. I know my Senate colleagues join me in congratulating Major General Dorko and honoring his distinguished record of service to our country. I wish him the best as he embarks on the next chapter of his life.●

RECOGNIZING DELOITTE LLC

● Mr. MENENDEZ. Mr. President, last week I had the privilege of speaking at the LATINA Style 50 Awards Ceremony and Diversity Leaders Conference, which is held each year to recognize leaders in corporate diversity. A premier and well-respected publication, LATINA Style 50 honored Deloitte LLC with its Company of the Year award, in recognition of its commitment to fostering an inclusive workplace for Latinas and professionals from diverse backgrounds and perspectives. I would like to congratulate Deloitte for receiving this honor.

Deloitte has a long legacy of developing leaders and giving back to its communities. From establishing the accounting industry's first women's initiative in 1993, to operating an external advisory council, chaired by Dr. Sally Ride, that oversees its women's initiatives, Deloitte has been a leader in promoting diversity in the workplace. Deloitte also focuses its efforts externally through its support of a broad range of community groups, including several that serve Hispanics.

Deloitte's CEO, Joe Echevarria, personifies the career and development opportunities available at the organization. Of Puerto Rican heritage, Mr. Echevarria began working at Deloitte as an audit recruit from the University of Miami. Today, he oversees 45,000 professionals who specialize in multiple industries, in nearly 90 U.S. cities. He understands inclusive and empowering policies aren't just good for his employees—they are good for business.

It is a pleasure to congratulate Deloitte, its employees, and Deloitte CEO, Mr. Joseph Echevarria, on being named Company of the Year by LATINA Style 50, and I encourage other companies to follow the lead of Deloitte in growing and developing diverse talent in their executive suites and boardrooms.●

TRIBUTE TO DOYLE ROGERS

● Mr. PRYOR. Mr. President, for over 50 years, Doyle W. Rogers has been a proud resident of the city of Batesville, AR. Next month, Batesville will honor him by designating March 6, 2012, as Doyle Rogers Day. Through his many endeavors, Doyle has found success through visionary leadership and hard work. It is in that spirit that I rise today to recognize a man I consider a great businessman and an even greater Arkansan.

Doyle Rogers was born in Diaz, AR, in 1918, and raised in Newport. After attending Arkansas State University in

Jonesboro, Doyle enlisted in the Royal Canadian Air Force to fight in World War II before the United States had entered the war. He then went on to serve in Burma with the U.S. Army Air Corps. His return from the war and transition into civilian life brought him to Batesville, where he started his professional career. Doyle tried his hand in several businesses in those early years, even traveling southern States selling Masonic Bibles, until establishing the Doyle Rogers Realty and Insurance Agency in 1953.

This company would later become the Doyle Rogers Company. This company's real estate projects have shaped the Arkansas landscape and the Little Rock skyline. In 1982, Doyle's vision led to the development and opening of the Statehouse Convention Center and Excelsior Hotel, a world-class facility now known as the Peabody Hotel. A few years later, Doyle added the Rogers Building, a 25-story office tower now called the Stephens Building. These projects still stand proud along the Arkansas River in downtown Little Rock and assisted in the rejuvenation of business development in downtown Little Rock.

Doyle would go on to purchase Metropolitan National Bank in 1983 and relocate its headquarters to downtown Little Rock. He serves as chairman of the board, and during his tenure the bank has grown to one of the largest in the State. His success with Metropolitan National Bank and his other projects led to his induction into the Arkansas Business Hall of Fame in 2006. With this induction, Doyle joined a prestigious group that includes Sam Walton, William Dillard, and Don Tyson.

Many of Doyle's friends speak of his relentless work effort and dedication to the causes he holds dear. Education has been one of those issues over the years. He has served on the board of trustees of Hendrix College as well as advisory boards for the School of Business and School of Law at the University of Arkansas in Fayetteville. He holds honorary degrees from Lyon College and Philander Smith College. I know these institutions and countless students have benefited from Doyle's business acumen and visionary leadership.

Doyle attributes much of his success to the love and support of his great family. He married the love of his life, the former Josephine Raye Jackson, in 1941. Together they have been blessed with two children, Barbara Rogers Hoover and Doyle W. ''Rog'' Rogers, Jr., and six grandchildren. He noted in an interview with Arkansas Business:

> The way you enjoy your life is through your family. Material things are good, but being with your family, watching them grow and prosper is probably the greatest reward.

Batesville is one of my State's oldest cities. Situated along the White River, it was used as a shipping point decades before Arkansas was granted statehood. With this history, Batesville has been home to many notable residents, from professional athletes and NASCAR drivers to several former Governors. Doyle Rogers has certainly earned the honor of being listed as a great resident of Batesville. Even with Doyle's business success, he has remained humble to his roots, always believing in the value of hard work and loving the great city of Batesville. In 2004, my good friend and former Congressman Marion Berry said this of Doyle:

> In a day and age when the presiding belief is in order to grow up and succeed you must escape Rural America, Doyle Rogers and his family lived in Batesville, Arkansas for more than 50 years, proving success comes with hard work, not a change of zip code.

I agree with my former colleague. Doyle's life and work are worthy of praise, and I am proud of the legacy he has built. I know that whatever endeavor Doyle chooses to pursue in the future, he will continue to have a positive impact on Batesville and Arkansas. I ask my colleagues to join me in congratulating Doyle Rogers for this honor bestowed on him by the city of Batesville and thank him for a job well done.●

REMEMBERING MAYOR EMORY McCORD FOLMAR

● Mr. SESSIONS. Mr. President, I wish to pay tribute to a friend and the former mayor of Montgomery, AL, Emory McCord Folmar. He passed on from this life on November 11, 2011, and I wish to honor Mayor Folmar's courage and service to his country, the State of Alabama, and the city of Montgomery.

Mayor Folmar was born in Troy, AL on June 3, 1930, to Marshall Bibb Folmar and Miriam Woods Pearson Folmar. At the age of 14, the Folmar family moved to Montgomery, AL, where he graduated from Sidney Lanier High School in 1948. Mayor Folmar attended the University of Alabama, where he earned a B.S. in business in just 3 years. During his time at the Capstone, he served as a cadet colonel in the Army ROTC and was a member of the Sigma Alpha Epsilon fraternity. Upon graduation, Mayor Folmar received a regular Army commission and was assigned to the parachute training and instructors' school for the 11th Airborne Division of the 2nd Infantry Division at Fort Benning, GA.

He married Anita Pierce in February 1952, immediately prior to his deployment to the Korean war theatre later that summer. During that intense conflict, Mayor Folmar was wounded in combat and received the Silver Star, Bronze Star, and Purple Heart. He also received the French Croix de Guerre for his actions with the 23rd Regiment of the 2nd Infantry Division and French troops. Following the Korean war, he was assigned to Fort Campbell, KY, as an airborne jump master until 1954. Mayor Folmar was then and until his last breath a true American patriot who loved, respected, and defended the men and women who serve our Nation in uniform. As everyone knew, this was a part of his very being.

Emory and Anita then moved to Montgomery, where he joined his brother, James Folmar, to run a successful construction and shopping center development company. In 1975 Mayor Folmar was urged to enter political life and run for the District 8 seat on the Montgomery City Council. He was elected president of the city council and became mayor of Montgomery in 1977 in a most remarkable election. He was elected mayor with 65 percent of the vote, despite having 57 competitors. Mayor Folmar went on to serve as mayor for 22 years until 1999. Mayor Folmar was a fiscal conservative who was most proud of the financial health of the city. He was famous for maintaining a balanced budget and establishing a healthy reserve fund. Mayor Folmar was also known to walk municipal ditches and visit public property in order to ensure that municipal services were operating at peak performance. He would often say, ''It's not what you expect, it's what you inspect.'' He was perhaps one of the greatest mayors in the history of Alabama and one of the best in America. He was honest, courageous, a superb manager, and, quite noticeably, direct and plain spoken.

In 1980, Mayor Folmar served as State chairman of President Ronald Reagan's finance committee, and in 1984, he served as Reagan's State campaign chairman. In 1982, Mayor Folmar ran a competitive race as the Republican candidate for the Governor's office in Alabama. Mayor Folmar also served as the State campaign chairman for Bush-Quayle in 1988 and again in 1992. After retiring from politics, Mayor Folmar worked as a business consultant and then was appointed commissioner of the important Alabama Beverage Control Board in 2003 by Gov. Bob Riley. He served the State in this role until 2011, doing superb work making the department leaner and more productive.

On a personal note, I had the pleasure of working closely with Mayor Folmar when he served as campaign chairman for my first campaign for the Senate in 1996. I will always appreciate and remember his support throughout the years and his leadership in Alabama. Those of us who knew Mayor Folmar know also that he was a man of faith who was an elder at Trinity Presbyterian Church in Montgomery, AL. Governor Riley noted how impressed he was with Mayor Folmar's wisdom and scriptural knowledge. Emory Folmar had the reputation in Alabama as an extremely intelligent, hard-working, honest, and headstrong leader. He was all that and more.

His dedication to serving the Nation in military conflict and to serving the citizens of the State of Alabama and city of Montgomery, AL, as a public servant will continue to inspire others for generations to come. We shall miss

his leadership in the public arena. I feel quite privileged to be a U.S. Senator and to have the honor to pay tribute to Mayor Emory McCord Folmar's life and service to this great Nation.●

REMEMBERING JAMES LUCIEN HINTON

● Mr. SESSIONS. Mr. President, I wish to remember Mr. James Lucien ''Jimmy'' Hinton, who passed away on December 3, 2011, in Tuscaloosa, AL, at the age of 88. He was one of Alabama's best known and respected citizens.

Mr. Jimmy was born in Tuscaloosa on April 8, 1923. He grew up in the Little Sandy community, attended the University of Alabama in the 1940s, and served in the U.S. Army. In 1958, he married Jean Jolly and they had three children: Jimmy, Jr., Mary Katherine, and Elizabeth. He loved his family and enjoyed spending time at his farm, Sedgefield Plantation, in Dallas County.

Mr. Jimmy was a highly successful businessman and involved in many businesses during his lifetime, starting his own sawmill company at the age of 16. He was engaged in the lumber business, real estate development, a box and pallet factory, automobile business, asphalt business, and the family owned a meat-packing company, R. L. Zeigler Co., Inc., where he served as chairman of the board. He also served as a board member for the First National Bank of Tuscaloosa and Southern United Life Insurance Company. In 1999, he was inducted into the Alabama Business Hall of Fame.

Mr. Jimmy loved his family very much and particularly enjoyed hunting and fishing with them and his many friends at Sedgefield. He often opened Sedgefield for national and State field trials and also allowed hunts for persons with disabilities and terminal illness. He began the first Life Hunts for such hunters over 25 years ago, and many have benefited from his care and concern. He supported a host of worthy causes over his life.

In 1998, Jimmy received the Governor's Award and was named Conservationist of the Year for his dedication to conservation in Alabama.

He was a passionate supporter of the University of Alabama and its athletics program. Paul W. ''Bear'' Bryant and he were famous friends. He served on the University of Alabama Presidents Cabinet and the Board of Visitors of the Culverhouse College of Commerce and Business Administration.

I knew Mr. Jimmy for a number of years. It was easy to see why he engendered such affection and respect. A decisive and strong man, certainly, he nevertheless was totally unassuming. That background of country living, his love of hunting and the outdoors, his success in business, and his association with athletics at the iconic University of Alabama combined in a special way to shape who he was. People saw him for who he was. There was a rare combination of strength, modesty, and loyalty deep in his character. And to a very unusual degree, this remarkable businessman, who never sought the limelight, was well known and loved throughout our State.

Alabama and the Nation have lost one of its finest citizen. My sympathy is extended to his family upon this loss, but they have been given a wonderful heritage of industry, humility, and public service.●

RECOGNIZING THE LANSING REGIONAL CHAMBER OF COMMERCE

● Ms. STABENOW. Mr. President, my colleague Senator CARL LEVIN and I would like to pay tribute to the Lansing Regional Chamber of Commerce on the occasion of the 100th anniversary of its annual dinner.

From the very first dinner held in 1912 to the present, the Lansing Regional Chamber of Commerce Annual Dinner has played a significant role in bringing business and community leaders together to celebrate exciting developments in the region. Although the format of the evening may have changed over the years, the mission remains the same: to serve as the premier business networking event of the year and to celebrate the contributions of individuals and organizations that make the region great.

The group of Lansing area business leaders who formed the Lansing Business Men's Association certainly paved the way for the tradition that is celebrated today. After changing their name to the Lansing Chamber of Commerce, Ransom E. Olds, founder of Oldsmobile, addressed the first annual meeting at the Masonic Temple. The association had encouraged him to come back to Lansing from Detroit and build a factory, which he did. This clearly established the chamber as the community leader in fostering economic growth and creating jobs.

I am very proud that the Lansing Chamber founded the now internationally known ATHENA Award in 1982. What started as a visionary way to support, develop and honor local women leaders, has now become a global movement with more than 6000 awards presented in 500 communities in the United States, Canada, Russia, the United Arab Emirates and the United Kingdom.

It is exciting that on February 22, 2012, the 100th Annual Dinner will be celebrated at the Lansing Center. This event will not only celebrate the chamber's history and the many people who made things happen over the past 100 years, it will include updates from current business leaders and the presentation of the 2011 Community Service, Outstanding Small Business and Legacy Awards.

More than just a dinner, this event showcases the businesses and people who have helped make this region into what it is today and shape its future. We are pleased to congratulate the Lansing Regional Chamber of Commerce on this special occasion and wish them many more years of success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2079. An act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''.

H.R. 3247. An act to designate the facility of the United States Postal Service Located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1162. An act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the United States Holocaust Memorial Council: Mr. ISRAEL of New York.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2079. An act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3247. An act to designate the facility of the United States Postal Service located

at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2111. A bill to enhance punishment for identity theft and other violations of data privacy and security.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2118. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5027. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pasteuria nishizawae—Pn 1; Exemption From the Requirement of a Tolerance'' (FRL No. 9337–2) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5028. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aureobasidium pullulans strains DSM 14940 and DSM 14941; Exemption From the Requirement of a Tolerance'' (FRL No. 9337–3) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5029. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirotetramat; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9332–9) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5030. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Business Systems-Definition and Administration'' ((RIN0750–AG58) (DFARS Case 2009–D038)) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Armed Services.

EC–5031. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Award Fee Reduction or Denial for Health or Safety Issues'' ((RIN0750–AH37) (DFARS Case 2011–D033)) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Armed Services.

EC–5032. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John M. Mateczun, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5033. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–5034. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Greenhouse Gas Reporting Program: Electronics Manufacturing (Subpart I): Revisions to Heat Transfer Fluid Provisions'' (FRL No. 9633–5) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5035. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9632–7) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5036. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources'' (FRL No. 9630–7) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Environment and Public Works.

EC–5037. A joint communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2011; to the Committee on Finance.

EC–5038. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 2011 Report on the progress to date on implementing Congressionally mandated goals and responsibilities of the Medicare-Medicaid Coordination Office; to the Committee on Finance.

EC–5039. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2011 and Addendum to the Strategic Plan for fiscal years 2009–2014; to the Committee on Finance.

EC–5040. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Definition of a Taxpayer'' ((RIN1545–BF73) (TD 9576)) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5041. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Tax Credit Splitting Events'' ((RIN1545–BK50) (TD 9577)) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5042. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Physical Inspections Pilot Program'' (Notice 2012–18) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5043. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 367 to Section 304 Transactions'' (Notice 2012–15) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Finance.

EC–5044. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Issuance of Full Validity L Visas to Qualified Applicants'' (22 CFR part 41) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Foreign Relations.

EC–5045. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2013 Congressional Budget Justification and fiscal year 2011 Annual Performance Report; to the Committee on Health, Education, Labor, and Pensions.

EC–5046. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Labeling Requirements for Blood and Blood Components, Including Source Plasma; Correction'' (Docket No. FDA–2003–N–0097) received in the Office of the President of the Senate on February 13, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5047. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Performance Report to Congress for the Medical Device User Fee Amendments of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–5048. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–5049. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Budget Justification Report for fiscal year 2013; to the Committee on Health, Education, Labor, and Pensions.

EC–5050. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–5051. A communication from the General Counsel and Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report entitled ''Fiscal Year 2011 Activities''; to the Committee on Rules and Administration.

EC–5052. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule

entitled ''Revised Jurisdictional Thresholds for Section 8 of the Clayton Act'' received in the Office of the President of the Senate on February 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5053. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XA940) received in the Office of the President of the Senate on February 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5054. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''National Aeronautics and Space Administration: Acquisition Approach for Commercial Crew Transportation Includes Good Practices, but Faces Significant Challenges''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment with a preamble:

S. Res. 379. An original resolution condemning violence by the Government of Syria against the Syrian people.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 2115. A bill to limit the authority of the Administrator of the Environmental Protection Agency with respect to certain numeric nutrient criteria, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Mr. WEBB, Mr. HARKIN, Mrs. HAGAN, Mrs. MCCASKILL, Mr. ROCKEFELLER, Mr. JOHNSON of South Dakota, and Mr. FRANKEN):

S. 2116. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 2117. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. BURR, Mr. COBURN, Mr. ROBERTS, Mr. BLUNT, Mr. GRASSLEY, Mr. LEE, Mr. PAUL, Mr. COATS, Mr. INHOFE, Mr. ISAKSON, Mr. RISCH, Mr. HELLER, Mr. BARRASSO, Mr. COCHRAN, Mr. RUBIO, Mr. MORAN, Mr. JOHANNS, Mr. THUNE, and Mr. CRAPO):

S. 2118. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; read the first time.

By Mr. UDALL of Colorado (for himself, Mr. CARPER, Mr. COONS, Mr. FRANKEN, and Mr. UDALL of New Mexico):

S. 2119. A bill to establish a pilot program to address overweight/obesity among children from birth to age 5 in child care settings and to encourage parental engagement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. BROWN of Ohio, and Mr. BROWN of Massachusetts):

S. 2120. A bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 2121. A bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date; to the Committee on Armed Services.

By Mr. PAUL (for himself and Mr. LEE):

S. 2122. A bill to clarify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 36. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S.J. Res. 37. A joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 379. An original resolution condemning violence by the Government of Syria against the Syrian people; from the Committee on Foreign Relations; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. CASEY, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mrs. GILLIBRAND, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. PRYOR, Mr. RISCH, Mr. SCHUMER, Mr. UDALL of Colorado, Mr. WYDEN, Ms. SNOWE, Mr. VITTER, Mr. ISAKSON, and Mr. SESSIONS):

S. Res. 380. A resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 543

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the

medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1161

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1161, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1503

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1503, a bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1773

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1787

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1787, a bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1906

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1906, a bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1971

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1971, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates and to provide for relief from those mandates, and for other purposes.

S. 2017

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2017, a bill to secure the Federal voting rights of persons when released from incarceration.

S. 2043

At the request of Mr. RUBIO, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2075

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2075, a bill to close unjustified corporate tax loopholes, and for other purposes.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S. 2104

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2104, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

AMENDMENT NO. 1516

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of amendment No. 1516 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1520

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1549

At the request of Mr. CARDIN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. UDALL), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1549 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1562

At the request of Mr. LIEBERMAN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 1562 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1613

At the request of Mr. BEGICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1613 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1625

At the request of Mr. JOHANNS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of amendment No. 1625 intended to be proposed to S. 1813, a bill to reauthorize

Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1649

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1649 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1652

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1652 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1661

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 1661 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 2117. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

Mr. WEBB. Mr. President, today I am reintroducing the Adult Education and Economic Growth Act of 2012. This bill will address the critical needs in our workforce by investing in adult education, job training and other workforce programs needed to build a strong and competitive 21st century workforce. I am pleased to be joined in this initiative by Senators JACK REED and SHERROD BROWN. An identical bill has been reintroduced in the House of Representatives by Congressman HINOJOSA.

By almost any measure, our Nation faces a critical need to strengthen existing programs of adult education. Our current adult education system falls short in preparing our people to compete globally. In fact, fewer than 3 million of the 93 million people who could benefit from these services actually receive them.

