I gave before. So I do object. I hope this objection can be dealt with overnight. I hope I can hear from the Rules Committee and understand what their position is. But at least at this time I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I am sorry to hear the chairman has objected. Of course, there is no requirement that the committee pass on these matters. I understand his interest in getting their input, but I cannot imagine what sort of input the Rules Committee might give now or later that we could not work on this either as this bill proceeds to completion, I hope to completion this week or next or during the conference committee process.

But to object to my ability to actually get it pending before the Senate is regrettable. At this point, I have no other recourse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the distinguished chairman and I are aware the Senate would now turn to the highway bill. I believe the distinguished chairman of the Environment and Public Works Committee will be arriving, and the distinguished ranking member is present on the floor at this time. Perhaps they could advise us with regard to the amount of time that would be required to have to act on this.

Mr. INHOFE. Madam President, first of all, let me thank the distinguished ranking member for the fine work he is doing on the Defense authorization bill. We have to get this done at a later time because there will not be time.

Right now I would like to address some of the comments that were made in the last few minutes about what some people misinterpret as not a successful operation in Iraq. I think it is amazing that you can be successful, all of our troops over there bathe in the success we have had in Iraq and still refer to it as an invasion instead of a liberation. Later on I will address those remarks.

Right now it is my understanding—I would ask if it is accurate—that the chairman and myself, the ranking member of the Environment and Public Works Committee, will be involved in about either 1 hour or 90 minutes equally divided, I would ask the Chair. This is on the highway trust fund fix.

RESTORING HIGHWAY TRUST FUND BALANCE

Mrs. BOXER. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 6532, and that the Senate then proceed to its consideration; that the only amendment in order be the Baucus amendment which is at the desk; that the amendment be considered as agreed to and the motion to reconsider be laid upon the table; and that there then be 90 minutes of debate with respect to the bill, as amended, with the time equally divided and controlled between the leaders or their designees; and that upon the use or yielding back, the Senate proceed to vote on passage of the bill, as amended, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Madam President, it is my understanding that under the current unanimous consent agreement, we will begin voting on two amendments on the Defense authorization bill at 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Would the unanimous consent request of the Senator from California modify the existing unanimous consent?

The PRESIDING OFFICER. The vote that is scheduled to occur at 6 p.m. will occur unless an agreement specifies differently.

Mr. LEVIN. It is my understanding that this agreement does not specify differently, and on that basis I do not object.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is an important moment for us, not just for us as legislators acting responsibly but for our States and for the working people of this country. We were perilously close to having a shortfall in the highway trust fund which would have resulted in slowing down contracts on repairing bridges, building highways, et cetera. Six times the Senate has brought up legislation to restore money to the highway trust fund and protect those jobs, but until now my Republican friends on the other side of the aisle have put up roadblocks and filibustered us.

Today, at a hearing we held on the status of our bridges, the condition of our bridges, the Bush administration itself urged us to act. I was very grateful to Senator INHOFE for his work. Because we have been facing objections from Senators DEMINT, GREGG, and others, we were unable to move forward. We are very grateful we have reached this moment so we may vote on this important legislation and solve the immediate crisis.

We all know what has been happening with the trust fund. First, $8 billion was borrowed from the trust fund in 1998. We need to restore those funds. That is what we are doing today. Beyond that, we have to figure out a way to finance highways and transit systems and repair bridges and the rest with a more secure source of funding. Senator INHOFE and I are working together on that, along with Senators ISAKSON, BAUCUS, and the rest of the members of the Environment and Public Works Committee. We know our colleagues in the House are doing it as well. We are going to have to look at how we keep pace with the many billions of dollars needed for repair. We have to make sure we pay attention to our Nation's infrastructure if we care about a thriving economy, moving goods, moving people, all the rest. If we ignore this, it is to our detriment. We saw a bridge collapse in Minnesota. We were reminded of that today at the hearing. All of us were appalled to see what that looks like. I know bridges in California, in Oklahoma, bridges all over the country are in need of repair. We can't play politics. That is why we have been on the Senate floor. We have sent letters, asked our friends to back off. If they want to make a statement about how to fund transit and highways, that is very appropriate as we write the new highway bill.

What is happening out there is, obviously, because of the horrible price of gas, which, thank goodness, has come down a little bit, people are turning away from driving or they are doubling up. They are switching to hybrid cars. Hopefully, soon we will see more opportunities for electric cars. As a result, however, the trust fund, which gets its funding from the gas tax, has been going down. That, coupled with the borrowing that we did in 1998 from the trust fund, has led us to this day.

I don't have much more of a statement except I want to thank certain people who weighed in to push us and my friends on the other side. I hope they were pushed by this to back off and say: Let's have a clean bill. Let's fix the problem. Then we will debate how we get a highway trust fund that is necessary for the needs of the country.