The U.S. labor market has changed dramatically with the advent of new technology and with the loss of jobs in the manufacturing sector. The need for well-trained and highly skilled workers has increased. At the same time, our adult education system, which should effectively prepare our low-skill workers to meet the demands of this shifting economy, has not kept pace with this changing workforce.

Since 2002, the Federal Government has consistently decreased funding for adult education. In addition, the Nation's primary Federal resource for adult education, job training and employment services, the Workforce Investment Act, has not been reauthorized for more than 10 years. Only about one in four adults with less than a high school education participates in any kind of further education or training.

There are other signs pointing to the need for a better approach to adult education. Consider adult education enrollment rates. In 1998 there were more than 4 million individuals enrolled in adult education programs. In 2007, enrollments had dropped to just 2 million. This is a 40 percent drop from when the Workforce Investment Act was originally enacted in 1998.

A growing number of U.S. skilled workers are facing retirement age and the growth in skilled labor force has stagnated. Addressing the looming skills shortage in many sectors and regions in the U.S., through reinvestment in our adult education system, will result in an educated and literate adult population.

According to the Workforce Alliance, 80 percent of jobs in today's economy require some education beyond a high school degree. Yet there are 8 million adults in the workforce who have low literacy, limited English proficiency, or lack educational credentials beyond high school.

With so many workers who are unemployed or underemployed, it is clear that we should invest in the training or re-training of U.S. workers to fill this growing gap.

Our legislation begins the vital task of addressing these problems.

Today, we are proposing a four-pronged approach to strengthen the Nation's workforce. First, we want to build ''on ramps'' for American workers who need new skills and a better education in order to improve their lives. Currently our adult education programs are operating in silos and it is critical that we improve the adult education system through partnerships with businesses and workforce development groups. Just as importantly, we want to encourage employers to help them, by offering tax credits to businesses that invest in their employees. This government has long provided employers with limited tax credits when they help their employees go to college or graduate school. It is basic logic and to the national good, that we should provide similar incentives for basic adult education.

Second, we must modernize the delivery system of adult education by harnessing the increased use of technology in workforce skills training and adult education. The bill provides incentives to states and local service providers to increase their use of technology and distance learning in adult education. Many adult learners cannot afford the time or money to travel to a classroom and deploying technology will help meet this need.

Third, our bill establishes stronger assessment and accountability measures.

This bill authorizes a rather modest $500 million increase in funding to invigorate state and local adult education programs nationwide to increase the number of adults with a high school diploma. As a result, the bill will inevitably increase the number of high school graduates who go on to college, and update and expand the job skills of the U.S. workforce. All of this is relevant to my longstanding personal goal of promoting basic economic fairness in our society.

Other provisions of the Adult Education and Economic Growth Act will improve workers' readiness to meet the demands of a global workforce by providing pathways to obtain basic skills, job training, and adult education.

The act will provide workers with greater access to on-the-job training and adult education by encouraging public-private partnerships between government, business and labor.

The act will improve access to correctional education programs to channel former offenders into productive endeavors and reduce recidivism.

The act will encourage investment in lower skilled workers by providing employers with a tax credit if they invest in their employee's education. This tax credit is aimed at encouraging general and transferable skills development that may be in the long term interest of most employers but are not always so clearly rewarded by the market.

This act focuses on addressing the unique needs of adults with limited basic skills, with no high school diploma, or with limited English proficiency. Those individuals who may have taken a different path earlier in life, and who now find themselves eager to go back to school and receive additional job training and skills, should be provided opportunities to get back on track.

I encourage my colleagues to support this important endeavor. Our Nation's workforce and local communities will be stronger for it.

By Mr. UDALL of Colorado (for himself, Mr. CARPER, Mr. COONS, Mr. FRANKEN, and Mr. UDALL of New Mexico):

S. 2119. A bill to establish a pilot program to address overweight/obesity among children from birth to age 5 in child care settings and to encourage parental engagement; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Healthy Kids from Day One Act—a bill that will add another tool to our toolbox for tackling the national epidemic of childhood obesity. Today, about one in three children is either overweight or obese, and nearly 21 percent of our littlest ones—those in preschool—are obese or overweight. This problem has become an epidemic, and I want to thank Senators COONS, CARPER, FRANKEN, and TOM UDALL for joining me in introducing this important legislation.

The Healthy Kids from Day One Act seeks to focus on the childcare setting as a part of our strategy to combat childhood obesity and get kids healthy and moving again. This bill recognizes that in order to reduce the prevalence

of childhood obesity, we must reach children in as many settings as possible and particularly in the places where they live, learn, and play. With 75 percent of U.S. children aged 3 to 5 years in childcare and 56 percent in centers, including nursery schools, preschools, and full-day centers, it makes sense to focus on the preschool and childcare environment. Experts are increasingly acknowledging this setting as critical to obesity prevention. For example, this past October the Robert Wood Johnson Foundation released a research synthesis on how childcare settings can promote healthy eating and physical activity. Furthermore, an article in the January 2012 issue of Pediatrics examined barriers to children's physical activity in childcare.

Childcare providers want to create healthy environments for children but vary in the expertise or resources needed to achieve this goal. This legislation builds on a bill I introduced with Senator FRANKEN in 2010 by supporting the establishment of childcare collaborative workshops at the local level to offer childcare providers the tools, training, and assistance they need to encourage healthy eating and physical activity. This bill supplements some of the work being done right now by the First Lady in her Let's Move Child Care initiative, as it would bring together, in interactive collaborative learning sessions, relevant entities needed for meaningful childhood-obesity prevention.

Obesity has serious health and economic consequences. It puts our children at greater risk of costly but preventable chronic illnesses, such as diabetes, heart disease, and stroke. Obesity also comes at a tremendous cost to our society. The total economic cost is estimated at $300 billion annually, and, as the Nation's youth continues to age, further costs will be added to the national health care system if these trends continue. Obesity also has impacted our ability to recruit healthy, young servicemembers into the military and maintain a strong national defense.

My childhood and much of my adult life has been spent in the great outdoors, and I have tried to bring my enthusiasm for being active and exploring the world around us here to the U.S. Congress as a cochair of the Senate Outdoor Recreation Caucus. I firmly believe that we need to reconnect folks with the idea that being active is fun and rewarding, and it can help us lower health care costs and improve the quality of life here in America.

I would like to thank Nemours, Trust for America's Health, the YMCA of the USA, the American Academy of Pediatrics, and the American Heart Association for working with me to develop this legislation. This bill builds upon their expertise with obesity prevention.

I urge my colleagues to join me in the fight against childhood obesity by supporting this bill.

By Mr. ENZI (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 36. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today after introducing a Congressional Review Act Resolution of Disapproval to stop the National Labor Relations Board's unfair and unnecessary ambush elections rule. I am pleased that 43 fellow Senators have cosponsored this resolution. I know it will draw more support on the Senate floor as people learn the details of the new rule.

This administration's National Labor Relations Board has done a lot of controversial things, but the ambush elections rule stands out because it is a politicized and unjustified effort to make a fair system less fair, and it is being rushed into effect over tremendous objection.

The National Labor Relations Act, which the National Labor Relations Board enforces, is a carefully balanced law that protects the rights of employees to join or not join a union and also protects the rights of employers to free speech and unrestricted flow of commerce.

Since it was enacted in 1935, changes to this statute have been rare. When they do occur, it is the result of careful negotiations with all the stakeholders. Most of the questions that come up under the law are handled through decisions of the board. Board decisions often do change the enforcement of the law significantly, but they are issued in response to an actual dispute and an actual question of law. In contrast, the ambush elections rule is not a response to a real issue because the current election process for certifying whether employees want to form a union is not broken.

This rule was not carefully negotiated by stakeholders. Instead, it was rushed into place over just 6 months, despite the fact that it drew over 65,000 comments in the 2-month period after it was first proposed.

Had the board held the comment period open longer to allow more input from the regulated community, which was clearly quite engaged on the proposal, it would certainly have received even more comments. Yet this relatively small agency reported that it gone through all 65,957 comments in just the 7 weeks they took to release a modified rule, which was then finalized. The rule was finalized just days before the board lost its quorum with the expiration of Member Becker's recess appointment term. Under any circumstances, a rulemaking this hasty looks suspicious. In this case, there is simply no justification for the rush.

Today's secret ballot elections occur in a median timeframe of 38 days. Unions win more than 71 percent of elections—their highest win rate on record. The current system does not disadvantage labor unions at all. But it does ensure there is fairness for the employees whose right it is to make the decision of whether or not to form a union, to pay union dues, and to have some of their dues go into political campaigns and have the full opportunity to hear from both sides about the ramifications of that decision—to have the time to get full disclosure.

There is supposed to be a poster that notifies employees of their right not to have their money go into political campaigns, but this administration has taken that off of the poster so they are no longer informed of that right.

This principle of law has been upheld over nearly seven decades. It was Senator John F. Kennedy who argued during the debate over the 1959 amendments to the law, saying:

> There should be at least a 30-day interval between the request for an election and the holding of an election . . . in which both parties can present their viewpoints.

Frankly, whenever I hear a government decision that aims to limit information available to citizens and depress free speech, I am very concerned. It was that sort of agenda that was behind the card check legislation which was defeated in the Senate. Let me repeat that. It was that sort of agenda that was behind the card check legislation that was defeated in the Senate. I am afraid this rule has been hatched in the same laboratory, and I hope it will meet the same fate.

The ambush elections rule eliminates the 25-day waiting period to conduct elections in cases where a party has filed a preelection request for review. It effectively eliminates the opportunity for parties to voice objections and settle issues before the elections and limits the ability to address them after elections as well.

What are we trying to hide? The effect of these changes will be union certification elections held in as few as 10 days. Union organizers will hand-select members of the bargaining unit, and any review of the appropriateness of the unit makeup or status of employees who may qualify as supervisors will be postponed until after the election—something always done before the election. Employees will be voting on

whether to form a union without any idea of who will actually be in the bargaining unit.

Employers will be caught off guard and potentially flying blind with regard to their rights under the law, particularly small businesses. Union organizers spend months, if not years, organizing and spreading their message to the employees, unbeknownst to the employer. So when a union files a representation petition, employers are already at a significant disadvantage in educating employees about their views on unionization. Employers also use this time to consult with their attorneys to ensure their actions are permissible under the law. Shortening the time period will increase the likelihood that employers will act hastily, opening themselves to unfair labor practice charges that have very severe consequences.

I am particularly concerned about the small businesses that will be ambushed under this rule. Instead of focusing on growing and creating more jobs, they will be swamped with legal issues, with bargaining obligations, a less flexible workforce, and increased costs across the board. Most small businesses likely have no idea about the changes being made by the National Labor Relations Board because the rule was rushed into place so hastily.

Instead of directing the National Labor Relations Board to focus on enforcing current law rather than ambushing small business job creators and their employees, President Obama has stacked the Board with unconstitutional recess appointees and requested a $15 million increase in their budget. He simply doesn't understand. He doesn't get it.

By passing this resolution through both the House and Senate, we will strike a victory for those on the side of job creation and fairness to employees. It will also send a very important message to a runaway agency. Under this administration, the National Labor Relations Board has been more controversial than most observers can ever remember. They have flouted the intentions of Congress repeatedly.

The President has redefined a recess appointment in order to keep it going. There is no law that allowed that. There is no change that has been made that would allow a President to do something different than has ever been done before. But he did it. He redefined the recess appointment in order to keep the Board going.

A few weeks ago, National Labor Relations Board Chairman Pearce announced that he intends to push through even more controversial changes to the elections rules before the end of the year. He is planning to require a mandatory hearing 7 days after a petition is filed. Employers would be forced to file a position statement on important legal questions at the hearing or lose the right to subsequently argue those issues. He plans to require employers to provide personal employee information to union organizers, such as e-mail addresses, within 2 days. Do you think the employees want to be harassed with e-mails? I doubt it. These changes would completely cripple any employer's ability to have a voice in the decisionmaking process, let alone a small employer's.

Enacting a resolution of disapproval of the ambush elections rule would prevent Chairman Pearce from promulgating these destruction changes. It would not roll back any rights or privileges, it would simply return these workplace rules to current law. Current law. Not current rule, current law. It just returns it to the workplace rules we have under current law. I will remind my colleagues that current law is a fair system under which employees retain the right to decide by secret ballot election whether to form a union. Elections occur in a median of 38 days, and unions win 71 percent of the elections.

I ask unanimous consent to have printed in the RECORD letters of support from a number of groups.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, February 16, 2012.

Hon. MICHAEL B. ENZI,
Ranking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Association of Manufacturers (NAM), I am writing to express manufacturers' strong support for S.J. Res. 36, the ''Resolution of Disapproval'' of the National Labor Relations Board's (NLRB) rule relating to representation election procedures.

The NAM is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. The NAM's mission is to enhance the competitiveness of the manufacturing economy by advocating policies that are conducive to U.S. economic growth.

The NLRB's rule relating to representation election procedures, finalized in December, represents one of many recent actions and decisions made by the NLRB, stifling economic growth and job creation. These actions would burden manufacturers with harsh rules, making it harder to do business in the United States. The rule would limit what issues and evidence can be presented at a pre-election hearing, potentially leaving important questions unresolved until after an election has taken place, making these questions moot.

Furthermore, the rule would also eliminate the current 25–day ''grace period,'' compressing the time frame for elections to occur in approximately 20 days. Business owners would effectively be stripped of legal rights ensuring a fair election and those who lack resources, or in house legal expertise, will be left scrambling to navigate and understand complex labor processes with too little time. Moreover, employees will be denied the ability to make fully informed decisions about whether they want to join a union. Finally, the NLRB has not provided any evidence such a rule is needed in order to address a systematic problem of representation election delays. Absent any justification, the NAM believes the rule is unnecessary and will create problems where none currently exist.

S.J. Res. 36 would send a strong message to the NLRB and rein in the agency, whose actions have resulted in the most dramatic changes to labor law in 75 years, threatening the ability of business owners to create and retain jobs. We look forward to continuing to work with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

NLRB REPRESENTATION ELECTION STATUS THROUGH THE YEARS

Fiscal year	Cases	Election agreement %	Median days	56-day %
2011				
2010	1790	92.1	38	95.1
2009	1690	91.9	37	95.5
2008	2085	91.8	38	95.1
2007	2080	91.2	39	93.9
2006	2296	91.1	38	94.2
2005	2715	89	39	93.6
2004	2537	89	39	93.6
2003	2659	88.5	40	92.5
2002	2871	86.1	41	91
2001	2842	88.2	40	N/A
10 year Average	2356	89.9	38.9	93.8

NATIONAL RESTAURANT ASSOCIATION,
February 15, 2012.

MICHAEL B. ENZI,
Ranking Member, Senate Health, Education, Labor, & Pensions,Washington, DC.

DEAR SENATOR ENZI: We write on behalf of the National Restaurant Association to commend you on your leadership urging the use of the Congressional Review Act (CRA) to challenge the National Labor Relations Board's (NLRB) decision to issue ''ambush election'' regulations. These regulations make it more difficult for small businesses to respond and educate their employees during union election campaigns.

The ambush election regulations would, in practice, deny employees' proper access to information on unions, while restricting employers' rights of free speech and due process. Specifically, the ambush election regulations restrict an employer's ability to raise substantive issues and concerns prior to a union election, such as allowing the NLRB

to limit the issues raised at a pre-election hearing and preventing an employer from raising objections to the size and scope of a unit.

The ambush election regulations would also eliminate the requirement that a union election not be held within 25 days after a hearing judge rules on pre-election matters. As NLRB Board Member Brian Hayes points out, the intent of the ambush election regulations is to ''eviscerate an employer's legitimate opportunity to express its views about collective bargaining.''

We praise your leadership on this issue and look forward to assisting you as this matter moves toward a floor vote in the US Senate.

Sincerely,

ANGELO I. AMADOR, ESQ.,
Vice President Director, Labor & Workforce Policy.
MICHELLE REINKE NEBLETT,
Director, Labor & Workforce Policy.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
February 16, 2012.

The Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.

DEAR SENATOR ENZI: On behalf of Associated Builders and Contractors (ABC), a national association with 74 chapters representing more than 22,000 merit shop construction and construction-related firms, I am writing to thank you for introducing S.J. Res. 36, which provides for congressional disapproval and nullification of the National Labor Relations Board's (NLRB) rule related to representation election procedures. ABC supports S.J. Res. 36 and urges Congress to immediately pass this much-needed resolution, which will nullify the ambush election proposal.

The ambush election rule is nothing more than the Board's attempt to promote the interests of organized labor by effectively denying employees access to critical information about the pros and cons of union representation. Stripping employers of free speech and the ability to educate their employees, the rule poses a threat to both employees and employers.

In August, ABC criticized the NLRB proposed ambush rule that could dramatically shorten the time frame for union organizing elections from the current average of 38 days to as few as 10 days between when a petition is filed and the election occurs. ABC submitted comments to the NLRB stating the proposed rule would significantly impede the ability of construction industry employers to protect their rights in the pre-election hearing process; hinder construction employers ability to share facts and information regarding union representation with their employees; and impose numerous burdens without any reasoned justification on small merit shop businesses and their employees, which constitute the majority of the construction industry. In the largest response on record, the NLRB received more than 70,000 comments regarding the proposal, many of which strongly opposed the changes.

The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, disposing of the rigid seven- and two-day requirements, the final rule is identical in purpose and similar in effect to the August proposal.

At this time of economic challenges, it is unfortunate that the NLRB continues to move forward with policies that threaten to paralyze the construction industry and stifle job growth. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of American workers. We applaud you for introducing S.J. Res. 36 and urge Congress to immediately pass this much-needed resolution.

Sincerely,

GEOFFREY G. BURR,
Vice President, Federal Affairs.

NATIONAL RETAIL FEDERATION,
February 16, 2012.

Hon. MICHAEL B. ENZI,
U.S. Senate, 379A Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Retail Federation (NRF), I am writing to you urge your support for the Joint Resolution of Disapproval challenging the National Labor Relations Board's (NLRB) rule on ambush elections. Senator Mike Enzi has introduced this resolution, and NRF urges you to support this legislation.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs—one in four U.S. jobs. The total U.S. GDP impact of retail is $2.5 trillion annually, and retail is a daily barometer of the health of the nation's economy.

Senator Enzi's resolution will relieve the serious threat to both employees and employers posed by a recently finalized NLRB rule regarding election timing. The rule, announced December 21, 2011, would drastically change the process for union representation elections and would severely limit worker access to information needed to make an informed decision about whether or not to vote in favor of a union.

The average amount of time that elapses in a NLRB election is presently 37 days. Under the new rule, a vote could happen in as few as fourteen days, leaving an employer little time to prepare for an election. Moreover, since a union can be organizing for an election and talking to employees for up to a year before a formal petition for an election is submitted to the NLRB, the new rule severely tilts the playing field against employers. As a result, the quality and quantity of information available to employees in consideration of the issue will be severely unbalanced; and the rights of employees who do not favor the union position will be undermined.

This action by the NLRB, taken along with a series of other extraordinary rulings over the course of the last nine months, are nothing more than an attempt to impose the Employee Free Choice Act (card-check) on employees and employers through regulation. We urge you to strongly reject this ''backdoor'' card check agenda by a board of unelected bureaucrats and restore balance to the organizing process so that we can start removing the economic uncertainty facing both employers and employees.

NRF is fully behind Senator Enzi's effort, and we urge you to support the Joint Resolution of Disapproval. We look forward to working with the Senate to move this Resolution forward.

Sincerely,

DAVID FRENCH,
Senior Vice President, Government Relations.

COALITION FOR A DEMOCRATIC WORKPLACE,
February 16, 2012.

DEAR SENATORS ENZI AND ISAKSON AND REPRESENTATIVES KLINE, ROE AND GINGREY:

On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace thanks you for introducing S.J. Res. 36 and its companion resolution in the House of Representatives, which provide for congressional disapproval and nullification of the National Labor Relations Board's (NLRB or Board) rule related to representation election procedures. This ''ambush'' election rule is nothing more than the Board's attempt to placate organized labor by effectively denying employees' access to critical information about unions and stripping employers of free speech and dues process rights. The rule poses a threat to both employees and employers. We support S.J. Res. 36 and its House companion and urge Congress to immediately pass these much-needed resolutions, which will nullify the ambush election proposal.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called ''Employee Free Choice Act'' (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the bipartisan group of elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and employees in an effort to enact EFCA through administrative rulings and regulations.