AAA was very helpful, as was the American Association of State Highway and Transportation Officials; the American Society of Civil Engineers; the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Trucking Association; the Associated General Contractors of America; the National Association of Counties; the National Association of Manufacturers; the National Governors Association; the National Conference of State Legislatures; Midwestern Governors' Association; the Coalition of Northeastern Governors; the Transportation Trades Department, AFL–CIO; the U.S. Chamber of Commerce.

Again, what we are doing is simply restoring the revenue that was shifted out of the trust fund 10 years ago when the balances were high. What we are doing is saying to many working people that we are not going to let them run the risk of being laid off, fired, having to come home and tell their family they can't work. We know that is a fact because each billion dollars of

Federal funding is estimated to support 34,000 jobs. If we didn't act on this and that $8 billion was not restored, we would have lost 379,000 jobs all across America; in my own State, 32,000 jobs. This is not the time to play games. In August, we lost 84,000 jobs in America. Imagine if we had added another 379,000 lost jobs.

Today, through the wonders of communication I can say to State and local officials watching us have confidence that the flow of funds to build and operate transportation systems, to build highways and bridges, to make sure communities are insured, those funds are going to be there. Again, as we move behind this crisis, I do look forward to working with my colleagues on both sides of the aisle. Senator INHOFE and I, Senators BAUCUS and ISAKSON, we call ourselves the big four of the committee. We have met. Our staffs are meeting every day. We are meeting. We are coming up with principles, what is the fair way to fund infrastructure needs. These meetings have been very important. They are not ideological. They are only business. How do we take care of business? That means moving goods, people, keeping the country going. I can't tell my colleagues how pleased I am that we can have the opportunity today to vote on a clean bill, simply restoring the $8 billion that was borrowed from this fund and sending a signal to the 300,000-plus people who would have lost their jobs, at least this is some bit of good news for them in what has been a very bleak economy.

I yield the floor and reserve the remainder of my time through the leader's office on our side.

AMENDMENT NO. 5427

(Purpose: To change the date of restoration.)

The PRESIDING OFFICER. Pursuant to the previous order, amendment No. 5427 is agreed to.

The amendment (No. 5427) was agreed to, as follows:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that time on the Republican side be allocated as follows: 15 minutes for Senator DEMINT, 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, 10 minutes for Senator INHOFE.

Mr. INHOFE. I don't object, Mr. President, but I would also like to be included in that particular order just given.

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

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to address the issue of this highway bill and the charge that it has been held by me and a few others. The fact is, this $8 billion highway trust fund bailout has not been held up. The only request was that it come to the floor with some debate and the opportunity for amendment, which is the normal Senate process. The request was that this $8 billion be passed in secret essentially with no vote and no debate. Our only request as Senators was that we have a chance to bring to light why this happened.

A few years from now—maybe even a few months—many of my colleagues are going to wake up and look at our Nation's finances and wonder how we got in this mess. We are running this country into the ground, and we are actually on the verge of an economic crisis because of incredible overspending and a huge growing debt. One bill after another comes up, and we pass it almost without thinking and spend more and more borrowed money.

Today's votes are creating tomorrow's fiscal disaster. This $8 billion highway trust fund bailout is only one example among many I would like to mention over the next few minutes.

During the previous year, the Democratic-controlled Congress has produced a parade of fiscally irresponsible bills that have mortgaged our Nation's future and could ultimately bankrupt the Nation and harm the future for our children and grandchildren. If we look at the 2008 appropriations bills, at the end of 2007 Congress passed a bloated budget bill. Supposedly, they were going to get things under control, but this exploded with over 10,000 earmarks. On top of that, there were a number of budget tricks and gimmicks that hid at least $14 billion of extra spending.

Not too long after, we brought up the farm bill. This was reauthorizing an antiquated farm program that cost taxpayers billions and increased costs to consumers all across the country. This was a $600 billion bill over 10 years. It was all borrowed money. We don't have this money to spend. Yet we continue to spend it. It included numerous wasteful, unnecessary earmarks that had nothing to do with a solid farm bill. Just a few examples would be $257 million in tax earmarks for Plum Creek Timber Company. This is the Nation's largest private landowner, a multibillion-dollar company with over $7 billion in capitalization. Yet we believed we needed to give them $257 million.

The language in the farm bill also requires the Forest Service to sell portions of a certain mountain to a ski resort and over $1 million to the national sheep and goat industry—all worthy causes, I am sure, but not worthy of more borrowed money and more debt on the future of Americans.

The so-called stimulus package, over $100 billion was supposed to help solve our problems. Certainly, it didn't. We sent checks to all Americans but did little to fix the problem. Over $100 billion more in borrowed money that we didn't have, just sending checks to people to build up our political clout rather than do something for the country.

We need to have a predictable Tax Code, lower our corporate tax rate, make the current tax rates permanent so businesses and investors know what their tax rate will be in the future. But we don't debate that. We just send out checks with borrowed money.

Everyone knows more and more about the housing bill. The housing bill bailed out mortgage companies that had made bad loans and ultimately included a section that allowed the U.S. Government to essentially nationalize the mortgage industry. As part of that bill, we created a $4 billion deficit spending slush fund for community development block grants and millions that went to a very suspect group, the ACORN group. That seems to be more of a political group to get out the vote for some of our colleagues.

Now, we know we have taken over these two large companies of Fannie Mae and Freddie Mac. Now the taxpayers are on the hook for what could be hundreds of billions of dollars because of the lack of congressional oversight over the last several years. As part of that bill, I had asked for one amendment that would stop the lobbying and the contributions to Congress by these two corporations that we are now bailing out. But instead of giving me that amendment, the majority leader kept the Senate here until Saturday to avoid that one vote that would have done what all of us know needs to be done and stopped the political influence from these companies for which we are supposed to be providing oversight.

Today we are talking about $8 billion that we are going to borrow and put in the highway trust fund. Supposedly back in the late 1990s, $8 billion was taken as part of an agreement to set up a separate trust fund. I will take them at their word for that. But we have had numerous opportunities this year to save more than that amount of money, if we knew we needed it. Frankly, the Department of Transportation says we probably only need about half of that right now. Yet we are going to take $8 billion from the general fund, borrow it, and put it in the trust fund.

Highway infrastructure is one of the most important things we can do as a Nation.

But much of this bill is not about roads and bridges. It is numerous, wasteful earmarks that I am afraid could end up as part of this $8 billion. The current bill includes $45 million for a magnetic levitation train project in Las Vegas; $2.5 million for landscaping enhancements along a freeway; $3.3 million for a bike trail in Laredo, TX. This list could go on page after page. These are not priority projects. They do not deserve us going into more debt as a nation to borrow this money.

We have had numerous opportunities to cut these projects so that the highway trust fund would not go broke. Only a few months ago, we had a transportation technical corrections bill. We had almost a billion dollars of projects

that were no longer needed or wanted by the States. Yet, instead of saving that $1 billion, we added back essentially the same amount of new projects.

Now we are here at the trough again, and we have a crisis, and we will put a lot of people out of work if we do not produce this bill. That is why we have agreed to forgo the opportunity to offer amendments, even though we should not pass an $8 billion bill without the opportunity to debate it in more detail.

I wish to remind my colleagues, we do not have this $8 billion. It is borrowed money, and we are going to move it from one account to another, and borrow it from who knows where—China or somewhere else—because we do not have that money. But there are numerous problems with this, and we need to recognize that the earmarks, the wasteful earmarks, are taking priority national projects and putting them places they do not need to be. Our lack of an energy policy in this Nation that has run up the cost of gasoline has restricted the ability of Americans to travel, and that in itself has reduced the revenues to the trust fund. So we have caused this problem ourselves by congressional mismanagement, and now we want the taxpayers to bail us out again.

Again, this is a bill I think we need as far as funding projects. But the way it is done, and the fact that it is done with no more accountability on earmarks and the things that have caused the problems, makes it very difficult to support the bill, even though I see long-term highway funding being one of the most important things we can do.

I hope the chairman and ranking member of the committee will consider next year, as we go into reauthorizing a highway program, the fact that the Federal Government should no longer be involved in non-Federal projects around the country. We have an opportunity to devolve this program to the States, where the money would stay at home and be used for real priorities, not for things I decide or another colleague decides they want for somebody back home where the State does not necessarily want it to go.

Obviously, we have talked a lot about the ''bridge to nowhere'' and other projects such as that across the country. But I hope I will get the support of my colleagues to move this back to the States, give them the ability to manage their own programs over the years, and stop this wasteful spending at the Federal level.

Again, there are a number of amendments we would have liked to have had the opportunity to offer, and I wish to warn my colleagues, the pattern that is developing here is that we are passing bills by unanimous consent, with no debate, no amendments. This goes on bill after bill. We are passing very bad legislation with very little accountability to the American people.

But I appreciate the passion of Senator INHOFE and others who know we need to push this through, and it is not fair to the States or to the workers to blindside them with shortfalls as we have. But the shortfalls are of our own doing, and it is because of our own waste and incompetence here in Congress that we have ended up with this problem and more debt on the American people. I hope next year we will go about doing it in a much better way than we have done in the past.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this evening to talk about the emergency we are facing in the highway trust fund. The highway trust fund is the primary means of funding all of our highway construction and repair projects in every State in this Nation.

Last Friday, President Bush's Transportation Secretary, Mary Peters, acknowledged finally what we on this side have been warning about for months: that the highway account of our highway trust fund is broke.

We have been hearing denials of this crisis for some time, but the Bush administration has now finally taken a closer look at the real receipts that are coming in from the Federal gas tax and discovered their estimates have been off by some $3 billion just since May. Now they tell us they are preparing to default on their bills to our States.