On June 21, 2011, the Board proposed its ambush election rule, which was designed to significantly speed up the existing union election process and limit employer participation in elections. At the time, Board Member Hayes warned that ''the proposed rules will (1) shorten the time between filing of the petition and the election date, and (2) substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility, and election misconduct.'' Hayes noted the effect would be to ''stifle debate on matters that demand it.'' The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, the final rule is identical in purpose and similar in effect to the proposal.

The NLRB's own statistics reveal the average time from petition to election was 31 days, with over 90% of elections occurring within 56 days. There is no indication that Congress intended a shorter election time frame, and indeed, based on the legislative history of the 1959 amendments to the National Labor Relations Act, it is clear Congress believed that an election period of at least 30 days was necessary to adequately assure employees the ''fullest freedom'' in exercising their right to choose whether they wish to be represented by a union. As then Senator John F. Kennedy Jr. explained, a 30-day period before any election was a necessary ''safeguard against rushing employees into an election where they are unfamiliar with the issues.'' Senator Kennedy stated ''there should be at least a 30-day interval between the request for an election and the holding of the election'' and he opposed an amendment that failed to provide ''at least 30 days in which both parties can present their viewpoints.''

The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which

would not be possible under the ambush election rule. In fact, in other situations involving ''group'' employee issues, Congress requires that employees be given at least *45 days* to review relevant information in order to make a ''knowing and voluntary'' decision. (This is required under the Older Workers Benefit Protection Act when employees evaluate whether to sign an age discrimination release in the context of a program offered to a group or class of employees.) Also, in many cases, employers, particularly small ones, will not have enough time under the rule's time frames to secure legal counsel, let alone an opportunity to speak with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these ''ambush'' elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union.

For these reasons, we thank you for introducing S.J. Res. 36 and its House companion and urge Congress to immediately pass these much-needed resolutions. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

Sincerely,

GEOFFREY BURR,
Chairman.

Mr. ENZI. Mr. President, I look forward to the opportunity to debate this resolution on the floor, and I thank the Senators who have joined me as original cosponsors.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

By Mr. INHOFE:

S.J. Res. 37. A joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I want to announce that I introduced a resolution of disapproval just a few minutes ago under the Congressional Review Act.

A lot of people don't know what the Congressional Review Act is, but it is an act that will allow Congress to look at some of the regulations. If there is something they don't believe is in the best interest of the country, they are able to introduce something to rescind that. It would call for a vote, and the vote would be a 51-vote. So it is one that has not been used very much, but it is a measure that would prevent, in this case the Obama EPA, from going through with its Utility MACT.

MACT is the maximum achievable control technology. That is used quite often because there are sometimes requirements in these EPA rules that require different industries to do things where there is no technology available to allow them to get that done. So the Utility MACT is one of the most expensive environmental rules in American history, second only to President Obama's cap-and-trade rules, which he was unable to achieve legislatively. Left untouched, the Utility MACT would destroy over 1 million jobs and cost the American economy billions of dollars.

My CRA, the Congressional Review Act, will be the moment of truth for a majority in this body who understand how harmful the Obama EPA regulatory agenda will be for their constituents. Remember, last year at this time 64 Senators voted in different ways to rein in the EPA's destructive greenhouse gas regulations. I had a bill to take away the jurisdiction from the Environmental Protection Agency to regulate greenhouse gases. It was called the Energy Tax Prevention Act. At the same time, there was another I call a cover vote. Sometimes when you want to tell people at home that you are against something, you can have a less maybe severe vote, and there happens to be a cover vote that takes place.

The bottom line is 64 of the 100 Senators voted to do something about the overregulation that is coming out of the Environmental Protection Agency. That particular one was on the regulation that would be the most expensive of all.

The Utility MACT I am offering the CRA on now is probably the second most expensive. But to refresh your memory, in order to have the EPA have jurisdiction of the greenhouse gases, they had to somehow come up with an endangerment finding. They did, and they based it on the IPCC science that gave rise to the concern that was exposed in climategate. I think everyone understands that was flawed science. But, nonetheless, that is what they used. That is why we were able to get two-thirds of this body to object to the EPA regulating greenhouse gases.

I think the bottom line now is that there are more than a dozen Senate Democrats who have claimed they want to rein in the EPA because they know the devastating impact the Agency's regulatory train wreck will have at home. The Senators understand if their constituents lose their jobs as a result of these overregulations, they might lose their jobs.

So today the Senate can look forward to having one more opportunity to stand up to President Obama's war on affordable energy. They can vote for this CRA which will put a halt to one of the Obama EPA's most expensive and economically destructive rules.

Under the Utility MACT, it would cost American families—and nobody disagrees with this—the range is between $11 billion and $18 billion in electricity rate increases. That is over an 11-percent rate increase on average that it would cost if we were to pass this Utility MACT under the regulations of the utilities. This would send ripple effects throughout the economy, causing approximately 1.4 million net job losses by 2020. And it is not just jobs in the coal industry that would be affected.

Dr. Bernard Weinstein of the Maguire Energy Institute at Southern Methodist University has estimated EPA's air rules could endanger 1 million manufacturing jobs outside of the coal and utility industry losses. Workers recently laid off in Ohio, Kentucky, and West Virginia are feeling the devastating impacts of the rule. Sadly, these lost jobs are all part of Obama's wider war on coal and fossil fuels.

You might remember that he admitted this was his goal in the campaign of 2008 when he said:

> If somebody wants to build a coal-fired plant they can. It's just that it will bankrupt them. And under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.

When the cap-and-trade failed, Obama began aggressively pursuing these goals through an executive regulatory barrage of unelected bureaucrats. So companies such as Solyndra got big cash payoffs while a regulatory train wreck was unleashed by the EPA to destroy America's fossil fuel industry.

The political climate is much different now than it was in the days when global warming alarmists could bask in their historical gloom-and-doom predictions about the end of the world. Now, President Obama wouldn't dare say anything like that because the American people no longer are buying it. Instead, he has begun touting oil and gas development and saying he is for an all-out, all-of-the-above energy strategy. In an election year, he knows the American people want the hundreds of thousands of jobs and affordable energy prices that come with domestic oil and gas.

But he is clearly still determined to achieve his global warming agenda. His war on affordable energy is moving underneath the radar and wrapped in lies about protecting public health. Make no mistake, the train wreck will achieve all of Obama's global warming objectives, and it will severely undermine our Nation's economy in the process. So I will spend just a moment on that.

When President Obama could not achieve cap-and-trade through legislation, he said he would just do it through regulations. EPA's greenhouse gas regime will cost American families between $300 billion and $400 billion a year. This is important because no one has refuted this. We have gone through the Kyoto convention, and that was a range that was given to us by the Wharton econometrics survey at that time. And several others chimed in—MIT chimed in, CRA chimed in. So the cost of regulating greenhouse gas

would be about $300 billion to $400 billion a year.

When we talk about billions and trillions of dollars, I am like everybody else. I have a hard time seeing how that really affects us. In my State of Oklahoma, I regularly determine each year how many families in my State of Oklahoma are going to file a tax return, and then I do the math. This particular one, at $300 billion a year, would cost each family filing a tax return in my State of Oklahoma about $3,000 a year. Now, that is not just once, that would be every year.

What do you get for it? And this is the thing that I think is important, and the American people finally have caught on. They have admitted that through the EPA, when you ask them if we were to pass one of these things regulating CO_2 through the cap-and-trade legislation that we have defeated, would this reduce greenhouse gases, the answer from the Administrator of the EPA is, no, it wouldn't because this only would affect the United States of America. This isn't where the problem is. China would still be doing its thing, India would be doing its thing, and Mexico.

I have contended if we are regulating these in the United States, it could actually have the effect of increasing the emissions because, as we chase our manufacturing base overseas to find energy, they would be going to countries such as China and India where they don't have the regulatory restrictions we have in this country.

So the Utility MACT is second only to the greenhouse gas regulations in terms of what it would cost, in terms of costing the people in terms of jobs and money. Actually, the regulatory thing would be worse when we are talking about greenhouse gases because under the bills that were introduced starting in 2003—that was the McCain-Lieberman bill, going all the way forward to the Waxman-Markey bill—the assumption has been that they would regulate industries and emitters that were over the 25,000 tons a year.

Now, if we do it through regulation, as they are trying to do it right now, the Clean Air Act has a limit of 250 tons. So we would be talking about regulating virtually every church, school, and hospital in America and not just the very large utilities. So that is where we were on that issue.

On oil, President Obama has been congratulating himself on decreasing the imports of oil from the Middle East, but he fails to mention his policies have been consistently against oil and gas. In fact, he and people in his administration have said they want to do away with fossil fuels. Secretary of Energy Steven Chu said they wanted to ''boost the price of gasoline to the levels in Europe.''

Well, that is $7 or $8 a gallon. Right now we are looking at $4 a gallon, and that is what they want to do. What is their motive? To do away with fossil fuels. He claims to care about energy security, yet he stopped the Keystone Pipeline.

I am very proud of a lot of Senators in here who have talked about it. Senator HOEVEN, for example, is very familiar with it because of the production in his State. We are talking about the sands up in Alberta and bringing them down through the United States. I am interested in this because Cushing, OK, happens to be one of the intersections that is there for the pipeline.

So here is something there is absolutely no reason to do away with except to kill oil because we know the pipeline is going to bring oil down into the United States through, I might say, my State of Oklahoma down to the coast where it can be used. A lot of people don't understand this because they have been told things that, quite frankly, are not true.

In terms of oil, gas, and coal, the United States of America has the largest recoverable reserves in the world. People keep saying over and over again: Well, we only have 3 percent of the reserves. Yet we use 25 percent. Quite frankly, they are talking about proven reserves. You can't get a recoverable reserve until you drill. If they don't let us drill because of the policies of this administration, then, obviously, we would be stuck with just the very small amount we could produce. Nonetheless, it is out there. We are the only country in the world that our politicians don't allow us to explore and recover our own reserves—the only country in the world.

Natural gas. We know it is happening right now. We know in areas like New York and Pennsylvania with the Marcellus debate, we have opportunities we have never had in this country. We have the opportunity to recover more natural gas. When the President made a statement in the State of the Union Message about being supportive of ''all the above,'' talking about natural gas, he slipped in one little statement: Well, we don't want to poison the Earth—or something like that.

What he is talking about is they have spent countless hours trying to regulate a process called hydraulic fracturing—a process that started in my State of Oklahoma in 1949. There has never been a documented case of ground water contamination since they have been using hydraulic fracturing. And we can't get into these tight formations without hydraulic fracturing. It can't be done.

So the President can get by with saying he wants to produce the natural gas we have locally, and at the same time take over the regulation of hydraulic fracturing by the Federal Government. We know what that would mean. I think the best evidence of that is President Obama in his current budget is doubling the funding for the antifracking agenda in the 2013 budget. Nuclear? That is agreed. If we believe in ''all of the above,'' you have to have fossil fuel as coal, oil, and gas, but also nuclear. It is a very important component. It is interesting that only yesterday President Obama sent his Energy Secretary, Steven Chu, to Georgia, to take credit for the 5,800 jobs that will be created when two new nuclear reactors are built there. As Secretary Chu said yesterday:

> In his State of the Union Address, President Obama outlined a blueprint for an American economy that is built to last and develops every available source of American energy. Nuclear power is an important part of that blueprint.

Yes, nuclear power is so important that President Obama forgot to mention it in his very long State of the Union message. To send Secretary Chu to Georgia is kind of ironic, given that Chu is the one who said that nuclear power is the ''lesser of two evils.'' It was the President himself who designated a Chairman of the Nuclear Regulatory Commission who had been leading the antinuclear energy group for quite some time. In fact, Chairman Jaczko tried to delay the progress on licensing the very reactors in Georgia that they went up to try to take credit for.

We see this over and over again.

What does this all mean? President Obama knows he needs to talk the talk on domestic energy because people have caught on. I think people know now that we have the recoverable reserves to be completely free from the Middle East. All we have to do in a short period of time is develop our own resources. I know my environmental friends are already saying, about the CRA on the Utility MACT—the NRDC jumped on the story today with the headline ''Let Loose the Defenders of Mercury Poisoning.'' Nothing could be further from the truth.

I remember in 2003 and 2005 when we had the Clear Skies bill. The Clear Skies bill would have had mandatory reductions—keep in mind we are talking about 2003—mandatory reductions on mercury emissions by 70 percent by 2018. It was a matter of a few years from now, that would be reality. Think about it, 6 years from now we would already have a 70-percent reduction if the Democrats had not stopped the bill. The reason they did is because we refused—we want to have SO_X, NO_X, and mercury, which are the real pollutants, reduced and reduced in a rapid fashion, faster than President Clinton or anybody else has tried to do it. They held it hostage because they also wanted CO_2 included in it, so we got none of the above as a result of it.

The EPA's Utility MACT is designed to destroy jobs by killing off the coal industry. EPA admits itself that the Utility MACT rule would cost an unprecedented $11 billion to implement. Of course these costs will come in the form of higher electricity rates for every American. Importantly, the EPA also admits that the $11 billion in costs will yield a mere $6 billion in direct benefits.

Do the math. It means the agency has by its own admission completely

failed the cost-benefit test. It has the advantage of reducing emissions without killing jobs and the Utility MACT would do little for the environment but destroy millions of jobs. Why did Clear Skies fail? As I said, it was held hostage because they didn't want us to just lose SO_X, NO_X, and mercury, the real pollutants. They wanted to include CO_2.

Before Obama's decision to halt the ozone rule, which would have put hundreds of thousands of jobs at risk, then-White House Chief of Staff Bill Daley asked: What are the health impacts of unemployment?

That is a good question. What are the health impacts of skyrocketing electricity rates which hurt the poor the most? What are the health impacts on children whose parents will lose one of the 1.4 million jobs that will be destroyed by the EPA's rules on powerplants?

The Senate needs to focus on promoting policies that improve our environment without harming our economy. The EPA's Utility MACT does the opposite. My CRA, I think, is one of the things about which they say: You will never get it done. I have criticized people for bringing a Congressional Review Act up against regulations where I know the votes are not there. It takes just 51 votes. The reason I think the votes should be here now is if the people at home care enough to put the pressure on. That is exactly what happened on the ozone requirements. They said the President was committed to ozone changes. He changed his mind because of that.

Remember the farm dust rule? The President was going to have a farm dust rule on emissions that would hit the air. I always remember, I had a news conference in my State of Oklahoma, in the western part of the State. We had a couple of people there from Washington who had never been west of the Mississippi. We got down there in this area of Oklahoma. We were talking about farm dust. I said: You see this brown stuff down here? That is dirt. You see that round green thing? That is cotton. Hold your finger up in the air—that is wind. Are there any questions?

There is no technology to do that, yet the expense to each of my farmers in a farm State like Oklahoma would have been hundreds of thousands of dollars a year and not accomplishing anything. We were able to get the public to write in to complain about that. As a result of that, the President pulled back.

I hope enough people are concerned about Utility MACT and its devastating effect on our economy and on jobs in America that they will join in and apply the pressure necessary to help the people in this Chamber understand that we should pass this Congressional Review Act and do away with this particular, very harmful regulation that is before us.

I have often said—a lot of people do not understand this—but Presidents are the ones who put the budgets down every year. A lot of times they try to blame the House or Senate, Democrats or Republicans. No. It doesn't matter. Who is in the White House, they are the ones who determine what the budget is. During the Bush years there was a total of $2 trillion of deficits in 8 years. However, after this budget came out last week, in the Obama 4 years the increase has been, in deficits, $5.3 trillion. That is $5.3 trillion in 4 years as opposed to $2 trillion in 8 years.

As bad as that is, I contend that the regulations of this administration are actually more expensive to the American people than servicing this debt. So I think it is important that we talk about this, talk about not just Utility MACT but all of these. Utility MACT is where we should draw the line, however, because that is one that directly affects our ability to provide energy for America, for our manufacturing jobs. We are right now a little bit under 50 percent dependent upon coal for our ability to run this machine called America. If you do this, we would lose, it is anticipated, 20 percent of our generation capacity and that translates into a lot of money, as I have noted.

That is what we have introduced today. I encourage my Democratic and Republican colleagues to join us in passing the CRA.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 379—CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST THE SYRIAN PEOPLE

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was placed on the calendar:

S. RES. 379

Whereas the Syrian Arab Republic is a party to the International Covenant on Civil and Political Rights (ICCPR), adopted at New York December 16, 1966, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas Syria voted in favor of the Universal Declaration of Human Rights, adopted at Paris, December 10, 1948;

Whereas, in March 2011, peaceful demonstrations in Syria began against the authoritarian rule of Bashar al-Assad;

Whereas, in response to the demonstrations, the Government of Syria launched a brutal crackdown, which has resulted in gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas the United Nations, as of January 25, 2012, estimated that more than 5,400 people in Syria have been killed since the violence began in March 2011;

Whereas, on February 4, 2012, President Barack Obama stated that President Bashar al-Assad ''has no right to lead Syria, and has lost all legitimacy with his people and the international community'';

Whereas the Department of State has repeatedly condemned the Government of Syria's crackdown on its people, including on January 30, 2012, when Secretary of State Hillary Clinton stated ''The status quo is unsustainable. . .The longer the Assad regime continues its attacks on the Syrian people and stands in the way of a peaceful transition, the greater the concern that instability will escalate and spill over throughout the region.'';

Whereas President Obama, on April 29, 2011, designated 3 individuals subject to sanctions for humans rights abuses in Syria: Mahir al-Assad, the brother of Syrian President Bashar al-Assad and brigade commander in the Syrian Army's 4th Armored Division; Atif Najib, the former head of the Political Security Directorate for Daraa Province and a cousin of Bashar al-Assad; and Ali Mamluk, director of Syria's General Intelligence Directorate;

Whereas, on May 18, 2011, President Obama issued an executive order sanctioning senior officials of the Syrian Arab Republic and their supporters, specifically designating 7 people: President Bashar al-Assad, Vice President Farouk al-Shara, Prime Minister Adel Safar, Minister of the Interior Mohammad Ibrahim al-Shaar, Minister of Defense Ali Habib Mahmoud, Head of Syrian Military Intelligence Abdul Fatah Qudsiya, and Director of Political Security Directorate Mohammed Dib Zaitoun;

Whereas President Obama, on August 17, 2011, issued Executive Order 13582, blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria;

Whereas, on December 1, 2011, the Department of the Treasury designated 2 individuals, Aus Aslan and Muhammad Makhluf, under Executive Order 13573 and 2 entities, the Military Housing Establishment and the Real Estate Bank of Syria, under Executive Order 13582;

Whereas, on May 6, 2011, the European Union's 27 countries imposed sanctions on the Government of Syria for the human rights abuses, including asset freezes and visa bans on members of the Government of Syria and an arms embargo on the country;

Whereas, on November 12, 2011, the League of Arab States voted to suspend Syria's membership in the organization;

Whereas, on December 2, 2011, the United Nations Human Rights Council passed Resolution S-18/1, which deplores the human rights situation in Syria, commends the League of Arab States, and supports implementation of its Plan of Action;

Whereas the League of Arab States approved and implemented a plan of action to send a team of international monitors to Syria, which began December 26, 2011;

Whereas, on January 28, 2012, the League of Arab States decided to suspend its international monitoring mission due to escalating violence within Syria;

Whereas, on February 4, 2012, the Russian Federation and People's Republic of China vetoed a United Nations Security Council Resolution in support of the League of Arab States' Plan of Action;

Whereas, on February 14, 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that Syria ''is a much different situation than we collectively saw in Libya,'' presenting a ''very different challenge'' in which ''we also know that other regional actors are providing support'' as a part of a ''Sunni majority rebelling against an oppressive Alawite-Shia regime'';

Whereas the Governments of the Russian Federation and the Islamic Republic of Iran

remain major suppliers of military equipment to the Government of Syria notwithstanding that government's violent repression of demonstrators;

Whereas the gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability; and

Whereas the Committee on Foreign Relations of the Senate will immediately schedule a hearing to take place as soon as the Senate reconvenes to assess the situation in Syria and all the international options available to address this crisis: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the Government of Syria's brutal and unjustifiable use of force against civilians, including unarmed women and children and its violations of the fundamental human rights and dignity of the people of Syria;

(2) expresses its solidarity with the people of Syria, who have exhibited remarkable courage and determination in the face of unspeakable violence to rid themselves of a brutal dictatorship;

(3) expresses strong disappointment with the Governments of the Russian Federation and the People's Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al-Assad and the violence in Syria and urges them to reconsider their votes;

(4) encourages the members of the United Nations Security Council to continue to pursue a resolution in support of a political solution to the crisis in Syria;

(5) commends the League of Arab States' efforts to bring about a peaceful resolution in Syria;

(6) regrets that the League of Arab States observer mission was not able to monitor the full implementation of the League of Arab States' Action Plan of November 2, 2011, due to the escalating violence in Syria; and

(7) urges the international community to review legal processes available to hold officials of the Government of Syria accountable for crimes against humanity and gross violations of human rights.