Let me make it very clear to everyone how serious the impact could be. If we do not pass the bill that is before the Senate this evening, my Transportation Appropriations Subcommittee is going to be forced to slash money for Federal highway investments in every State across the country, and it is going to cost each of our States tens of millions of dollars in the next month alone.

Not only does this threaten the safety of our Nation's roads and bridges, it could also very easily mean tens of thousands of jobs lost, as the Federal Government defaults on the contracts in every State of our Union.

Now, this nightmare is going to become a reality just as the unemployment rate has reached the highest it has been in nearly 5 years. Our country lost 84,000 jobs in August alone—84,000 jobs—which came on top of job losses in July and June and, in fact, every month of this year.

We know people across this country are hurting. Many are wondering how they are going to be able to pay their bills as the weather now starts to get colder and they have to begin turning on their heat.

If we do not shore up this trust fund, we are going to be forced to halt ongoing highway projects dead in their tracks. That means thousands upon thousands of people who go to work every day in the construction industry in our Nation to build our highways and bridges are going to be told to go home and do not come back to work the next morning.

The urgency of this bill is very critical. We cannot delay it. I hope we can put aside the ideology and partisanship for the evening and everyone can work together for the good of the Nation on this critical issue because we literally cannot afford to wait any longer.

I want to explain the situation so my colleagues understand where we stand this evening. This coming Thursday—that is tomorrow—may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—that is a week from tomorrow—reimbursements could drop to as little as 64 percent of the funds that States are due. They simply have to offer the States an IOU for the rest.

In my home State of Washington, 21 percent of the transportation budget is supported by the Federal gas tax. Local agencies spend between $15 million and $30 million per month in Federal dollars. If the Federal Government has to cut back or cut off funds, Washington State will lose between $33 million and $54 million a month over the next 5 months.

That is only one State, one example in this country. In other States, the Federal Government's share is a lot bigger than in Washington State. In fact, at a hearing this morning, the Oklahoma Transportation Director, Gary Ridley, testified to the Senate about the impact it will have in his State. In answer to questions, he said, in Oklahoma, 85 percent of the State's construction program—85 percent—is paid for with Federal funds. He said the kind of crisis we are talking about will have a ''dramatic effect'' on his State's ability to move forward on road construction.

He told us that in Oklahoma they just opened bids on $80 million in highway work, including a $40 million project to replace a bridge in Oklahoma City that has been identified as having numerous safety vulnerabilities. But Mr. Ridley testified this morning he has had to ask his State highway commission to hold off on those contracts. In fact, he said he might even have to stop all right-of-way acquisition and construction projects until we here in Congress find a solution to this trust fund crisis.

So this is a desperate situation in every State across the country. What is most disturbing to me is it is not as though we did not know this was coming. I have been sounding the alarm about the highway trust fund for almost 2 years. My Democratic colleagues and I have warned repeatedly that we face a looming disaster. We have proposed a solution that would enable these funds to stay solvent, so our States are whole, so our construction industry can continue during this construction season to move forward on these critical safety transportation projects. We have made it clear that

without action this year, we would face a financial disaster, and that it was coming upon us very fast.

Well, the situation is so serious that after months of blocking our legislative solution, this administration, the Bush administration, did a 180 and is now asking us—in fact, telling us—we have to get a bill on the President's desk by the end of this week. So I am very hopeful this evening we can finally move this bill and provide a solution to our States.

What this bill does is replace $8 billion that was taken out of the highway trust fund back at the end of 1998. This is not a bailout from the general fund of the Treasury. That $8 billion was collected from our gas taxes for the purposes of being deposited into the highway trust fund.

Now, at the time, the trust fund was flush with money and people did not think we needed it. Well, clearly, we need it now. We are proposing to restore that $8 billion that was paid in gas tax receipts to the trust fund, and we are not asking for a penny more.

This is not new to anyone in this body. We have debated this proposal before. I and my ranking member on the Transportation Appropriations Subcommittee, Senator BOND, included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill. So it has been a bipartisan effort in our Senate Transportation Subcommittee.

In fact, Democrats also tried to pass this proposal back in June on the FAA bill. We included it in the tax extender package. We tried to pass it as part of the stimulus bill.

Well, we are back this evening. We have another chance. We are working on a bipartisan basis to move this critical bill forward, and I urge my colleagues again to get this done this evening because, as I said, we are going to start seeing severe consequences to this crisis if we do not act and work together on this now.

As I said, this Thursday—tomorrow—could be the last day that our States are fully reimbursed for construction work. So by this time next week, States may have to start doing without. The stakes could not be higher. Mr. President, 84,000 jobs were lost last month. We cannot afford to put another job at risk. But, importantly, these construction contracts are out there and we are in the middle of construction season. Our States need to know we stand by our word and this money is going to go out to them in a timely fashion.

I thank my Democratic colleagues, as well as our Republican colleagues, who have been working with us this evening in a bipartisan way to finally move this bill forward and solve this crisis that is in front of us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we do not have a UC on the majority side, but we do on the minority side. So our next speakers will be in the order of 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, and then I will wind up the final 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is no question there is a serious problem out there relative to the financing of already let contracts in road construction and that it is unfair to those people who have had those contracts and those people who are working on those projects that they should be blindsided by the fiscal irresponsibility of the Congress. But it is also inappropriate to the taxpayers of the United States that we should correct this problem in a way which does even more egregious harm to the future of this country by significantly expanding the deficit.

Just yesterday, we learned that the deficit of the United States has doubled under this Congress. It has gone from $163 billion to $407 billion. This is a huge increase in the deficit. What does the deficit mean? We are passing debt on to our children which they all have to pay for. Now we are going to, with this bill, add another $8 billion to that deficit—$8 billion. That is big money. Eight billion dollars would run the State of New Hampshire for at least 2 years, probably for 2½ years, so it is a lot of dollars. So this decision, the way it is being executed, the way we are approaching solving the problem of the highway trust fund running short of funds, although it needs to be done—we need to address the issue of let contracts. The way we are trying to correct the problem is the wrong way. We shouldn't be adding to the deficit to do this.

This is pretty much a self-inflicted wound, and it is really an intentionally self-inflicted wound. When the SAFETEA bill was passed, it was passed with the knowledge—the open knowledge, which was pointed out on this floor by a number of us—that the revenues in the highway trust fund, which would come from gas tax and which had always paid for highway construction, were not going to be enough to meet the largess of that bill. The avarice of our colleagues to spend money far outweighed the money that was coming into the trust fund.

We knew that in the term of SAFETEA that this was going to happen, that the lines were going to cross and that the trust fund would be depleted. That depletion was accelerated, obviously, by the fact that energy prices went up and people, rightly and appropriately, started to aggressively conserve their use of gasoline, and that was good for the country and good for ourselves in dealing with this issue of gas prices. However, it had the effect of reducing the revenues into the trust fund. So the day of reckoning, which was inevitable under the original SAFETEA bill, was accelerated and, according to the administration, occurred sort of out of the blue because 2 weeks ago they were saying they would have vetoed a bill such as this that added to the deficit, and now they are saying they support it. So they reversed their position on the basis of information they received in the last 2 weeks about the status of the trust fund.

Why was the original SAFETEA bill so out of whack? Well, it was out of whack because it included 6,000 earmarked special projects—some of which were listed by my colleague from South Carolina, Senator DEMINT—which totaled $24 billion of spending, which we didn't have money to pay for, yet we put them on the books anyway. Then, a year ago or so, when we could have contracted those projects, we went by lapsing those projects which nobody wanted to pursue—$1 billion worth—we decided not to. We decided instead to expand projects and add even more projects.

There has been a representation that this $8 billion raid on the general fund by the highway fund is just a repayment for a loan that occurred in the late 1990s, as it is represented—1998, I believe it was—when the highway trust fund allegedly transferred $8 billion to the general fund. Well, that is truly a straw dog argument because those monies never had any practical effect on Federal spending or the Federal deficit—that transfer, that event—but this event does. This is real dollars. This event is a real $8 billion increase in the deficit. Somebody is going to have to pay for it, and the people who are going to have to pay for it basically are these young men and women right here who are serving us as pages. When they get out—they are juniors in high school, and when they get out of high school and go to college, which I am sure they all will, when they graduate they are going to start a job, and when they start that job they will find there is a big tax bill, and a large chunk of that tax bill is going to be for debt we are running up here today. So 8, 10, 12, 15 years from now, when they are starting to make their living and trying to raise their children, trying to send their kids to college, trying to buy their first home, they are going to be limited in what they can do. Why? Because they are going to have to pay a huge amount of taxes for costs which are being incurred right here today by adding to our deficit, and this is $8 billion of our costs that we are putting onto the next generation.

This is not the correct way to do it. There are ways to pay for this. There are ways to do this that do not involve that. The cleanest would be to simply borrow the money—not from the general fund but from the mass-transit accounts which have the money—and that was what the administration suggested. It was rejected by the House because the House didn't want to be responsible. Now we are in this tight timeframe, and it is claimed that we can't have any amendments here in the Senate. We simply have to take care of this. Actually, there is some legitimacy to the tight time argument, but

it doesn't mean we shouldn't have any amendments to discuss this.

I proposed an amendment, Senator DEMINT proposed an amendment, and Senator COBURN.