SENATE RESOLUTION 380—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF PREVENTING THE GOVERNMENT OF IRAN FROM ACQUIRING NUCLEAR WEAPONS CAPABILITY

Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. CASEY, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COATS, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mrs. GILLIBRAND, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. PRYOR, Mr. RISCH, Mr. SCHUMER, Mr. UDALL of Colorado, Mr. WYDEN, Ms. SNOWE, Mr. VITTER, Mr. ISAKSON, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 380

Whereas since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability;

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Iranian Government and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas on November 8, 2011, the IAEA issued an extensive report that—

(1) documents "serious concerns regarding possible military dimensions to Iran's nuclear programme";

(2) states that "Iran has carried out activities relevant to the development of a nuclear device"; and

(3) states that the efforts described in paragraphs (1) and (2) may be ongoing;

Whereas as of November 2008, Iran had produced, according to the IAEA—

(1) approximately 630 kilograms of uranium-235 enriched to 3.5 percent; and

(2) no uranium-235 enriched to 20 percent;

Whereas as of November 2011, Iran had produced, according to the IAEA—

(1) nearly 5,000 kilograms of uranium-235 enriched to 3.5 percent; and

(2) 79.7 kilograms of uranium-235 enriched to 20 percent;

Whereas on January 9, 2011, IAEA inspectors confirmed that the Iranian government had begun enrichment activities at the Fordow site, including possibly enrichment of uranium-235 to 20 percent;

Whereas if Iran were successful in acquiring a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities;

Whereas on December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, "we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves";

Whereas top Iranian leaders have repeatedly threatened the existence of the State of Israel, pledging to "wipe Israel off the map";

Whereas the Department of State—

(1) has designated Iran as a "State Sponsor of Terrorism" since 1984; and

(2) has characterized Iran as the "most active state sponsor of terrorism";

Whereas Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of American forces and innocent civilians;

Whereas on July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a "secret deal" with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory;

Whereas in October 2011, senior leaders of Iran's Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia's Ambassador to the United States on United States soil;

Whereas on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and "the systematic and serious restrictions on freedom of peaceful assembly" as well as severe restrictions on the rights to "freedom of thought, conscience, religion or belief";

Whereas President Obama, through the P5+1 process, has made repeated efforts to engage the Iranian Government in dialogue about Iran's nuclear program and its international commitments under the Nuclear Nonproliferation Treaty.

Whereas on March 31, 2010, President Obama stated that the "consequences of a nuclear-armed Iran are unacceptable";

Whereas in his State of the Union Address on January 24, 2012, President Obama stated: "Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal";

Whereas Secretary of Defense Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran's nuclear weapons efforts, and vowed that if the United States gets "intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it";

Whereas the Defense Department's January 2012 Strategic Guidance stated that U.S. defense efforts in the Middle East would be aimed "to prevent Iran's development of a nuclear weapons capability and counter its destabilizing policies";

Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Iranian government from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran to secure an agreement from the Government of the Islamic Republic of Iran that includes—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities;

(B) complete cooperation with the IAEA on all outstanding questions related to Iran's nuclear activities, including—

(i) the implementation of the Non-Proliferation Treaty Additional Protocol; and

(ii) the verified end of Iran's ballistic missile programs; and

(C) a permanent agreement that verifiably assures that Iran's nuclear program is entirely peaceful;

(4) expresses support for the universal rights and democratic aspirations of the Iranian people;

(5) strongly supports United States policy to prevent the Iranian Government from acquiring nuclear weapons capability;

(6) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(7) urges the President to reaffirm the unacceptability of an Iran with nuclear-weapons capability and oppose any policy that would rely on containment as an option in response to the Iranian nuclear threat.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1663. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1664. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1665. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1666. Mr. CARPER (for himself, Mr. ALEXANDER, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1667. Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1668. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1669. Mr. MCCAIN (for himself, Mr. REID, Mr. HELLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1670. Mr. CARPER (for himself, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1671. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1672. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1673. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1674. Mr. CASEY (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1675. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1676. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1677. Mr. SANDERS (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1678. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1679. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1680. Mr. BINGAMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1681. Ms. COLLINS (for herself, Mr. BROWN of Massachusetts, Mr. LEVIN, Mr. KYL, Mr. AKAKA, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1682. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1683. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1684. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1686. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1687. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1688. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1689. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1690. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1691. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1692. Mr. WYDEN (for himself, Mr. HOEVEN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1693. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1694. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1695. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1696. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1697. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1698. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1699. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1700. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1701. Mr. WHITEHOUSE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1702. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1703. Mr. WARNER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1704. Mr. WARNER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1705. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1706. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1707. Mrs. GILLIBRAND (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1708. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1663. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___001. WAIVER OF FUEL REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,''; and

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi).

SEC. ___002. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel'';

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by redesignating clause (ii) as clause (iii);

(II) in clause (i), by striking ''and'' after the semicolon; and

(III) by inserting after clause (i) the following:

''(ii) the renewable fuels standard; and''; and

(ii) in subparagraph (G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

SA 1664. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, at the end, add the following:

SEC. _____. ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(7) TRANSFER OF ADDITIONAL RESULTING REVENUES.—Out of money in the Treasury not otherwise appropriated, there are hereby appropriated to the Highway Trust Fund amounts equivalent to the increases in revenues received in the Treasury resulting from

the provisions of, and amendments made by division D of the Highway Investment, Job Creation, and Economic Growth Act of 2012, which are not otherwise subject to appropriation or transfer to the Highway Trust Fund.''.

SA 1665. Mr. CARPER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, line 16, insert ''149(k),'' after ''148(h),''.

On page 325, line 10, strike ''and''.

On page 325, between lines 12 and 13, insert the following:

''(iii) the congestion mitigation and air quality performance plan; and

On page 325, line 13, strike ''(iii)'' and insert ''(iv)''.

SA 1666. Mr. CARPER (for himself, Mr. ALEXANDER and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 149(b)(1) of title 23, United States Code (as amended by section 11013), strike ''(G) if the project'' and all that follows through ''(H) if the Secretary'' and insert the following:

''(G) if the project involves the installation of battery charging or replacement facilities for electric-drive vehicles, or refueling facilities for alternative-fuel vehicles;

''(H) if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing; or

''(I) if the Secretary

SA 1667. Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 527, strike line 22 and all that follows through page 529, line 8, and insert the following:

''(2) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled 'Standard Federal Regions' and dated April, 1974 (circular A–105).

''(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 recipients on the basis of—

''(i) the criteria described in subsection (b)(2);

''(ii) the location of the center within the Federal region to be served; and

''(iii) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) demonstrates that the institution has a well-established, nationally recognized program in transportation research and education, as evidenced by—

''(I) for each of the preceding 5 years, not less than $2,000,000 in highway or public transportation research expenditures per year;

''(II) for each of the preceding 5 years, not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation per year; and

''(III) during the preceding 5 years, not less than 5 tenured or tenure-track faculty members who—

''(aa) specialize, on a full-time basis, in professional fields closely related to highways and public transportation; and

''(bb) as a group, have published a total of not less than 50 refereed journal publications on highway or public transportation research.

''(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall not exceed $3,500,000 for each recipient.

''(D) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) or 505 of title 23; and

''(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

''(3) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—For each of fiscal years 2012 and 2013 and subject to subparagraph (B), the Secretary shall provide grants to not more than 15 recipients that the Secretary determines best meet the criteria described in subsection (b)(2).

''(B) RESTRICTIONS.—

''(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall not exceed $3,500,000 for each recipient.

''(ii) FOCUSED RESEARCH.—At least 2 of the recipients awarded a grant under this paragraph shall have expertise in, and focus research on, public transportation issues.

''(C) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) or 505 of title 23; and

''(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

''(4) TIER 2 UNIVERSITY TRANSPORTATION CENTERS.—

SA 1668. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15___. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.

Section 1216 of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 1212 Stat. 212) is amended by striking subsection (b).

SA 1669. Mr. MCCAIN (for himself, Mr. REID, Mr. HELLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and inserting the following:

''(a) FINDING.—''; and

(B) by inserting ''commercial air tour'' before ''aircraft'' each place such term appears; and

(2) in section (b)—

(A) in paragraph (1), by striking ''associated with aircraft''inserting ''associated with commercial air tour aircraft''; and

(B) in paragraph (2), by striking ''air traffic'' and inserting ''commercial air tour traffic''.

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the environmental recommendations for commercial air tour operations required under section 3(b)(1) of Public Law 100–91 (16 U.S.C. 1a–1 note), including raising the flight-free zone altitude ceilings above the ceilings in effect on the date of the enactment of this Act, shall affect the management of the National Airspace System, as determined by the Administrator of the Federal Aviation Administration.

(2) EFFECT OF NEPA DETERMINATIONS.—None of the environmental thresholds, analyses, or impact determinations that are included in the environmental impact statement prepared by the National Park Service for the plan required under section 3(b)(2) of Public Law 100–91 shall have broader application or be given deference beyond the application of such Act.

(c) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of the enactment of this Act, the Director of the National Park Service and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804 of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106–181).

(d) REVIEW.—Not later than 90 days after the date of the enactment of this Act, the National Academy of Sciences shall conduct a review of the National Park Service's noise impact criteria and noise thresholds, and the mitigating impact of quiet technology aircraft in existence on the date of the enactment of this Act on the outdoor environment of Grand Canyon National Park.

SA 1670. Mr. CARPER (for himself, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway

safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15___. REMOVAL OF FEDERAL PROGRAM LIMITATIONS.

(a) INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.—

(1) VALUE PRICING PILOT PROGRAM.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking ''as many as 15 such State or local governments or public authorities'' and inserting ''States, local governments, and public authorities''.

(2) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b)(2) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended—

(A) in the first sentence, by striking ''3'' and inserting ''10''; and

(B) by striking the second sentence.

(b) EXPRESS LANES DEMONSTRATION PROGRAM.—Section 1604(b)(2) of the SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1250) is amended in the matter preceding subparagraph (A)—

(1) by striking ''15''; and

(2) by striking ''2005 through 2009'' and inserting ''2012 through 2013''.

(c) INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT PROGRAM.—Section 1604(c) of the SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1253) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (9) and (1) as paragraphs (1) and (2), respectively; and

(3) in paragraph (8), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the MAP–21''.

SA 1671. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, lines 17 and 18, strike ''day before the date of enactment of the MAP-21,'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project (as defined in section 330(b)(2)),''.

On page 152, strike line 22 and insert the following:

''achieve the objectives of that section and ensure that the bid proceeding and award of the contract for any covered highway construction project carried out under that section will be—

''(I) made without regard to the particulate matter emission levels of the fleet of the eligible entity; and

''(II) consistent with existing requirements for full and open competition under section 112.

On page 443, strike lines 16 through 19 and insert the following:

''not meet current model year new engine standards for particulate matter for the applicable engine power group issued by the Environmental Protection Agency, on a covered highway construction project

On page 444, line 17, strike ''or''.

On page 444, at the end of line 19, insert ''or''.

On page 444, strike lines 18 through 20 and insert the following:

''(iv) an idle reduction control technology; or

''(v) any combination of the technologies listed in clauses (i) through (iv);

''(B) reduces particulate matter emission from covered''.

On page 446, strike lines 3 through 5 and insert the following:

''(C) EXCLUSIONS.—The term 'nonroad diesel equipment' does not include—

''(i) a locomotive or marine vessel; or

''(ii) any project with a total budgeted cost not to exceed $5,000,000 (which, notwithstanding any other provision of this section, may be excluded from the requirement to comply with this section by an applicable State or metropolitan planning organization).

On page 446, strike line 19 and insert the following:

''(c) CRITERIA ELIGIBLE ACTIVITIES.—For purposes of subsection (b)(3)(A):

On page 446, line 25, strike ''non-road'' and insert ''nonroad''.

On page 447, line 1, strike ''non-road'' and insert ''nonroad''.

On page 447, lines 4 through 5, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 447, strike line 10 and insert the following:

duction in particulate matter.

On page 447, line 14, insert ''or remanufactured'' after ''new''.

On page 447, line 16, strike ''non-road'' and insert ''nonroad''.

On page 447, line 17, strike ''non-road'' and insert ''nonroad''.

On page 447, lines 20 through 21, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 448, strike line 2 and insert the following:

particulate matter.

On page 448, line 4, strike ''on'' and insert ''using''.

On page 448, strike lines 8 through 14 and insert the following:

the condition that the replaced engine is returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for use as scrap; and.

On page 448, strike lines 15 through 20 and insert the following:

''(B) certified by the engine manufacturer as meeting a more stringent engine particulate matter emission standard for the applicable engine power group established by the Environmental Protection Agency than the engine particulate matter emission standard applicable to the replaced engine.

On page 449, line 2, strike ''non-road'' and insert ''nonroad''.

On page 449, line 3, strike ''non-road'' and insert ''nonroad''.

On page 449, lines 6 and 7, strike ''day before the date of enactment of the MAP-21; and'' and insert ''date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered highway construction project; and''.

On page 449, strike line 12 and insert the following:

''duction in particulate matter.

''(d) ELIGIBILITY FOR CREDITS.—

''(1) IN GENERAL.—A State may take credit in a State implementation plan for national ambient air quality standards for any emission reductions that result from the implementation of this section.

''(2) CREDITING.—An emission reduction described in paragraph (1) may be credited toward demonstrating conformity of State implementation plans and transportation plans.''.

On page 449, line 18, strike ''21 years'' and insert ''1 year''.

SA 1672. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, strike lines 17 through 23 and insert the following:

''(4) OTHER ELIGIBLE COSTS.—In addition to eligible project costs, a State may use funds apportioned under section 104(b)(5) for the necessary costs of—

''(A) conducting analyses and data collection;

''(B) developing and updating performance targets;

''(C) reporting to the Secretary to comply with subsection (i); or

''(D) carrying out diesel retrofits or alternative fuel projects defined under section 149 for class 8 vehicles.

On page 185, strike lines 3 and 4 and insert the following:

''(ii) the total freight tonnage and value of freight moved by all modes of transportation;

On page 186, line 10, strike ''or''.

On page 186, line 18, strike the period and insert ''; or''.

On page 186, between lines 18 and 19, insert the following:

''(3) carries a high volume of freight, as measured by total freight tonnage or total value of freight, compared to other rural roads in the State.

On page 187, strike lines 5 through 7 and insert the following:

''(B) an identification of highway bottlenecks on the national freight network that create significant freight congestion problems, based on a quantitative methodology developed by the Secretary for calculating the national economic significance of highway bottlenecks on the national freight network;

SA 1673. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSIT-ORIENTED CAR SHARING PROJECTS.

Section 5302 of title 49, United States Code, as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (K)(ii), by striking ''or'' at the end;

(B) in subparagraph (L)(ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(M) transit-oriented car sharing.'';

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

''(20) TRANSIT-ORIENTED CAR SHARING.—The term 'transit-oriented car sharing', when used with respect to a project, means a project that—

''(A) is designed—

''(i) to achieve local, community-based environmental and social objectives by acquiring or contracting for equipment or a facility for use in providing cars through a membership based service that is available to all qualified drivers in a community, including expenses incidental to such acquisition and to the marketing of the service (including vehicle acquisition, insurance, and acquiring parking facilities);

''(ii) for use during a short time and for short-distance trips; and

''(iii) as an extension of a public transportation system;

''(B) provides accessible, low-cost vehicles serving many types of individuals; and

''(C) is transit-oriented and promotes walking, biking, and public transportation as primary methods of transportation.''.

SA 1674. Mr. CASEY (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 585, strike line 22 and all that follows through page 586, line 4, and insert the following:

''(1) defines a recommended implementation path for dedicated short-range communications technology and applications;

''(2) includes guidance on the relationship of the proposed deployment of dedicated short-range communications to the National ITS Architecture and ITS Standards; and

''(3) ensures competition by not preferencing the use of any particular frequency for vehicle to infrastructure operations.

SA 1675. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 491, strike lines 5 through 8 and insert the following:

''(XVII) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions

''(XVIII) studies of infrastructure resilience and other adaptation measures; and

''(XIX) maintenance of seismic

SA 1676. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 435, strike line 22 and all that follows through page 437, line 10, and insert the following:

(2) by striking subsection (e) and inserting the following:

''(e) EMERGENCY RELIEF.—The Federal share payable for any repair or reconstruction provided for by funds made available under section 125 for any project on a Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on the system as provided in subsections (a) and (b), except that—

''(1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the cost of the repairs;

''(2) the Federal share payable for any repair or reconstruction of Federal land transportation facilities and tribal transportation facilities may amount to 100 percent of the cost of the repair or reconstruction;

''(3) the Secretary shall extend the time period in paragraph (1) taking into consideration any delay in the ability of the State to access damaged facilities to evaluate damage and the cost of repair; and

''(4) the Federal share payable for eligible permanent repairs to restore damaged facilities to predisaster condition may amount to 100 percent of the cost of the repairs if the eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the annual apportionment of the State under section 104 for the fiscal year in which the disasters or failures occurred.'';

SA 1677. Mr. SANDERS (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, insert the following:

SEC. 15____. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS FORMULA.

Notwithstanding the Consolidated Appropriations Act, 2012 (Public Law 112–74) or any amendment made by that Act, the Secretary of Energy shall distribute amounts allocated for the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) for fiscal year 2012 in accordance with the allocation formula in section 414(a) of that Act (42 U.S.C. 6864(a)) (as in effect on the day before the date of enactment of the Consolidated Appropriations Act, 2012 (Public Law 112–74)).

SA 1678. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATING COST OF EQUIPMENT AND FACILITIES FOR PUBLIC TRANSPORTATION SYSTEMS THAT OPERATE FEWER THAN 50 BUSES.

Section 5307(a)(2) of title 49, United States Code, as amended by this Act, is amended—

(1) in subparagraph (A), by striking ''75 or fewer'' and inserting ''a minimum of 50 buses and a maximum of 75'';

(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(3) by inserting before subparagraph (B), as so redesignated, the following:

''(A) for public transportation systems that operate fewer than 50 buses during peak service hours, in an amount not to exceed 100 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours;''.

SA 1679. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. BEGICH, Mr. LEAHY, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 264, strike line 23 and all that follows through page 267, line 9, and insert the following:

''(5) SPECIAL RULES FOR SMALL METROPOLITAN PLANNING ORGANIZATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a metropolitan planning organization subject to this section and chapter 53 of title 49 (as in effect on the day before the date of enactment of the MAP-21) shall continue to be designated as a metropolitan planning organization subject to this section (as amended by that Act) if the metropolitan planning organization—

''(i) serves an urbanized area; and

''(ii) the population of the urbanized area is more than 50,000 individuals and less than 200,000 individuals.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the Governor and units of general purpose local government—

''(i) agree to terminate the designation described in subparagraph (A); and

''(ii) together represent at least 75 percent of the population described in subparagraph (A)(ii), based on the latest available decennial census conducted under section 141(a) of title 13, United States Code.