My amendment was to try to avoid this in the future by reinstituting rules around here which used to discipline our spending but which were, in the dark of night, eviscerated by those who wanted to spend a lot of money we don't have out of the highway trust fund. Two rules—one, that this should have a scoring event and should be subject to pay-go. How can a group of folks around here who carry a pay-go flag around as if it is the banner of fiscal responsibility say that pay-go shouldn't apply to a transfer which is going to create an $8 billion deficit—an $8 billion add-on to the deficit? Inexcusable. That was part of my amendment, to make pay-go applicable here.

The second part was to reinstitute what is known as the Byrd Rule. BYRD developed language which said that as the trust fund—as it became apparent that the trust fund monies were not going to meet trust fund obligations, you reduce the obligations, and that was called the Byrd Rule. It was the responsible way to govern. You pay as you go. As money comes in, you spend the money. If you have a trust fund that funds a project, as that trust fund has money to pay for that project, you spend the money to pay for that project. But when SAFETEA was passed, everybody knew that a lot more money was being promised than was going to come in, so a little game was played in the middle of the night: Let's put a knife into the Byrd Rule. Let's cut it in half. Let's eviscerate it. That is exactly what happened. So I am just suggesting that we reinstitute the Byrd Rule. It won't apply to this event, but at least prospectively it will. Fiscal responsibility—that is all I am asking for.

Unfortunately, it has been represented that we can't take up any amendments because we have to do this in a matter of hours or else these contracts can't go forward. Well, we could obviously have taken up the amendments. Clearly, we are going to spend 2 hours debating this. I only wanted 15 minutes to debate my amendment. It clearly could have been done in this 2-hour period. No, the issue was that we didn't want to take up any amendments that might make people have to take a hard vote. That was the issue: a hard vote on fiscal responsibility, on the issue of putting pay-go back in place and putting the Byrd Rule back in. So, using the leverage of people being put out of work and contracts which had been let not being paid for, the other side has been able to successfully get around making those hard votes. I recognize the eccentricity of the situation, but it still doesn't look well, and it is not correct.

At some point, we are going to have to face up to this, you know. One generation should not do this to another generation. One generation should not constantly run up the debt on the next generation and take credit for the spending today which they are not willing to pay for. It is just not right. As a politician running for reelection, I shouldn't say: Oh, I got this project for my State, we are going to build this program right here, and then not be willing to say I was willing to pay for it also; instead, say: Oh, well, as to paying for it, I am going to let my children and my grandchildren, my neighbors' children and my neighbors' grandchildren worry about that problem. I am just going to do the project and take credit for it.

So what we are doing here is totally inappropriate from a fiscal standpoint, but obviously the timing of this is such that we are not going to get these votes. I intend to return to this amendment. I will find someplace to stick it on, and then everybody will have to vote on this, hopefully, at some point in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, seeing no one on the other side of the aisle, I yield to the junior Senator from Oklahoma, Mr. COBURN, for 10 minutes.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to the debate today and the majority leader's remarks this morning, and I do appreciate the job my senior Senator has done in trying to secure funds for infrastructure through the trust fund. I intend to support passing this. Begrudgingly I will support it because I think it is the wrong way to do it. It is not wrong to put the additional money in there; it is wrong to not pay for it.

I can't help but note that the Senator from Washington stated that this is an emergency. Well, you haven't seen anything when you start talking about the emergencies we are getting ready to face. What about the emergency when, by law, Social Security benefits get cut, when we can't make Medicare trust fund payments? What emergency are we going to have? How is this going to compare to that? We are not allowed to do anything on this bill except debate.

I wonder what the American people would think, that we are going to spend an additional $8 billion that we don't have—whether it is owed to the trust fund or not, we don't have it—that we are going to collect that money but we are not going to pay for it out of some of the $300 billion-plus waste we now know exists every year in the Federal Government? Imagine if you applied that to your own situation. You have a family. You have an emergency, as the Senator from Washington said, but you know that about 12 percent of everything you spend in your household is wasted. Are you going to go out and make a note at the bank and have your kids be responsible for paying for it or are you as a family going to get rid of some of the 11 percent or 12 percent of pure waste, pure fraud that you have going on in your family budget? None of us in America are going to do that. We wouldn't do that to our kids. We wouldn't do that in our family budget. But that is exactly what we are doing here today. This is a small one. This is a small one we are facing.

We didn't have an amendment on the floor to say we will pay for this $8 billion by reducing the fraud in Medicare from $80 billion to $72 billion. There is $80 billion a year in fraud in Medicare. We weren't offered the opportunity to offer that amendment to get rid of the fraud in Medicare so we could afford to do this. It was just released 2 weeks ago that 31 percent of the payments Medicare makes are improper payments, with 80 percent of them overpayments. That is not included in the $80 billion worth of fraud. There is not any opportunity for us to offer an amendment to offset that incompetence and clean that up so we can pay for this.

There are similar projects in Medicaid. The Social Security disability trust fund—the GAO tells us there is $2.5 billion a year in fraud in the Social Security disability trust fund. We didn't have an opportunity to offer an amendment to get rid of that fraud to help pay for some of this $8 billion shortfall.

The American people are going to be scratching their heads. We are going to borrow more, and we are not going to eliminate any of the other problems, any of the other excess, or any of the other waste or fraud, which came to over $382 billion this past year of American taxpayers' money that was unwisely spent.

We weren't given an opportunity to get rid of the performance bonuses at the Pentagon that are $8 billion that they pay every year to Pentagon contractors who do not meet the performance requirements of their contracts but they pay them anyway. There was no opportunity for us to offer that amendment, to be able to pay for this rather than charge it to our children.

There is $15 billion worth of excess costs associated with no-bid contracts at the Department of Homeland Security. There is no opportunity to offer an amendment to change the discipline in the contracting at Homeland Security, which we could have easily done and mandated to pay for this. There is no opportunity to do that.

There is $4 billion in wasted excess payments for crop insurance every year. We, in fact, passed a farm bill, but we didn't fix that.

That is $4 billion a year of hard-earned taxpayer money that goes out the window, which doesn't benefit anybody. Yet we are not given an opportunity to try to grab that to pay for this, and $10 billion is wasted a year, at a minimum, on IT contracts in the

Federal Government. There is no opportunity to offer to save that money to pay for the highways.

The American people have to be scratching their heads and saying: What are we doing? Why aren't we addressing the real issues? We need to build infrastructure, take care of our highways and bridges and our roads. That is what the trust fund is for. Why would we not pay for it when we have such a large amount of fraud, waste, and duplication in the Federal budget?

I could go on and on. There is mismanagement of U.N. contributions. We know at least $2 billion out of the $6 billion we send to U.N. is pure waste every year. There is no opportunity to offer that amendment against this. There is no opportunity whatsoever to say we are not going to send another penny to the U.N. until they show us how they are spending American taxpayers' money. The only government that is less efficient than ours is the U.N. The only one that obfuscates more of the numbers than ours is the U.N. The only one with less transparency than ours is the U.N. There is no opportunity to do that.

We wanted to offer an amendment because part of the problem with the highway trust fund is that too much of the money doesn't go for bridges, roads, and highways. My senior Senator is committed to making sure we get back on that with the next Transportation bill. We have 242,000 bridges in disrepair in this country—242,000. This body rejected fixing that. Instead, we went on to build bike trails. Which do you think is more of a safety concern, building bike trails or building bridges?

I hope the American people are paying attention to what we are doing and that they become very dissatisfied with what we are doing. We have earned our 11-percent approval rating. How we are handling this bill today exactly fits the expectations of the American people—that Congress doesn't get it, that we are different, that we don't have to meet the expectations that every small business and every family does. We don't have to eliminate waste because it may be hard to do or we may have to take a hard vote. We just fit the mold of their expectations. It is time for us to change that, not just for us but for the generations that follow.

I will state to you today that the estimates for next year's budget deficit are far under what it will actually be. We will be much closer to $1 trillion than we will be to $500 billion. Think about $1 trillion. That is $3,300 for every man, woman, and child we are going to spend next year that we don't have. We are not going to add it to the seniors because they are never going to pay it back. If you are born today, instead of owing $410,000, which you will ultimately be responsible for in terms of unfunded liabilities, we are going to move you to about $500,000. None of our kids can afford that. We are stealing America away from our children. The process—not the goal; the goal is a worthy one—under which we are doing this is something that cannot continue if our Republic is to survive.

Of every republic in the history of the world that has failed, none of them failed because they were conquered from without. Every one of them failed on fiscal issues. We should wake up. We should start addressing the waste, fraud, abuse, and duplication in the Federal budget before we ask the next child or grandchild to take on debt for our benefit.

Like I said, I support that we are putting the $8 billion in there. What I don't support is the process under which we cannot eliminate other waste, fraud, and other duplication to be able to pay for it. We do a disservice to our country and to ourselves, and we do a disservice to the body of the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 28½ minutes remaining.

Ms. KLOBUCHAR. I thank the Chair.

Mr. President, I am here to talk about the need to replenish the funds in the highway trust fund. I have to tell you, I have visited our State, and you know that about a year ago a bridge just fell down in the middle of the Mississippi River. I was thinking as I listened to the Senator from Oklahoma talk about the promises that we make to our children, that we make to future generations. I think the people of this country think we made a promise to them that we are going to have safe roads and safe bridges. We didn't keep up that promise to the 13 people who died that day when they plummeted into the Mississippi River. We didn't keep the promise to the hundreds of people who were injured in all the cars that went crashing down on an eight-lane highway in the middle of the Mississippi River six blocks from my house. We need to keep that promise.

When you look at the history of the highway trust fund, it was raided once before, many years before I came to Congress, by the exact amount of money. I believe it was something like $8 billion. It was raided of that money, and it was taken out of the fund and put into the general fund.