''(C) TREATMENT.—A metropolitan planning organization described in subparagraph (A) shall be treated, for purposes this section and chapter 53 of title 49 as a metropolitan planning organization that is subject to this section (as amended by the MAP-21).

On page 267, line 10, strike ''(8)'' and insert ''(6)''.

SA 1680. Mr. BINGAMAN (for himself, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, between lines 3 and 4, insert the following:

''(C) FURTHER ADJUSTMENT FOR PRIVATIZED HIGHWAYS.—

''(i) DEFINITION OF PRIVATIZED HIGHWAY.—In this subparagraph:

''(I) IN GENERAL.—The term 'privatized highway' means a highway that was formerly a publically operated toll road that is subject to an agreement giving a private entity—

''(aa) control over the operation of the highway; and

''(bb) ownership over the toll revenues collected from the operation of the highway.

''(II) EXCLUSION.—The term 'privatized highway' does not include any highway or toll road that was originally—

''(aa) financed and constructed using private funds; and

''(bb) operated by a private entity.

''(ii) ADJUSTMENT.—After making the adjustments to the apportionment of a State under subparagraphs (A) and (B), the Secretary shall further adjust the amount to be apportioned to the State by reducing the apportionment by an amount equal to the product obtained by multiplying—

''(I) the amount to be apportioned to the State, as so adjusted under those subparagraphs; and

''(II) the percentage described in clause (iii).

''(iii) PERCENTAGE.—The percentage referred to in clause (ii) is the percentage equal to the sum obtained by adding—

''(I) the product obtained by multiplying—

''(aa) ½; and

''(bb) the proportion that—

''(AA) the total number of lane miles on privatized highway lanes on National Highway System routes in a State; bears to

''(BB) the total number of all lane miles on National Highway System routes in the State; and

''(II) the product obtained by multiplying—

''(aa) ½; and

''(bb) the proportion that—

''(AA) the total number of vehicle miles traveled on privatized highway lanes on National Highway System routes in the State; bears to

''(BB) the total number of vehicle miles traveled on all lanes on National Highway System routes in the State.

SA 1681. Ms. COLLINS (for herself, Mr. BROWN of Massachusetts, Mr. LEVIN, Mr. KYL, Mr. AKAKA, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF HEALTH EFFECTS OF BACKSCATTER X-RAY MACHINES.

(a) IN GENERAL.—The Under Secretary for Science and Technology in the Department of Homeland Security shall provide for the conduct of an independent study of the effects on human health caused by the use of backscatter x-ray machines at airline checkpoints operated by the Transportation Security Administration.

(b) REQUIREMENTS FOR STUDY.—

(1) CONDUCT.—The study required under subsection (a) shall be—

(A) initiated not later than 90 days after the date of the enactment of this Act;

(B) conducted by an independent laboratory selected by the Under Secretary, in consultation with the National Science Foundation, from among laboratories with expertise in the conduct of similar studies; and

(C) to the maximum extent practicable, consistent with standard evaluations of radiological medical equipment.

(2) TESTING EQUIPMENT.—In conducting the study, the laboratory shall, to the maximum extent practicable—

(A) use calibration testing equipment developed by the laboratory for purposes of study; and

(B) use commercially-available calibration testing equipment as a control.

(3) ELEMENTS.—In conducting the study, the laboratory shall, to the maximum extent practicable and consistent with recognized protocols for independent scientific testing—

(A) dismantle and evaluate one or more backscatter x-ray machine used at airline checkpoints operated by the Transportation Security Administration in order to determine—

(i) the placement of testing equipment so that radiation emission readings during the testing of such machines are as accurate as possible; and

(ii) how best to measure the dose emitted per scan;

(B) determine the failure rates and effects of use of such machines;

(C) include the use of alternative testing methods in the determination of levels of radiation exposure (such as an examination of enzyme levels after x-ray exposure to determine if there is a biological response to cellular damage caused by such an exposure);

(D) assess the fail-safe mechanisms of such machines in order to determine the optimal operating efficacy of such machines;

(E) ensure that any tests performed are replicable;

(F) obtain peer review of any tests performed; and

(G) meet such other requirements as the Under Secretary shall specify for purposes of the study.

(4) REPORT.—

(A) EVALUATION.—The Under Secretary shall provide for an independent panel, in consultation with the National Science Foundation, with expertise in conducting similar evaluations, to evaluate the data collected under the study to assess the health risks posed by backscatter x-ray machines to individuals and groups of people screened or affected by such machines, including—

(i) frequent air travelers;

(ii) employees of the Transportation Security Administration;

(iii) flight crews;

(iv) other individuals who work at an airport; and

(v) individuals with greater sensitivity to radiation, such as children, pregnant women, the elderly, and cancer patients.

(B) CONSIDERATIONS.—In conducting the evaluation under subparagraph (A), the panel shall—

(i) conduct a literature review of relevant clinical and academic literature; and

(ii) consider the risk of backscatter x-ray technology from a public health perspective in addition to the individual risk to each airline passenger.

(C) REPORTS.—

(i) PROGRESS REPORTS.—Not later than 90 days after the date of the enactment of this Act, and periodically thereafter until the final report is submitted pursuant to clause (ii), the Under Secretary shall submit a report to Congress that contains the preliminary findings of the study conducted under this subsection.

(ii) FINAL REPORT.—Not later than 90 days after the date on which the panel completes the evaluation required under this paragraph, the Under Secretary shall submit a report to Congress that contains the result of the study and evaluation conducted under this subsection.

(c) SIGNAGE REQUIREMENT RELATING TO BACKSCATTER X-RAY MACHINES.—The Administrator of the Transportation Security Administration shall ensure that large, easily readable signs or equivalent electronic displays are placed at the front of airline passenger check point queues where backscatter advanced imaging technology machines are used for screening to inform airline passengers, particularly passengers who may be sensitive to radiation exposure, that they may request to undergo alternative screening procedures instead of passing through a backscatter x-ray machine.

SA 1682. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 9, strike ''(2)'' and insert the following:

''(2) PRIORITY PROJECTS.—In selecting projects under paragraph (1), priority shall be given to projects that address safety improvement in areas with a high number of pedestrian accidents.

''(3)

SA 1683. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, line 8, strike ''reduction''.

SA 1684. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 602, between lines 3 and 4, insert the following:

''(3) COTERMINUS OBLIGATIONS.—Since a secured loan under section 603 constitutes Federal aid under this title, the obligations set forth in section 129 shall be coterminus with the successful repayment of such loan.

SA 1685. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORIZATION OF LOCAL RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.

(a) PURPOSE.—The purpose of this section is to expressly authorize the establishment of programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas, as necessary or appropriate.

(b) AUTHORITY TO PROVIDE RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.—

(1) IN GENERAL.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas in order to reduce or alleviate toll burdens imposed upon such residents.

(2) RETROACTIVE APPLICABILITY.—The authority set forth in paragraph (1) shall apply to residential or commuter toll, user fee, and fare discount programs established before, on, or after the date of the enactment of this Act.

(c) RULEMAKING WITH RESPECT TO THE STATE, LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to enact such rules or regulations that may be necessary to establish the programs authorized under subsection (b).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems.

SA 1686. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31115. MAXIMUM HOUR REQUIREMENTS.

Section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) is amended by inserting before the semicolon the following: '', except a driver of an 'over-the-road bus' (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 49 U.S.C. 5310 note))''.

SA 1687. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.

(a) IN GENERAL.—Subchapter I of chapter 141 of title 49, United States Code, is amended by adding at the end the following:

''§ 14105. Safety performance ratings of motorcoach services and operations

''(a) DEFINITIONS.—In this section:

''(1) MOTORCOACH.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'motorcoach' has the meaning given to the term 'over-the-road bus' in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(B) INCLUSIONS AND EXCLUSIONS.—The term 'motorcoach'—

''(i) includes a motor vehicle used to transport passengers that has a gross vehicle weight of at least 10,001 pounds; and

''(ii) does not include—

''(I) a bus used in public transportation that is provided by a State or local government; or

''(II) a school bus (as defined in section 30125(a)(1)), including a multifunction school activity bus.

''(2) MOTORCOACH SERVICES AND OPERATIONS.—The term 'motorcoach services and operations' means passenger transportation by a motorcoach for compensation.

''(b) RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the safety fitness determination rule is implemented, the Secretary shall require, by regulation—

''(A) each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary's jurisdiction under section 13501 to display prominently in each terminal of departure, on the motorcoach if the motorcoach does not depart from a terminal, and at all points of sale for such motorcoach services and operations, a simple and understandable letter grade rating system that allows motorcoach passengers to compare the safety performance of motorcoach operators; and

''(B) any person who sells tickets for motorcoach services and operations to display the letter grade rating system described in subparagraph (A) at all points of sale for such motorcoach services and operations.

''(2) ITEMS INCLUDED IN THE RULEMAKING.—In promulgating safety performance ratings for motorcoaches pursuant to the rulemaking required under paragraph (1), the Secretary shall consider—

''(A) the frequency with which safety performance ratings will be assigned and updated, which updates shall take place at least once per year;

''(B) the specific data elements and sources of information to be utilized in establishing and updating safety performance ratings for motorcoaches;

''(C) the need and extent to which safety performance ratings should be made available in languages other than English; and

''(D) penalties authorized under section 521.

''(3) INSUFFICIENT INSPECTIONS.—Any motor carrier for which insufficient safety data is available shall display a label warning of such insufficiency.

''(c) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section may be construed to preempt a State, or a political subdivision of a State, from enforcing any requirements concerning the manner and content of consumer information provided by motor carriers that are not subject to the Secretary's jurisdiction under section 13501.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

''Sec. 14105. Safety performance ratings of motorcoach services and operations.''.

SA 1688. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

(a) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION.—

(1) NEW YORK NORTH SHORE HELICOPTER ROUTE.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule in Docket No. FAA-2010-0302 (The New York North Shore Helicopter Route), without additional notice and comment. The final rule shall include—

(A) a requirement for helicopter operators to utilize the North Shore route, as charted, when operating in that area of Long Island, New York;

(B) a requirement for helicopter operations to enter and exit the west terminus of North Shore Helicopter Route over water at VPROK;

(C) appropriate safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(D) penalties for failing to comply with the requirements described in subparagraph (A).

(2) LONG ISLAND SOUTH SHORE ROUTE.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of proposed rulemaking to address helicopter noise on the South Shore of Long Island, New York. The proposed rule shall include—

(A) a requirement for helicopter operators to utilize the South Shore route, as charted, when operating in that area of Long Island, New York;

(B) an expansion of the existing route to include linkage east of Orient and Montauk Points to the North Shore Helicopter Route remaining over water;

(C) appropriate safeguards for safety and operational necessity, including safeguards to avoid adverse effects on the safe and efficient use and management of the national airspace system; and

(D) penalties for failing to comply with the requirements described in subparagraph (A).

(3) LOS ANGELES COUNTY FLIGHT PATHS.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, BROADCASTING AND MILITARY HELICOPTERS.—The rules required under subsection (a) shall provide exceptions for helicopter activity related to emergency, law enforcement, broadcast news gathering, or military activities..

(c) COMPLIANCE MONITORING.—For the 24 month period following the completion of the rulemakings required in subsection (a), the Administrator of the Federal Aviation Administration shall monitor compliance with the rulemakings required under subsection (a). This monitoring shall include both the route and altitude of helicopter operations.

(d) CONSULTATIONS.—In prescribing the regulations under subsection (a)(3), the Administrator of the Federal Aviation Administration shall make reasonable efforts to consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

(e) REPORT TO CONGRESS.—Within 60 days of the conclusion of the compliance monitoring required in subsection (c), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes, at minimum—

(1) the compliance rate of helicopter operations;

(2) the average altitude of helicopter operations;

(3) a comparison of North Shore and South Shore route use;

(4) analysis of season, time and day use of the helicopter operations; and

(5) analysis of impact to commercial aircraft arrival and departure flows.

SA 1689. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROGRAM AREA.—The term ''demonstration program area'' means the toll transportation facilities that are affiliated with the E-ZPass Interagency Group or located in States through which Interstate Highway 95 passes.

(2) ELECTRONIC TOLL COLLECTION.—the term ''electronic toll collection'' means the collection of tolls based on the identification and classification of vehicles through electronic systems.

(b) DEMONSTRATION PROGRAM.—Not later than 5 years after the date of the enactment of this Act, the operator of any electronic toll collection facility in the demonstration program area shall implement policies and procedures to enable customers with accounts in good standing with any other electronic toll collection system to electronically pass through its toll facilities within the demonstration program area.

(c) INTEROPERABLE ELECTRONIC TOLL COLLECTION SYSTEM.—Not later than 10 years after the date of the enactment of this Act, the operators of all toll transportation facilities located on highways constructed or maintained with financial assistance from the Highway Trust Fund shall jointly implement a comprehensive interoperable electronic toll collection system that—

(1) promotes interstate commerce;

(2) enhances public safety;

(3) improves mobility; and

(4) protects the environment.

SA 1690. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 403(b)(1) of title 23, United States Code, as amended by section 31103 of this bill, strike subparagraph (D) and insert the following:

''(D) the development of technologies to detect drug impaired drivers; and

''(E) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (D).

SA 1691. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 487, line 12, insert ''and bridge'' after ''highway''.

On page 489, line 22, insert ''and bridge'' after ''highway''.

SA 1692. Mr. WYDEN (for himself, Mr. HOEVEN, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CREDIT TO HOLDERS OF TRIP BONDS.

(a) SHORT TITLE.—This section may be cited as the ''Transportation and Regional Infrastructure Project Bonds Act of 2012'' or ''TRIP Bonds Act''.

(b) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 54G. TRIP BONDS.

''(a) TRIP BOND.—For purposes of this subpart, the term 'TRIP bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for expenditures incurred after the date of the enactment of this section for 1 or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank,

''(2) the bond is issued by a State infrastructure bank and is in registered form (within the meaning of section 149(a)),

''(3) the State infrastructure bank designates such bond for purposes of this section,

''(4) the term of each bond which is part of such issue does not exceed 30 years,

''(5) the issue meets the requirements of subsection (e),

''(6) the State infrastructure bank certifies that the State meets the State contribution requirement of subsection (h) with respect to such project, as in effect on the date of issuance, and

''(7) the State infrastructure bank certifies the State meets the requirement described in subsection (i).

''(b) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified project' means the capital improvements to any transportation infrastructure project of any governmental unit or other person, including roads, bridges, rail and transit systems, ports, and inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.

''(2) CERTAIN FEDERAL PROJECTS.—Such term may include the Federal share or portion thereof, of a congressionally authorized project where all environmental studies have been completed and the United States Army Corps of Engineers Chief's Report has been completed successfully.

''(c) APPLICABLE CREDIT RATE.—In lieu of section 54A(b)(3), for purposes of section 54A(b)(2), the applicable credit rate with respect to an issue under this section is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(d) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any State infrastructure bank shall not exceed the TRIP bond limitation amount allocated to such bank under paragraph (3).

''(2) NATIONAL LIMITATION AMOUNT.—There is a TRIP bond limitation amount for each calendar year. Such limitation amount is—

''(A) $10,000,000,000 for 2013,

''(B) $15,000,000,000 for 2014, and

''(C) except as provided in paragraph (4), zero thereafter.

''(3) ALLOCATIONS TO STATES.—The TRIP bond limitation amount for each calendar year shall be allocated by the Secretary among the States such that each State is allocated 2 percent of such amount.

''(4) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the TRIP bond limitation amount under paragraph (2) exceeds the amount of TRIP bonds issued during such year, such excess shall be carried forward to 1 or more succeeding calendar years as an addition to the TRIP bond limitation amount under paragraph (2) for such succeeding calendar year and until used by issuance of TRIP bonds.

''(e) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the State infrastructure bank reasonably expects—

''(A) at least 100 percent of the available project proceeds of such issue are to be spent for 1 or more qualified projects within the 5-year expenditure period beginning on such date,

''(B) to incur a binding commitment with a third party—

''(i) to spend at least 10 percent of the proceeds of such issue, or

''(ii) to commence construction,

with respect to such projects within the 12-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds of such issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 5-YEAR DETERMINATION.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year expenditure period beginning on the date of issuance, the State infrastructure bank shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(f) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—If any bond which when issued purported to be a TRIP bond ceases to be such a bond, the State infrastructure bank shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(1) the aggregate of the credits allowable under section 54A with respect to such bond (determined without regard to section 54A(c)) for taxable years ending during the calendar year in which such cessation occurs and each succeeding calendar year ending with the calendar year in which such bond is redeemed by the bank, and

''(2) interest at the underpayment rate under section 6621 on the amount determined under paragraph (1) for each calendar year for the period beginning on the first day of such calendar year.

''(g) TRIP BONDS TRUST ACCOUNTS.—

''(1) IN GENERAL.—The following amounts shall be held in a TRIP Bonds Trust Account by each State infrastructure bank:

''(A) The proceeds from the sale of all bonds issued by such bank under this section.

''(B) The investment earnings on proceeds from the sale of such bonds.

''(C) 2 percent of the amount described in paragraph (2).

''(D) The amounts described in subsection (h).

''(E) Any earnings on any amounts described in subparagraph (A), (B), (C), or (D).

''(2) APPROPRIATION OF REVENUES.—There is hereby transferred to each TRIP Bonds Trust Account an amount equal to 2 percent of the lesser of—

''(A) the revenues resulting from the imposition of fees pursuant to section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) for fiscal years beginning after September 30, 2021, or

''(B) $25,000,000,000.

''(3) USE OF FUNDS.—Amounts in each TRIP Bonds Trust Account may be used only to pay costs of qualified projects and redeem TRIP bonds, except that amounts withdrawn from the TRIP Bonds Trust Account to pay costs of qualified projects may not exceed the proceeds from the sale of TRIP bonds described in subsection (a)(1).

''(4) USE OF REMAINING FUNDS IN TRIP BONDS TRUST ACCOUNT.—Upon the redemption of all TRIP bonds issued by the State infrastructure bank under this section, any remaining amounts in the TRIP Bonds Trust Account held by such bank shall be available to pay the costs of any qualified project in such State.

''(5) APPLICABILITY OF FEDERAL LAW.—The requirements of any Federal law, including titles 23, 40, and 49 of the United States Code, which would otherwise apply to projects to

which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to—

''(A) funds made available under each TRIP Bonds Trust Account for similar qualified projects, other than contributions required under subsection (h), and

''(B) similar qualified projects assisted through the use of such funds.

''(6) INVESTMENT.—Subject to subsections (e) and (f), it shall be the duty of the State infrastructure bank to invest in investment grade obligations such portion of the TRIP Bonds Trust Account held by such Bank as is not, in the judgment of such bank, required to meet current withdrawals. To the maximum extent practicable, investments should be made in securities that support infrastructure investment at the State and local level.

''(h) STATE CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(6), the State contribution requirement of this subsection is met with respect to any qualified project if the State infrastructure bank has received for deposit into the TRIP Bonds Trust Account held by such bank from 1 or more States, not later than the date of issuance of the bond, the first of 10 equal annual installments constituting one-tenth of the contributions of not less than 20 percent (or such smaller percentage as determined under title 23, United States Code, for such State) of the cost of the qualified project.

''(2) STATE CONTRIBUTIONS MAY NOT INCLUDE FEDERAL FUNDS.—For purposes of this subsection, State contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

''(i) UTILIZATION OF UPDATED CONSTRUCTION TECHNOLOGY FOR QUALIFIED PROJECTS.—For purposes of subsection (a)(7), the requirement of this subsection is met if the appropriate State agency relating to the qualified project is utilizing updated construction technologies.

''(j) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) STATE INFRASTRUCTURE BANK.—

''(A) IN GENERAL.—The term 'State infrastructure bank' means a State infrastructure bank established under section 610 of title 23, United States Code, and includes a joint venture among 2 or more State infrastructure banks.

''(B) SPECIAL AUTHORITY.—Notwithstanding any other provision of law, a State infrastructure bank shall be authorized to perform any of the functions necessary to carry out the purposes of this section, including the making of direct grants to qualified projects from available project proceeds of TRIP bonds issued by such bank.

''(2) CREDITS MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit or bond allowed by this section through sale and repurchase agreements.

''(3) PROHIBITION ON USE OF HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, no funds derived from the Highway Trust Fund established under section 9503 shall be used to pay for credits under this section.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (D),

(B) by inserting ''or'' at the end of subparagraph (E),

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) a TRIP bond,'', and

(D) by inserting ''(paragraphs (3), (4), and (6), in the case of a TRIP bond)'' after ''and (6)''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a TRIP bond, a purpose specified in section 54G(a)(1).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 54G. TRIP bonds.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2012.

(f) EXTENSION OF CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(E)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2029.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 1, 2021, and ending on October 1, 2029.''.

SA 1693. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 4 and all that follows through the end of the bill and, at the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Empowerment Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Limitation on expenditures.
Sec. 3. Funding for core highway programs.
Sec. 4. Infrastructure Special Assistance Fund.
Sec. 5. Return of excess tax receipts to States.
Sec. 6. Reduction in taxes on gasoline, diesel fuel, kerosene, and special fuels funding Highway Trust Fund.
Sec. 7. Report to Congress.
Sec. 8. Effective date contingent on certification of deficit neutrality.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any fiscal year that the aggregate amount required to carry out transportation programs and projects under this Act and amendments made by this Act exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. 4. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States

Code, $5,200,000,000 for fiscal year 2014, $5,280,000,000 for fiscal year 2015, $5,360,000,000 for fiscal year 2016, $5,440,000,000 for fiscal year 2017, and $5,520,000,000 for fiscal year 2018.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of that title, $100,000,000 for each of fiscal years 2014 through 2018.

(C) INTERSTATE BRIDGE PROGRAM.—For the Interstate bridge program under section 144 of that title, $2,527,000,000 for fiscal year 2014, $2,597,000,000 for fiscal year 2015, $2,667,000,000 for fiscal year 2016, $2,737,000,000 for fiscal year 2017, and $2,807,000,000 for fiscal year 2018.

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, $470,000,000 for fiscal year 2014, $510,000,000 for fiscal year 2015, $550,000,000 for fiscal year 2016, $590,000,000 for fiscal year 2017, and $630,000,000 for fiscal year 2018.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, $300,000,000 for fiscal year 2014, $310,000,000 for fiscal year 2015, $320,000,000 for fiscal year 2016, $330,000,000 for fiscal year 2017, and $340,000,000 for fiscal year 2018.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, $255,000,000 for fiscal year 2014, $270,000,000 for fiscal year 2015, $285,000,000 for fiscal year 2016, $300,000,000 for fiscal year 2017, and $315,000,000 for fiscal year 2018.

(iv) REFUGE ROADS.—For refuge roads under section 204 of that title, $32,000,000 for each of fiscal years 2014 through 2018.

(E) HIGHWAY SAFETY PROGRAMS.—

(i) IN GENERAL.—For highway safety programs under section 402 of that title, $170,000,000 for each of fiscal years 2014 through 2018.

(ii) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title, $35,000,000 for each of fiscal years 2014 through 2018.

(F) SURFACE TRANSPORTATION RESEARCH.—For cooperative agreements with nonprofit research organizations to carry out applied pavement research under section 502 of that title, $200,000,000 for each of fiscal years 2014 through 2018.

(G) ADMINISTRATIVE EXPENSES.—For administrative expenses incurred in carrying out the programs referred to in subparagraphs (A) through (F), $92,890,000 for fiscal year 2014, $95,040,000 for fiscal year 2015, $97,190,000 for fiscal year 2016, $99,340,000 for fiscal year 2017, and $101,490,000 for fiscal year 2018.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking ''systems are the Interstate System and the National Highway System'' and inserting ''system is the Interstate System''.

(4) INTERSTATE MAINTENANCE PROGRAM.—Section 104(b) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) INTERSTATE MAINTENANCE COMPONENT.—For each of fiscal years 2014 through 2018, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

''(A)(i) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

''(I) a percentage share of apportionments equal to the percentage for the State described in clause (ii); or

''(II) a share determined under subparagraph (B).

''(ii) The percentage referred to in clause (i)(I) for a State for a fiscal year shall be the percentage calculated for the State for the fiscal year under section 105(b) of title 23, United States Code.

''(B) For each State not described in subparagraph (A), a share of the apportionments remaining determined in accordance with the following formula:

''(i) ⅓ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

''(ii) ⅓ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in clause (i).

''(iii) ⅔ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in clause (i).

''(iv) ⅔ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in clause (i).

''(v) ⅔ in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in clause (i).''.

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—

(i) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridge'' each place it appears; and

(ii) by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''highway bridges'' each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking the comma at the end and inserting a period; and

(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (k), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''any bridge'';

(D) in subsection (l)(1), by inserting ''on the Federal-aid system or described in subsection (c)(3)'' after ''construct any bridge''; and

(E) in the first sentence of subsection (m), by inserting ''for each of fiscal years 1991 through 2013,'' after ''of law,''.

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''under subsection (a) of section 104 of this title'' and inserting ''to carry out this section''; and

(B) by striking the second sentence.

(7) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2013—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(8) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2013, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''Surface Transportation Extension Act of 2011, Part II'' and inserting ''Transportation Empowerment Act'';

(B) in paragraph (1), by striking ''April 1, 2012'' and inserting ''October 1, 2018'';

(C) in paragraphs (3)(A)(i), (4)(A), and (5), by striking ''April 1, 2012'' each place it appears and inserting ''October 1, 2020''; and

(D) in paragraph (2), by striking ''January 1, 2013'' and inserting ''July 1, 2021''.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of such Code is amended by adding at the end the following:

''(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 18.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 9.6 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 6.4 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 5.0 cents per gallon, and

''(v) after September 30, 2017, 3.7 cents per gallon, and

''(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

''(i) after September 30, 2013, and before October 1, 2014, 24.3 cents per gallon,

''(ii) after September 30, 2014, and before October 1, 2015, 12.7 cents per gallon,

''(iii) after September 30, 2015, and before October 1, 2016, 8.5 cents per gallon,

''(iv) after September 30, 2016, and before October 1, 2017, 6.6 cents per gallon, and

''(v) after September 30, 2017, 5.0 cents per gallon.

''(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraph (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.''.

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of the Internal Revenue Code of 1986 is amended by inserting '', and before October 1, 2013'' after ''March 31, 1983''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2013.

(2) CERTAIN EXTENSIONS.—The amendments made by subsection (b)(1) shall take effect on April 1, 2012.

SEC. 5. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) BALANCE OF CORE PROGRAMS FINANCING RATE DEPOSITED IN FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(h) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the 'Infrastructure Special Assistance Fund' consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of each fiscal year, the Secretary, in consultation with the Secretary of Transportation, shall determine the excess (if any) of—

''(A) the sum of—

''(i) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the core programs financing rate for such year, plus

''(ii) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4051, 4071, and 4481 for such year, over

''(B) the amount appropriated under subsection (c) for such fiscal year,

and shall transfer such excess to the Infrastructure Special Assistance Fund.

''(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

''(A) TRANSITIONAL ASSISTANCE.—

''(i) IN GENERAL.—Except as provided in clause (iii), during fiscal years 2014 through 2017, $1,000,000,000 in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

''(ii) STATE SHARE.—Each State is entitled to a share of the amount specified in clause (i) determined in the following manner:

''(I) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in clause (i). If the result does not exceed $15,000,000, the State's share equals $15,000,000. If the result exceeds $15,000,000, the State's share is determined under subclause (II).

''(II) Multiply the percentage determined under subclause (I), by the amount specified in clause (i) reduced by an amount equal to $15,000,000 times the number of States the share of which is determined under subclause (I).

''(iii) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2017, a portion of the amount specified in clause (i) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2017, apportion the portion among the States using the percentages determined under clause (ii)(I) for such States.

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

''(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in subparagraph (A)(i), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(I) for such States.

''(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 6. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

''(A) IN GENERAL.—On the first day of each of fiscal years 2014, 2015, 2016, and 2017, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) determine the excess (if any) of—

''(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

''(II) the amounts so appropriated which are equivalent to—

''(aa) such amounts attributable to the core programs financing rate for such year, plus

''(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

''(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

''(I) the percentage of that amount allocated to each State, is equal to

''(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

''(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2013.

SEC. 7. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''3.7 cents''; and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''5.0 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''1.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after March 31, 2012)'' and inserting ''1.4 cents per gallon (zero after September 30, 2020)''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''24.3 cents'' and inserting ''5.0 cents''.

(3) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''3.7 cents''.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), by striking ''April 1, 2012'' and inserting ''October 1, 2020,'';

(B) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''1.8 cents'';

(C) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''2.3 cents''; and

(D) by striking subparagraph (B) and inserting the following:

''(B) zero after September 30, 2020.''.

(5) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon after March 31, 2012'' and inserting ''zero after September 30, 2020''.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), by striking ''April 1, 2012'' both places it appears and inserting ''October 1, 2020'';

(B) in the heading of paragraph (2), by striking ''APRIL 1, 2012'' and inserting ''OCTOBER 1, 2020'';

(C) in paragraph (2), by striking ''after March 31, 2012, and before January 1, 2013'' and inserting ''after September 30, 2020, and before July 1, 2021''; and

(D) in paragraph (6)(B), by striking ''April 1, 2012'' and inserting ''October 1, 2018''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2017, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2018; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2017—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2018; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2017.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by subsections (b)(1), (b)(4), (b)(5), and (b)(6) shall apply to fuel removed after September 30, 2011.

SEC. 8. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 9. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this Act; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the ''Director'') submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the date of enactment of this Act, the Director shall—

(A) estimate the net change in revenues resulting from this Act for each fiscal year through fiscal year 2018;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this Act for each fiscal year through fiscal year 2018;

(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2018; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(d) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—On compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2013 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

SA 1694. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40201 and insert the following:

SEC. 40201. TEMPORARY INCREASE IN SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 265(b)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2009 or 2010'' in clause (i) and inserting ''2009, 2010, 2012, or the period beginning after December 31, 2012, and before July 1, 2013'',

(2) by striking ''2009 or 2010'' each place it appears in clauses (ii) and (iii) and inserting ''2009, 2010, or the period beginning after June 30, 2012, and before July 1, 2013'', and

(3) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2012, AND 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after June 30, 2012.

SA 1695. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 232, strike lines 1 through 5 and insert the following:

''(G) target areas with high rates of unemployment;

''(H) address current or projected workforce shortages in areas that require technical expertise; and

''(I) carry out programs that work with community colleges with experience in developing activities eligible for assistance under subsection (a).

SA 1696. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, between lines 24 and 25, insert the following:

''(8) DATA REPORTING REQUIREMENTS.—A public transportation service provider that receives assistance under this section or section 5311 for a fiscal year shall report to the Secretary—

''(A) the number of vehicles purchased during the fiscal year using such assistance; and

''(B) the number of rides provided during the fiscal year that are attributable to such assistance.

SA 1697. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 15, after ''agencies'' insert the following: '', including any transportation activities carried out by the recipient using a grant under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.)''.

SA 1698. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PRIVATE OPERATORS OF INTERCITY BUS SERVICE.

Section 5311(h)(3) of title 49, United States Code, as amended by this Act, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) in the case of operating costs of connecting rural intercity bus feeder service funded under subsection (f)(1)(E), may be derived from the costs of intercity bus service provided by a private operator, if—

''(i) the project includes both feeder service and a connecting unsubsidized intercity route segment; and

''(ii) the private operator agrees in writing to the use of its unsubsidized costs as an in-kind match.''.

SA 1699. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 19, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

On page 70, line 25, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

On page 127, line 18, insert ''(other than amounts suballocated to metropolitan areas and other areas of the State under 133(d))'' after ''104(b)(2)''.

SA 1700. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HIGH-SPEED RAIL EQUIPMENT.

The Secretary of Transportation shall not preclude the use of Federal funds made available to purchase rolling stock to purchase any equipment used for ''high-speed rail'' (as defined in section 26106(b)(4) of title 49, United States Code) that otherwise complies with applicable Federal standards, including safety, Buy America, and environmental standards.

SA 1701. Mr. WHITEHOUSE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 15 and 16, insert the following:

''(4) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—

''(A) APPROPRIATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of the projects of national and regional significance program under section 1118 $1,000,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under clause (i), without further appropriation.

''(B) OFFSET.—

''(i) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

'' '(E) OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.—

'' '(i) CAP ADJUSTMENT.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for overseas contingency and related activities for that fiscal year, but not to exceed the amounts specified in clause (ii), the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for the activities for that fiscal year.

'' '(ii) LEVELS.—The levels for overseas contingency and related activities specified in this subparagraph for fiscal year 2013 is $127,658,000,000 in budget authority.'.

''(ii) BREACH.—Section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)) is amended by striking paragraph (2) and inserting the following:

'' '(2) ELIMINATING A BREACH.—

'' '(A) IN GENERAL.—Each nonexempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequesterable budgetary resources in that account by the uniform percentage necessary to eliminate a breach within that category.

'' '(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal year 2013 in excess of the level established in subsection (b)(2)(E) shall be counted in determining whether a breach has occurred in the security category and the nonsecurity category on a proportional basis to the total spending for overseas contingency operations in the security category and the nonsecurity category.'.

''(iii) CONFORMING AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by striking subparagraph (A) and inserting the following:

'' '(A) EMERGENCY APPROPRIATIONS.—If, for any fiscal year, appropriations for discretionary accounts are enacted that Congress designates as emergency requirements in law on an account by account basis and the President subsequently so designates, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.'.

SA 1702. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONSTRUCTION EQUIPMENT AND VEHICLES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

''§ 5341. Construction equipment and vehicles

''(a) IN GENERAL.—In accordance with the obligation process established pursuant to section 149(j)(4) of title 23, a State shall expend amounts required to be obligated for this section to install diesel emission control technology on covered equipment, with an engine that does not meet current model year new engine standards for particulate matter for the applicable engine power group issued by the Environmental Protection Agency, on a covered public transportation construction project within a $PM_{2.5}$ nonattainment or maintenance area.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) COVERED EQUIPMENT.—The term 'covered equipment' means any nonroad diesel equipment or on-road diesel equipment that is operated on a covered public transportation construction project for not less than 80 hours over the life of the project.

''(2) COVERED PUBLIC TRANSPORTATION CONSTRUCTION PROJECT.—The term 'covered public transportation construction project'—

''(A) means a public transportation construction project carried out under this chapter, or any other Federal law, which is funded in whole or in part with Federal funds; and

''(B) does not include any project with a total budgeted cost not to exceed $5,000,000 (which, notwithstanding any other provision of this section, may be excluded from the requirement to comply with this section by an applicable State or metropolitan planning organization).

''(3) DIESEL EMISSION CONTROL TECHNOLOGY.—The term 'diesel emission control technology' means a technology that—

''(A) is—

''(i) a diesel exhaust control technology;

''(ii) a diesel engine upgrade;

''(iii) a diesel engine repower;

''(iv) an idle reduction control technology; or

''(v) any combination of the technologies listed in clauses (i) through (iv);

''(B) reduces particulate matter emission from covered equipment by—

''(i) not less than 85 percent control of any emission of particulate matter; or

''(ii) the maximum achievable reduction of any emission of particulate matter; and

''(C) is installed on and operated with the covered equipment while the equipment is operated on a covered public transportation construction project and that remains operational on the covered equipment for the useful life of the control technology or equipment.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity (including a subcontractor of the entity) that has entered into a prime contract or agreement with a State to carry out a covered public transportation construction project.

''(5) NONROAD DIESEL EQUIPMENT.—

''(A) IN GENERAL.—The term 'nonroad diesel equipment' means a vehicle, including covered equipment, that is—

''(i) powered by a nonroad diesel engine of not less than 50 horsepower; and

''(ii) not intended for highway use.

''(B) INCLUSIONS.—The term 'nonroad diesel equipment' includes a backhoe, bulldozer, compressor, crane, excavator, generator, and similar equipment.

''(C) EXCLUSIONS.—The term 'nonroad diesel equipment' does not include a locomotive or marine vessel.

''(6) ON-ROAD DIESEL EQUIPMENT.—The term 'on-road diesel equipment' means any self-propelled vehicle that—

''(A) operates on diesel fuel;

''(B) is designed to transport persons or property on a street or highway; and

''(C) has a gross vehicle weight rating of at least 14,000 pounds.

''(7) $PM_{2.5}$ NONATTAINMENT OR MAINTENANCE AREA.—The term '$PM_{2.5}$ nonattainment or maintenance area' means a nonattainment or maintenance area designated under section 107(d)(6) of the Clean Air Act (42 U.S.C. 7407(d)(6)).

''(c) CRITERIA ELIGIBLE ACTIVITIES.—For purposes of subsection (b)(3)(A):

''(1) DIESEL EXHAUST CONTROL TECHNOLOGY.—For a diesel exhaust control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) included in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149 of title 23, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in subparagraph (B) for achieving a reduction in particulate matter.

''(2) DIESEL ENGINE UPGRADE.—For a diesel engine upgrade, the upgrade shall be performed on an engine that is—

''(A) rebuilt using new or remanufactured components that collectively appear as a system in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published

pursuant to subsection (f)(2) of section 149 of title 23, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(B) certified by the installer to have been installed in accordance with the specifications included on the list referred to in subparagraph (A) for achieving a reduction in particulate matter.

''(3) DIESEL ENGINE REPOWER.—For a diesel engine repower, the repower shall be conducted using a new or remanufactured diesel engine that is—

''(A) installed as a replacement for an engine used in the existing equipment, subject to the condition that the replaced engine is returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for use as scrap; and

''(B) certified by the engine manufacturer as meeting a more stringent engine particulate matter emission standard for the applicable engine power group established by the Environmental Protection Agency, than the engine particulate matter emission standard applicable to the replaced engine.

''(4) IDLE REDUCTION CONTROL TECHNOLOGY.—For an idle reduction control technology, the technology shall be—

''(A) installed on a diesel engine or vehicle;

''(B) included in the list of verified or certified technologies for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149, as in effect on the date on which the eligible entity enters into a prime contract or agreement with a State to carry out a covered public transportation construction project; and

''(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in subparagraph (B) for achieving a reduction in particulate matter.

''(d) ELIGIBILITY FOR CREDITS.—

''(1) IN GENERAL.—A State may take credit in a State implementation plan for national ambient air quality standards for any emission reductions that result from the implementation of this section.

''(2) CREDITING.—An emission reduction described in paragraph (1) may be credited toward demonstrating conformity of State implementation plans and transportation plans.''.

(b) SAVINGS CLAUSE.—Nothing in this section modifies or otherwise affects any authority or restrictions established under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that describes the manners in which section 5341 of title 49, United States Code (as added by subsection (a)) has been implemented, including the quantity of covered equipment serviced under those sections and the costs associated with servicing the covered equipment.

(2) INFORMATION FROM STATES.—The Secretary shall require States and recipients, as a condition of receiving amounts under this Act or under the provisions of any amendments made by this Act, to submit to the Secretary any information that the Secretary determines necessary to complete the report under paragraph (1).

(d) TECHNICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, as amended by this Act, is amended by adding at the end the following:

''5341. Construction equipment and vehicles.''.

SA 1703. Mr. WARNER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC-PRIVATE PARTNERSHIP EXPERIMENTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Transit Administration;

(2) the term ''eligible project'' means a project carried out using funding under chapter 53 of title 49, United States Code;

(3) the term ''eligible recipient'' means a recipient of funding under chapter 53 of title 49, United States Code; and

(4) the term ''experimental program'' means the public-private partnership experimental program established under subsection (b).

(b) PUBLIC-PRIVATE PARTNERSHIP EXPERIMENTAL PROGRAM.—

(1) PROGRAM ESTABLISHED.—The Administrator shall establish a 6-year public-private partnership experimental program to encourage eligible recipients to carry out tests and experimentation in the project development process that are designed to—

(A) attract private investment in eligible projects; and

(B) increase project management flexibility and innovation, improve efficiency, allow for timely project implementation, and create new revenue streams.

(2) IMPLEMENTATION OF PROGRAM.—The experimental program shall—

(A) except as provided in paragraph (5), identify any provisions of chapter 53 of title 49, United States Code, and any regulations or practices thereunder, that impede greater use of public-private partnerships and private investment in eligible projects; and

(B) develop procedures and approaches that—

(i) address the impediments described in subparagraph (A), in a manner similar to the Special Experimental Project Number 15 of the Federal Highway Administration (commonly referred to as ''SEP–15''); and

(ii) protect the public interest and any public investment in eligible projects.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the termination of the experimental program, the Administrator shall submit to Congress a report on the status of the experimental program.

(4) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue rules to carry out the experimental program.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Administrator to waive any requirement under—

(A) section 5333 of title 49, United States Code; or

(B) any other provision of Federal law not described in paragraph (2)(A).

SA 1704. Mr. WARNER (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECEIPTS FROM PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION ELIGIBLE FOR LOCAL SHARE PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Transportation (referred to in this section as the ''Secretary'') shall establish a pilot program under which the non-Government share of the cost of a capital project carried out by a recipient of funding under section 5307 or 5311 of title 49, United States Code, as amended by this Act, may include an amount equal to the amount that a private provider of public transportation receives from providing public transportation service in the service area of the recipient that is in excess of the operating costs of the service provided, if the rolling stock used to provide the service—

(1) has been privately acquired; and

(2) has not been acquired using any Government capital assistance.

(b) OVERSIGHT.—Each recipient that participates in the pilot program established under subsection (a) shall demonstrate that—

(1) the recipient has provided appropriate oversight of the provision of service by the private provider of public transportation; and

(2) a lack of readily available non-Government funding has limited the expansion of service provided by the recipient.

(c) APPLICATION.—An application for participation in the pilot program established under subsection (a) shall—

(1) be submitted by a designated recipient on behalf of a recipient; and

(2) include a certification that the recipient meets the requirements under subsection (b).

(d) REPORT.—Not later than September 30, 2013, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that at a minimum shall include a description of—

(1) any new or expanded services that would not have been provided without pilot program established under subsection (a);

(2) the cost effectiveness of any services described in paragraph (1);

(3) the amount of private capital added to the national public transportation system and the impact on job growth from that private capital;

(4) the effect of participation in the pilot program established under subsection (a) on other public transportation services; and

(5) any other information that the Secretary determines is necessary.

SA 1705. Mr. BENNET (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FACILITY FOR TRANSIT-ORIENTED DEVELOPMENT.

(a) CREDIT FACILITY ESTABLISHED.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE IMPROVEMENT.—The term ''eligible improvement'' means an infrastructure improvement that—

(i) is located within the station area of an eligible project;

(ii) has a total project cost of not less than $10,000,000; and

(iii) includes—

(I) the rehabilitation or construction of a street, a transit station, structured parking, a walkway, a bikeway; or

(II) an activity described in section 5302(3)(G)(v) of title 49, United States Code, as amended by this Act.

(B) ELIGIBLE PROJECT.—The term ''eligible project'' has the same meaning as in subsection (b).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) IN GENERAL.—The Secretary may make or guarantee a loan for an eligible improvement, at any time before or after the eligible project relating to the eligible improvement begins revenue service.

(3) PRIORITY.—In making and guaranteeing loans under this subsection, the Secretary shall give priority to eligible improvements that—

(A) facilitate increased transit ridership and the preservation or creation of long-term affordable housing units; and

(B) are carried out by metropolitan planning organizations, or members of the policy board thereof, that have developed metropolitan transportation plans under section 5303(i)(3) of title 49, United States Code, as amended by this Act.

(4) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for loans and loan guarantees under this subsection that are consistent with the terms and conditions established under chapter 6 of title 23, United States Code.

(b) FUNDING.—Notwithstanding section 5338(a) of title 49, United States Code, as amended by this Act—

(1) of amounts made available under paragraph (1) of such section 5338(a), $20,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out subsection (a) of this section; and

(2) the amounts described in paragraph (2) of such section 5338(a) shall be reduced by $20,000,000 on a pro rata basis.

SA 1706. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1633 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of page 477, add the following:

SEC. 32114. PROGRAM TO IMPROVE AVAILABILITY OF COMMERCIAL DRIVER'S LICENSES TO MEMBERS OF ARMED FORCES.

(a) STATE ACCEPTANCE OF TESTING OF MEMBERS OF ARMED FORCES BY SECRETARY OF DEFENSE FOR PURPOSES OF ISSUANCE OF COMMERCIAL DRIVER'S LICENSES.—Section 3131, as amended by section 32205 and 32303 of this Act, is further amended by adding at the end the following:

''(25) The State shall accept as proof of compliance by an applicant for a commercial driver's license with any knowledge or skills test required under paragraph (1) or (2) or under any provision of law of the State, evidence that the applicant—

''(A) is a member of the Armed Forces; and

''(B) has passed a knowledge or skills test administered by the Secretary of Defense and approved by the Secretary of Transportation for purposes of this paragraph.''.

(b) EXEMPTION FROM SINGLE LICENSE REQUIREMENT.—Section 31302 is amended—

(1) by striking ''No individual'' and inserting the following:

''(a) IN GENERAL.—No individual'';

(2) in subsection (a), as designated by paragraph (1), by striking ''An individual'' and inserting the following:

''(b) CUMULATIVE NUMBER OF LICENSES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual''; and

(3) in subsection (b), as designated by paragraph (2), by adding at the end the following:

''(2) MEMBERS OF ARMED FORCES.—An individual who is a member of the Armed Forces operating a commercial motor vehicle may have a driver's license issued by the Secretary of Defense in addition to a commercial driver's license issued by a State.''.

(c) EXEMPTION FROM ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—Section 31306(b)(1) is amended by adding at the end the following:

''(C) The regulations required by subparagraph (A) shall exempt members of the Armed Forces from any requirements relating to testing for alcohol or controlled substances.''.

(d) MODIFICATION OF RESIDENCY REQUIREMENT.—Paragraph (12) of section 31311(a) is amended—

(1) by striking ''except that, under regulations'' and inserting the following: ''except that—

''(A) under regulations''; and

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) the State may issue a commercial driver's license to an individual who—

''(i) operates or will operate a commercial motor vehicle;

''(ii) is a member of the Armed Forces; and

''(iii) is not domiciled in the State, but who's permanent duty station is located in the State.''.

(e) FEDERAL AND STATE WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and in cooperation with the States, establish a working group to assist members of the Armed Forces to obtain commercial driver's licenses.

(2) DUTIES.—The working group established under paragraph (1) shall, at a minimum—

(A) discuss implementation of this section and the amendments made by this section; and

(B) submit to the Secretary such recommendations for legislative or regulatory action as the working group considers advisable to improve the availability of commercial driver's licenses to members of the Armed Forces.

SA 1707. Mrs. GILLIBRAND (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 559, between lines 10 and 11, insert the following:

SEC. 2214. UNIVERSITY RENEWABLE TRANSPORTATION FUELS PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§ 5507. University renewable transportation fuels program

''(a) DEFINITIONS.—In this section:

''(1) CENTER.—The term 'center' means a regional university center of excellence established under this section.

''(2) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall make competitively awarded grants under this section to nonprofit institutions of higher education to establish a consortium of land-grant colleges and universities to conduct a national program of research on biobased transportation fuels through 5 regional university centers of excellence.

''(2) ROLE OF CENTERS.—The role of the centers shall be—

''(A) to assist in meeting the needs of the United States for secure transportation fuels that are economically viable and environmentally sustainable;

''(B) to conduct research to support the movement and use of biobased transportation fuels, including research on—

''(i) biobased-transportation fuel feedstocks;

''(ii) feedstock preparation and transportation technologies;

''(iii) conversion and distribution technologies; and

''(iv) transportation infrastructure;

''(C) to enhance national energy and transportation security through the development, distribution, and implementation of biobased energy technologies;

''(D) to promote diversification in and the environmental sustainability of biomass feedstock production in the United States through biobased transportation fuels and product technologies;

''(E) to promote economic diversification in rural areas of the United States through biobased transportation fuels and product technologies; and

''(F) to enhance the efficiency of biobased transportation research and development programs through improved coordination and collaboration between the Department of Transportation, other appropriate Federal agencies, and land-grant colleges and universities.

''(3) DUTIES OF CENTERS.—A center established for a region described in subsection (c)(2)(B) shall—

''(A) provide research leadership and support collaboration among the land-grant universities and colleges within the region;

''(B) manage a peer-reviewed competitive grant program in the region that engages the land-grant colleges and universities in the region to address national priorities in the context of the biogeographic and environmental conditions, and transportation infrastructure, in the region; and

''(C) operate the program of research on biobased transportation fuels established under this section in the region.

''(c) GRANTS FROM SECRETARY TO NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.—

''(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

''(2) GENERAL SELECTION CRITERIA.—

''(A) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities described in section 503 of title 23.

''(B) REGIONS.—The Secretary shall establish a national consortium of 5 regional university centers of excellence, with a center established within, and collaborating with land-grant colleges and universities in, each of the following regions:

''(i) NORTH-CENTRAL CENTER OF EXCELLENCE.—A north-central research center for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

''(ii) NORTHEASTERN CENTER OF EXCELLENCE.—A northeastern research center for the region composed of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

''(iii) SOUTH-CENTRAL CENTER OF EXCELLENCE.—A south-central research center for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

''(iv) SOUTHEASTERN CENTER OF EXCELLENCE.—A southeastern research center for the region composed of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(v) WESTERN CENTER OF EXCELLENCE.—

''(I) IN GENERAL.—A western research center for the region composed of the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and the States and insular areas covered by the subcenter described in subclause (II).

''(II) WESTERN INSULAR PACIFIC SUBCENTER.—Within the western research center established under subclause (I), a western insular Pacific research subcenter for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

''(C) CRITERIA.—The Secretary, in coordination with the Administrator of the Federal Highway Administration and the Administrator of the Federal Transit Administration, shall select each recipient of a grant under subsection (b) and this subsection through a competitive process based on the assessment of the Secretary of—

''(i)(I) the demonstrated leadership within the field of biobased transportation fuel research;

''(II) demonstrated experience in the conduct and management of research on biobased transportation fuel feedstocks; and

''(III) demonstrated experience in working with multiple Federal agencies;

''(ii) demonstrated experience in awarding and managing not less than $7,000,000 over a period of at least 5 years in competitive grant expenditures provided to land-grant colleges and universities, and institutions partnering with land-grant colleges and universities to conduct research and education programs in the area of biobased transportation fuels and biobased products that have the potential to reduce the cost of production of biobased fuel production through high-value coproducts;

''(iii) a demonstrated history of working with other land-grant colleges and universities within the applicable region in the conduct and implementation of field work on biobased transportation fuel feedstocks;

''(iv) a demonstrated history of collaborative efforts to collect and use natural resource and feedstock data for incorporation into geographic information systems and decisionmaking models;

''(v) a history of and working access to biobased feedstock production research stations in each State of the applicable region;

''(vi) the demonstrated ability of the recipient to disseminate results and promote the implementation of transportation research and education programs through national or regional education and outreach programs; and

''(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects.

''(3) SELECTION.—Not later than 1 year after the date of enactment of the MAP–21, the Secretary, in conjunction with the Administrator of the Federal Highway Administration and the Federal Transit Administration, shall—

''(A) select nonprofit institutions of higher education to receive grants under subsection (b) and this section; and

''(B) make grant amounts available to the selected recipients.

''(d) USE OF GRANTS BY UNIVERSITY CENTERS OF EXCELLENCE AND SUBCENTER.—

''(1) IN GENERAL.—A university center of excellence or subcenter established for a region under subsection (c) shall use 75 percent of the funds made to provide competitive grants to entities that are—

''(A) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

''(B) located in the region.

''(2) ACTIVITIES.—Grants made under this subsection shall be used by the grant recipient to conduct, in a manner consistent with the purposes of this section, multiinstitutional and multistate research, extension, and education programs on technology development implementation.

''(3) ADMINISTRATION.—

''(A) PEER AND MERIT REVIEW.—In making grants under this subsection, a research center or subcenter shall—

''(i) seek and accept proposals for grants;

''(ii) determine the relevance and merit of proposals through a system of scientific peer review; and

''(iii) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

''(B) TERM.—A grant awarded by a research center or subcenter shall have a term that does not exceed 5 years.

''(C) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this subsection, the research center or subcenter shall require that not less than 20 percent of the cost of an activity described in paragraph (2) be matched with funds (including in-kind contributions) from a non-Federal source.

''(4) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—A university center of excellence or subcenter shall use the remainder of the grant funds, after application of paragraph (1), to conduct a regional research, extension, and educational program in a manner consistent with the purposes of this section.

''(5) PLANNING COORDINATION.—Grant funds made available under this subsection may be used to carry out planning coordination under this subsection.

''(6) MAXIMUM GRANT.—The amount of a grant made to a recipient for a fiscal year under this subsection shall not exceed $6,000,000.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $30,000,000 for each of fiscal years 2012 and 2013.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''Sec. 5507. University renewable transportation fuels program.''.

SA 1708. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MOTORCOACH SAFETY STUDY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall award a competitive research grant to a qualified, independent research institution to conduct a comprehensive research study of the safe operation of motorcoaches that—

(1) uses naturalistic driving data equipment; and

(2) focuses on driver fatigue, driver distraction, hours of service, and other areas determined by the Secretary to be necessary.

(b) REPORT.—Not later than 9 months after the date on which the research grant is awarded pursuant to subsection (a), the Secretary shall submit a report containing the results of the study conducted under subsection (a) to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 6, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for fiscal year 2013 for the Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, room 304 of the Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact please contact Scott Miller (202) 224–5488 or Jake McCook (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 16, 2012, at 10 a.m., to conduct a hearing entitled ''Examining the European Debt Crisis and Its Implications.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 11:30 a.m., to hold a briefing entitled, ''Iran's Influence and Activity in Latin America.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Addressing Workforce Needs at the Regional Level: Innovative Public and Private Partnerships'' on February 16, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 16, 2012, at 2:30 p.m. in order to conduct a hearing entitled ''Securing America's Future: The Cybersecurity Act of 2012.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 16, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 16, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 16, 2012, at 10 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''Iran's Influence and Activity in Latin America.''

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Aoife Delargy, who is an intern in my office, be granted floor privileges during the pendency of S. 1813, the surface transportation bill.

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

MEASURE READ FOR THE FIRST TIME—S. 2118

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2118) to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar, object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDER OF BUSINESS

Mr. REID. Mr. President, I apologize to the staff and for everyone having to wait, but we have things we have been working on and we have made a lot of headway, a lot of progress. We are still not all the way there, but it appears to me that the House will probably vote on the conference report sometime tomorrow morning. That being the case, we will see what we can do to expedite things here.

I will have the authority now to have the vote on the judge and the cloture vote so we can do that at any time tomorrow. I will talk to the Republican leader to make sure it is a convenient time for everyone. We will come in at 10 tomorrow morning.

ORDERS FOR FRIDAY, FEBRUARY 17, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Friday, February 17, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.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, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill; and finally, I ask that the second-degree amendment filing deadline be at 10:30 a.m.

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

PROGRAM

Mr. REID. Mr. President, there could be up to four votes. If things don't work out, we will have to have some of the votes later in the week, so we hope that can come to be. We will notify Senators the minute we have some way of moving forward with everything. The four votes would be, of course, the cloture vote on the highway bill, the Furman nomination, and we might have to do cloture on the conference report and final passage of that. So we will notify everyone what agreements we have been able to work on and get in touch with the Republican leader and hopefully move fairly quickly tomorrow morning.

Senators should expect a series of rollcall votes tomorrow on the motion to invoke cloture on the Reid amendment No. 1633 and on the Furman nomination. We also hope to consider the payroll conference report.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 7:57 p.m.,, adjourned until Friday, February 17, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JILL A. PRYOR, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE STANLEY F. BIRCH, JR., RETIRED.

PAUL WILLIAM GRIMM, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE BENSON EVERETT LEGG, RETIRING.

ELISSA F. CADISH, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE PHILIP M. PRO, RETIRED.

MARK E. WALKER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE STEPHAN P. MICKLE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COLONEL ONDRA L. BERRY
COLONEL ALLEN D. BOLTON
COLONEL WILLIAM D. COBETTO
COLONEL WADE A. LILLEGARD
COLONEL THAD L. MYERS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL STEVEN A. CRAY
BRIGADIER GENERAL WILLIAM J. CRISLER, JR.
BRIGADIER GENERAL JON F. FAGO
BRIGADIER GENERAL MICHAEL A. LOH
BRIGADIER GENERAL ERIC W. VOLLMECKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DAVID W. ALLVIN
BRIGADIER GENERAL HOWARD B. BAKER
BRIGADIER GENERAL THOMAS W. BERGESON
BRIGADIER GENERAL CHARLES Q. BROWN, JR.
BRIGADIER GENERAL DARRYL W. BURKE
BRIGADIER GENERAL RICHARD M. CLARK
BRIGADIER GENERAL DWYER L. DENNIS
BRIGADIER GENERAL MARK C. DILLON
BRIGADIER GENERAL CARLTON D. EVERHART II
BRIGADIER GENERAL SAMUEL A. R. GREAVES
BRIGADIER GENERAL MORRIS E. HAASE
BRIGADIER GENERAL GARRETT HARENCAK
BRIGADIER GENERAL PAUL T. JOHNSON
BRIGADIER GENERAL RANDY A. KEE
BRIGADIER GENERAL JIM H. KEFFER
BRIGADIER GENERAL MICHAEL J. KINGSLEY
BRIGADIER GENERAL JEFFREY G. LOFGREN
BRIGADIER GENERAL JAMES K. MC LAUGHLIN
BRIGADIER GENERAL KURT F. NEUBAUER
BRIGADIER GENERAL JOHN F. NEWELL III
BRIGADIER GENERAL CRAIG S. OLSON
BRIGADIER GENERAL JOHN N. T. SHANAHAN
BRIGADIER GENERAL MICHAEL S. STOUGH
BRIGADIER GENERAL SCOTT D. WEST
BRIGADIER GENERAL KENNETH S. WILSBACH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND P. PALUMBO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BARBARA W. SWEREDOSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ERIC C. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. TIMOTHY W. DORSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KIRBY D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPTAIN MICHAEL J. DUMONT
CAPTAIN ROBERT L. GREENE
CAPTAIN LAWRENCE B. JACKSON
CAPTAIN SCOTT B. J. JERABEK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JENNIFER M. AGULTO
LORRAINE R. BARTON
PAMELA K. BEMENT
KIRSTEN A. BENFORD
MAUREEN A. CHARLES
KATHLEEN B. CRAVER
SUSAN C. DAVIS
ELIZABETH A. DECKER
NATHALIE F. ELLIS
JOANN C. FRYE
DALE G. GREY
MARIA G. GUEVARA DE MATALOBOS
GWENDOLYN C. JOHNSON
ANDREA L. JONES
IDA L. MC DONALD
WANDA J. MC FATTER
PATRICIA N. MEZA
JACQUELINE A. MUDD
JILL J. OREAR
SUSAN M. PERRY
KEVIN S. POITINGER
MARCIA A. POTTER
MELANIE A. PRINCE
JUDY D. STOLTMANN
KATHRYN W. WEISS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARIO ABEJERO
CYNTHIA W. ADAMS
DANA M. ADRIAN
DANA J. ALBALATE
KATHLEEN M. AMIRALI
RENATO B. BACTOL
JEFFREY L. BARGANIER
JENNIFER E. BEHAN
GREGORY D. BELLANCA
ROSSER P. BIRDSONG
VINCENT M. BOYLE
JULIA L. BRADLEY
TIMOTHY W. BRICKER
THOMAS G. BROCKMANN
REGINALD T. BROWN
JOHN A. CAMACHO AYALA
LENORE CAPPELLUTI
SAM R. CHHOEUN
HEATHER D. COIL
MUN C. CONNERS
SHANNAN L. CORBIN
DIANE K. COX
JEROME A. CRAWFORD
LOURDES CRUZ
ADAM H. DALGLEISH
MICHAEL D. DIXON
JEREMY E. DOWNES
JOHN F. EGGERT
SHANNON D. ELDRIDGE
KERRY ANN ELLIOTT
HERNAN R. ERAZO
TERRI L. FELDER
NATHAN K. FERGUSON
BONNIE A. FRANCIS
MARK L. FRANCIS
ELIZABETH A. FROST
SONJA P. FURSE
SPARKLE M. GRAHAM
NICOLE E. GRAMLICK
JOHNNY R. GUERRA
TINA HALL
PAUL F. HAMEL
ANDREW P. HANSEN
CHINETA D. HARRIS
TOMAS C. HERNANDEZ, JR.
JEREMY D. HICKS
DAWN M. HIGGINS
YVONNE R. HILL
MARY A. HILLANBRAND
SHERI E. HISER
MICHELLE M. HUFSTETLER
KIMBERLY N. HUGHES
RAMONA F. HUNTER
RONSETTA N. HUTCHISON
CARL O. IMPASTATO
ANGELA J. JOBE
CATHERINE H. JORDAN
CHRISTA J. JORDAN
LAURA K. JORG
CANDICE L. KENNEDY
SHANNON M. KERNES
AARON O. KIBLER
JOANNE M. KMETZ
CYNTHIA A. LANG
DEIDRA D. LYON
JENNIFER A. MAHAR
CYNTHIA N. MANDACCLARK
CHRISTOPHER M. MANJARRES
TAMMERA G. MATTIMOE
KELLY G. MC CANN
JENA LIZABETH MEYER
CARMEN A. MILES THANNIE
WARREN B. MOORE
SARAH E. MORTON
HEIDI S. MUDZIMUREMA
LISA R. PALMER
MARTIN R. PAPROCK
SHELLY R. PARDINI
JANICE M. PECUA
ERNEST J. PEREZ
COLIN D. PERRY
THERESA A. PETERS
REGINA D. PETERSON
FRANKLIN PORCIL
JENNIFER L. PROSSER
DINO C. QUIJANO
KAWANA A. RAWLS
DIANE REKAR
JOAN P. ROBINSON
KARRI A. ROMAN
SHANE S. RUNYON
RICHARD S. RUSS
DEBRA A. SANTOS
TERESITA N. SCOTT
ANGELIQUE D. SIMPSON
LYNNE C. SMITH
JAMES M. SPENCER, JR.
SHAMANA J. STEVENS
TIMOTHY C. STONER
LARRY M. STOWERS
MICHELE S. SUGGS
BRIAN W. THORNTON
DAMON N. TOCZYLOWSKI
ERIC I. TOVAR
WENDY J. TROGDON
DARA J. WARREN
THERESA L. WEBER
ANDREA K. WHITNEY
DOUGLAS L. WILKERSON
CRIS WILLIAMS
JAY L. WILLIAMS, JR.
CARL R. YOUNG, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RICHARD E. AARON
FARLEY A. ABDEEN
ANTHONY D. ABERNATHY
BRYAN E. ADAMS
RAY C. ADAMS, JR.
FRANK D. ALBERGA
JEFFREY N. ALDRIDGE
DAVID T. ALLEN
RONALD GENE ALLEN, JR.
NATHAN A. ALLERHEILIGEN
GREGORY J. ANDERSON
WILLIAM B. APODACA
DAVID G. AUSTIN
DAVID G. AVILA
JAMES R. BACHINSKY
CRAIG R. BAKER
PATRICK S. BALLARD
MICHAEL S. BALLEK
CHRISTOPHER B. BARKER
JOHNNY L. BARNES II
WALDEMAR F. BARNES
BRIAN A. BARTHEL
MARVIN T. BAUGH
CARRIE J. BAUSANO
STEVEN M. BEASLEY
CHARLES S. BEGEMAN
BRIAN E. BELL
EDWARD A. BELLEM
HARRY P. BENHAM
AARON K. BENSON
JILL M. BERGOVOY
ANDREW T. BERNARD
DOMINIC J. BERNARDI III
SARA A. BEYER
STEVEN W. BIGGS
ERIC J. BJURSTROM
SHEILA G. BLACK
WAYNE C. BLANCHETTE
COBY D. BLAND
SEVERIN J. BLENKUSH II
JOSEPH M. BLEVINS
ROD B. BLOKER
LELAND B. BOHANNON
RICHARD K. BOHN, JR.
RICHARD T. BOLANOWSKI
MATTHEW D. BONAVITA
VANESSA L. BOND
ROBERT W. BORJA
JAMES P. BOSTER
JAMES E. BOWEN, JR.
ERIK C. BOWMAN
SOLOMON E. BOXX
JAY A. H. BOYD
SHAWN M. BRENNAN
TIMOTHY L. BRESTER
WILLIAM E. BROOKS
JEFFREY S. BROWN
KURT F. BRUESKE
TERRY L. BULLARD
SHARON K. BURNETT
ALVIN F. BURSE
CHARLES J. BUTLER
PATRICK E. BUTLER
KEVIN A. CABANAS
MICHAEL J. CALLENDER
BRENDA L. CAMPBELL
SCOTT C. CAMPBELL
MONTE R. CANNON
JOEL L. CAREY
THOMAS R. CAREY
BARRY T. CARGLE
DAVID A. CARLSON
WILLIAM S. CARPENTER
JOHN K. CARTWRIGHT
SHANNON W. CAUDILL
TODD M. CHENEY

RHUDE CHERRY III
JAMES L. CHITTENDEN
SEAN M. CHOQUETTE
GLEN E. CHRISTENSEN
FIONA A. CHRISTIANSON
MICHAEL S. CHRISTIE
JOHN D. CINNAMON
CHRISTOPHER S. CLARK
JAMES D. CLARK
WILLIAM C. CLARK
DONALD T. CLOCKSIN
DARREN L. COCHRAN
BRANNEN C. COHEE
CHRISTOPHER R. COLBERT
HEATH A. COLLINS
JEFFREY A. COLLINS
JASON R. COMBS
TRAVIS E. CONDON
JEFFREY T. COOK
WILLIAM L. COOK
SHANNON M. COOPER
WAYNE A. COOPER
JAMES A. COPHER
J. H. CORMIER III
GARY LYNN CORNN, JR.
MICHAEL L. COTE
PAUL COTELLESSO
DONALD J. COTHERN
ANTHONY W. COTTO
CHRISTOPHER N. CRANE
KATHY A. CRAVER
JENNIFER R. CROSSMAN
JOHN E. CULTON III
DENNIS D. CURRAN
BRETT R. CUSKER
ROBERT T. DANIEL
CHRISTOPHER T. DANIELS
ISAAC DAVIDSON
ARTHUR D. DAVIS
CHRISTOPHER D. DAVIS
ANTHONY J. DAVIT
MICHAEL L. DAWSON
CHRISTOPHER E. DECKER
ERIC P. DELANGE
DOUGLAS D. DEMAIO
RICHARD W. DEMOUY
KIERAN T. DENEHAN
ERIC J. DENNY
MARNE R. DERANGER
JAMES B. DERMER
ROBERT L. DIAS
JOEL S. DICKINSON
MICHAEL A. DICKINSON
TIMOTHY J. DICKINSON
JEFFREY A. DICKSON
TODD L. DIEL
ERIC S. DORMINEY
ROBERT L. DOTSON
PETER W. DOTY
RONNIE G. DOUD
JOHN A. DOWNEY II
DOUGLAS M. DRAKE
DAVID S. DRICHTA
TIMOTHY E. DUNSTER
NEIL P. EISEN
JEAN K. EISENHUT
ROY P. FATUR
HILARY K. FEASTER
JOHN W. FEATHER
KEITH N. FELTER, JR.
SUSAN A. FERRERA
PETER M. FESLER
MICHAEL J. FINCH
WILLIAM C. FINLEY, JR.
JAMES L. FISHER
JAMES J. FLATTERY
TREVOR W. FLINT
DANA T. A. FLOOD
PETER J. FLORES
TODD A. FOGLE
LAURA M. G. FOGLESONG
DONALD FREW
MICHAEL B. FRYMIRE
GREGORY J. GAGNON
DAVID B. GASKILL
JEFFREY S. GAST
BRYAN T. GATES
JEFFRY E. GATES
GLEN M. GENOVE
RICHARD W. GIBBS
GREGORY P. GILBREATH
MICHAEL E. GIMBRONE
TODD L. GLANZER
REGINALD O. GODBOLT
MICHAEL L. GOODIN
KJALL GOPAUL
KEVIN J. GORDON
TIMOTHY A. GOSNELL
CHRISTOPHER S. GOUGH
JEFFREY R. GRANGER
DONALD R. GRANNAN
KEITH GREEN
CHRISTOPHER V. GREENE
JAMES L. GREER
ETHAN C. GRIFFIN
RICHARD W. GRIFFIN
GEORGE H. GRIFFITHS, JR.
MICHAEL W. GRISMER, JR.
SCOTT M. GUILBEAULT
ANDY GWINNUP
JOEL J. HAGAN
DARREN B. HALFORD
HENRY G. HAMBY IV
PHILLIP T. HAMILTON
JEFF A. HAMM III
ANDREW P. HANSEN
MARY E. HANSON
HAROLD E. HARDINGE
MONTE S. HARNER
DEXTER F. HARRISON
TRAVIS C. HARSHA
DEAN H. HARTMAN
MICHAEL L. HASTRITER
BERNARD J. HATCH III
ROBERT L. HAUG
DENNIS A. HAUGHT
SCOTT E. HAYFORD
KEVIN E. HEAD
PAUL E. HENDERSON
ANTHONY R. HERNANDEZ
DRYSDALE H. HERNANDEZ
KEVIN R. HEYBURN
JILL R. HIGGINS
BRIAN A. HILL
DON E. HILL
THAD B. HILL
GLENN E. HILLIS II
RIGEL K. HINCKLEY
ANDREW C. HIRD
MARK J. HOEHN
MARK G. HOELSCHER
TODD A. HOHN
CHRISTOPHER D. HOLMES
MICHAEL J. HOMOLA
JAMES R. HOSKINS
MICHAEL S. HOUGH
FRANKLIN C. HOWARD
LARS R. HUBERT
MATTHEW L. HUGHBANKS
RANDALL S. HUISS
BRIAN ALLEN HUMPHREY
EMI IZAWA
MARK A. JABLOW
ERIC A. JACKSON
MICHAEL L. A. JACKSON
SCOTT K. JACKSON
SEAN C. JACKSON
SCOTT D. JACOBS
JURIS L. JANSONS
DANIEL E. JEFFERIES
DAVID S. JEFFERY
JEFFREY R. JENSSEN
ROBERT S. JOBE
BRADFORD T. JOHNSON
DANNY P. JOHNSON
SHANNON L. C. JOHNSON
CARL M. JONES
SCOTT H. JONES
KURT W. KAYSER
DAVID S. KEESEY
GREGORY S. KEETON
KEVIN G. KENNELLY
PATRICK F. KENNERLY
MICHAEL E. KENSICK
DENNIS C. KING, JR.
DAVID A. KIRKENDALL
WALTER C. KIRSCHMAN III
SHANNON R. KLUG
ANDREW S. KOVICH III
ROBERT J. KRAUS
JORDAN R. KRISS
ERIC A. KRYSTKOWIAK
CHARLES D. KUHL
DALE L. LANDIS II
KENT A. LANDRETH
STEPHEN K. LANDRY
REID M. LANGDON
JUSTIN C. LANGLOIS
MAX E. LANTZ II
ANTHONY LANUZO
JOHN R. LAPORE III
DANIEL T. LASICA
DAVID W. LAWRENCE
MICHAEL C. LAWRENCE
PHILLIP A. LAYMAN
TIMOTHY G. LEE
JOSEPH P. LEHNERD
JAMES A. LEINART
RENE M. LEON
ROBERT J. LEVIN, JR.
TODD J. LEVINE
CHERYL L. LEWIS
DONALD R. LEWIS
RODNEY D. LEWIS
TED A. LEWIS
ROBERT E. LICCIARDI
RICHARD T. LINDLAN
BRIAN W. LINDSEY
JOSEPH W. LOCKE
JOSEPH D. LOONEY
JOHN K. LUSSIER
MARK J. MACDONALD
SCOTT A. MACKENZIE
EDWARD J. MADSEN
MICHAEL D. MADSEN
BENJAMIN R. MAITRE
GEOFFREY A. MAKI
MAX M. MAROSKO III
MATTEO G. MARTEMUCCI
JOHNNIE MARTINEZ
CLAY E. MASON
KENDRA S. MATHEWS
ERIC S. MAYHEU
AMY J. MCCAIN
BRIAN P. MCCARTHY
KAIPO S. MCCARTNEY
MICHAEL E. MCCLUNG
DOUGLAS F. MCCOBB, JR.
KRISTIN H. MCCOY
JAMES D. MCCUNE
JOHN C. MCCURDY
SEAN R. MCELHANEY PAHIA
CHARLES B. MCFARLAND
PETRA MCGREGOR
DAVID W. MCKEOWN
MICHAEL S. MCMANUS
DOUGLAS J. MELLARS
JOHN R. MELLOY
WALTER K. MELTON
PAUL B. MENDY, JR.
MICHAEL J. MERRITT
ALEXANDER R. MERZ
MARK L. MESENBRINK
KIRSTEN R. MESSER
MICHAEL G. MESSER
JONPAUL MICKLE
CAROLINE M. MILLER
TONY L. MILLICAN
CARL C. MISNER
ROBERT M. MOCIO
EDUARDO D. MONAREZ
MICHAEL B. MONGOLD
ARTHUR MOORE III
SHAWN D. MOORE
TARA L. MORRISON
DAVID R. MOTT
RALPH J. MULI
TRACEY L. MURCHISON
PAUL J. MURRAY
STEVEN A. MYS
JERALD H. NARUM
CHRISTOPHER J. NIEMI
ERIC D. NORTH
DEREK M. OAKS
ELENA M. OBERG
JOHN J. OCONNOR
MICHAEL M. OCONNOR
DAVID M. ODELL
JOSEPH L. OGEA, SR.
MARTIN J. OGRADY
DONNA L. OHARREN
ERIC P. OLIVER
KENNETH G. ONEIL
RICHARD P. PAGLIUCO
JOHN L. PARKER IV
MONICA M. PARTRIDGE
KELLY S. PASSMORE
CAROLYN J. PATRICK
DWIGHT F. PAVEK
JAMES B. PEAVY
TIMOTHY L. PENNINGTON
MATTHEW W. PERKINS
CORY M. PETERSON
WILLIAM C. PETERSON
STUART A. PETTIS
EVAN L. PETTUS
PAUL D. PIDGEON
DONNA M. G. PIKE
JOHN M. PLATTE
CHRISTOPHER A. PLEIMAN
ROBERT S. POPE
MATTHEW A. POWELL
MATTHEW J. POWELL
JOSEPH L. PRUE
ANDREA M. PSMITHE
BRADLEY L. PYBURN
DAVID M. QUICK
BRIAN G. QUILLEN
CLARK J. QUINN
TIMOTHY J. RADE
DAVID F. RADOMSKI
CHAD D. RADUEGE
SUSHIL S. RAMRAKHA
TIMOTHY J. RAPP
MICHAEL T. RAWLS
LISA C. REDINGER
EDWINA C. REID
RAYMOND L. REYES
CLIFFORD E. RICH
LARRY G. RIDDICK, JR.
CLARK H. RISNER
DON D. ROBERTSON
PAUL A. ROELLE
RYAN C. ROGERS
GILBERTO ROSARIO
GARY E. ROSE
MARK E. ROSE
ROBERT J. ROWELL
PHILIP P. ROWLETTE
THOMAS A. RUDY
NATHAN A. RUMP
KENTON A. RUTHARDT
GERARD F. RYAN, JR.
MICHAEL M. RYDER
JOHN P. RYDLAND
JAMES M. SAHM
GARY L. SALMANS
RUSLAN SANCHEZ CRUZ
DAVID J. SANFORD
PETER P. SANTAANA
ANDREW M. SASSEVILLE
SCOTT JOSEPH SCHERER
DAVID A. SCHILLING
EARL S. SCOTT
KELLY J. SCOTT
CLAYTON A. SEALE
MICHAEL R. SEILER
PATRICIA A. SERGEY
THOMAS B. SHANK
DONALD G. SHANNON
JAMES T. SHEEDY
DANIEL R. SHEESLEY
DAVID L. SIEGRIST
JACK L. SINE
KENNETH G. SIPPERLY, JR.
JEOFFREY D. SLOAN
MARK A. SLOAN
STAMATIS B. SMELTZ
ALEXANDER I. SMITH
BRIAN N. SMITH
CHRISTOPHER A. SMITH

MATTHEW T. SMITH
NATHAN E. SMITH
SHAWN A. SMITH
CHRISTOPHER G. SMITHTRO
JEFFREY C. SOBEL
LAURA A. SOULE
ADRIAN L. SPAIN
RANDALL G. SPARKS
BENJAMIN W. SPENCER
CHRISTOPHER M. SPIGELMIRE
LAWRENCE J. SPINETTA
MICHAEL T. SPRADLEY
STANLEY A. SPRINGER
KIRK B. STABLER
KIRT L. STALLINGS
GREGORY K. STANKEWICZ
ALEX STATHOPOULOS
AARON W. STEFFENS
KAREN D. STOFF
ALESSANDRA STOKSTAD
DAVID E. STOOKEY
ROBERT A. STRASSER
MITCHELL D. STRATTON
JEFFREY R. STUTZ
CHRISTOPHER B. SULLIVAN
JIMMIE E. SULLIVAN, JR.
JEFFREY P. SUNDBERG
TIMOTHY J. SUNDVALL
ANGELA W. SUPLISSON
MARK A. SURIANO
ROBERT T. SWANSON, JR.
STEVEN M. SWEENEY
FRANCIS J. SWEKOSKY, JR.
GERALD P. SZYBIST
FRED D. TAYLOR
SCOTT A. THATCHER
KEVIN C. THERRIEN
JAMES E. THOMPSON
SCOTT T. THOMPSON
KENNETH J. TIMKO
BRIAN A. TOM
CHARLES A. TOMKO
ROBERT W. TRAYERS, JR.
ALICE WARD TREVINO
DENNIS P. TUCKER, JR.
DOYLE C. TURNER
JEREMEY D. TURNER
SEAN K. TYLER
KRISTIN S. UCHIMURA
ROBERT K. UMSTEAD III
CHARLES E. UNDERHILL
BENJAMIN R. UNGERMAN
JENNIFER L. UPTMOR
MARC R. VANDEVEER
DANIEL A. VASENKO
JOHN E. VAUGHN
TODD M. VENEMA
MICHAEL C. VENERI
LASZLO A. VERES
DEANNA L. VIOLETTE
MICHAEL A. VOGEL
MICHAEL V. WAGGLE
RICHARD E. WAGNER
JOHN C. WALKER
KENNETH D. WARCHOLIK
ANNE M. WARNEMENT
WENDY J. WASIK
STEPHEN L. WEAVER
TIMOTHY D. WEST
SUZANNE L. WHEELER
JOE L. WHITE, JR.
RAYMOND C. WIER
JOHN B. WILBOURNE
JAMES H. WILKERSON
SCOTT E. WILLIAMS
MARK L. WILLIAMSON
PRESTON L. WILLIAMSON
MICHAEL J. WINTERS, JR.
JEFFREY L. WITKOP
WILLIAM S. WOLFE
BRYAN T. WOLFORD
PAMELA L. WOOLLEY
MARK O. YEISLEY
AARON A. C. YOUNG
PATRICK G. YOUNGSON
SCOTTIE L. ZAMZOW
ERIC D. ZIMMERMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DWIGHT Y. SHEN
CAROL J. PIERCE