What we are doing today, at the request of the Bush administration, is taking that money from the general fund and putting it back into the highway trust fund because we have a promise for public safety to the people of this country.

My colleagues have been talking about priorities. I think there has been an issue of priorities. I would like to pay for some of the things that are going on in this country when we see that deficit. I can tell you how I would do it, how I would pay for that deficit. I would start bringing our troops home from Iraq. That is $10 billion a month.

It is ironic—that figure—because Senator INHOFE was at the hearing we had in the Environment and Public Works Committee about bridges and about the expenditures on bridges and trying to keep bridges safe, with Congressman OBERSTAR and others. One of the witnesses told us that it would be about $10 billion a year to start bringing up our bridges to safety over the next few years. I thought that is exactly the amount of money we are spending per month in Iraq. So that is one way we can get the money if we really wanted to and if some of my friends on the other side would have the will to want to pay for this important infrastructure investment.

Another is to close the loopholes that have allowed people to store money in the Cayman Islands and hide their money. Another is to change the capital gains rate. Another is to roll back tax cuts on the wealthiest people, couples making over $250,000 a year and individuals making over $200,000 a year. That would bring in between $50 billion and $60 billion a year.

I don't have trouble trying too find money to pay for this. We have been unable to get our friends on the other side—whether it is the AMT fix or any other tax fixes for the middle class, we have been unable to get them to pay for this. We are left where we are now with a request from the administration to pay for this from the general fund so we don't have contractors or people out of work who are supposedly working on construction projects. This means something to me because I see it every day. That bridge is going up and it is going to be opening on Monday. It is kind of ironic to me that we are debating whether we are going to replenish our Nation's highways—when everybody is giving glorious speeches about the need to invest for infrastructure—on the anniversary of that bridge going up again. Some people are actually saying we should let this highway trust fund die on the vine and let these jobs die on the vine.

I am going to use some examples for bridges. We learned today that fully one-quarter of America's 600,000 bridges have aged so much that their physical condition, or ability to withstand current traffic levels, is simply inadequate. One of the things we have seen on our roads and bridges in the last few years is that we are seeing something of a boon in our world economy, with the new energy economy. We are seeing wind turbines being transported on our roads and rails. We are seeing biofuels and more wear and tear on our roads and rails.

As we move to the next century, economics with the next century energy, looking at more of our energy being produced from the workers and farmers of this country, we cannot be stuck in last century's transportation system. I am not going to pretend that replenishing the money into the highway trust fund is going to bring us to where we need to be with public transportation and where we truly need to go

with infrastructure in this country to compete on the world stage. At least it will stop the bleed so we are going to be able to keep up with the ongoing projects we have right now.

I am glad the administration is finally supporting doing something about this. It has been sad that we have gone to the other side three times to try to fund this important transit fund. As President Kennedy once said, building a road or highway isn't pretty, but it is something that our economy needs to have. We see that with that bridge in Minnesota, but we see it over and over again in the rural areas with the development of the wind farms and development of solar and ethanol.

Just to give you a sense of what we are seeing in our State, for the first 6 months in 2007 ethanol production in the United States totaled nearly 3 billion gallons or 32 percent higher than the same period last year. Of course, we are going to move to cellulosic, but that will still meet transportation needs in rural areas. Currently, there are 128 ethanol plants nationwide, with total annual production capacity nearing 7 billion gallons, and an additional 85 plants are under construction. Total ethanol production is expected to exceed 13 billion gallons per year by early 2009.

In terms of transportation, this means that an average square mile of land in southern Minnesota, which generates now the equivalent of 80 loaded semitrucks per year, could soon produce double that or 160 loads of grain per year. So we are seeing more wear and tear on our roads. It is a good thing. We want to produce wind and solar and biofuel and homegrown energy in this country. That will mean having a transportation system that can keep up with our growing economy.

Mr. President, I will end with what I began with. We are going to be opening a new bridge in Minnesota. Every time I go by that bridge, which is six blocks from my house, I always think about that schoolbus with kids in it that was perched precariously and by some miracle it didn't go over the side. Every kid was saved. They called it the miracle bus. We have a promise to those kids that were on that bus that this isn't going to happen again. We will keep our roads and highways as a No. 1 goal of our Government—public safety. That means not just safety on our streets but safety in our streets. That means better roads, bridges, and a better transportation system. So that is why we would have liked to have done this in another way, but we are in a crisis situation with our transit funds, and we should support it and replenish the funds.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me conclude on our side and then, hopefully, we are going to go to Senator MURRAY after that and then to a voice vote. Where we are right now is, last Friday I was notified by the Department of Transportation that the highway trust fund would run out of money sometime in the next 2 weeks. As recently as this summer, DOT said it was going to be all right for another year. We understand. A lot of people don't understand this.

The Federal gas tax is not a percentage, it is a centage. That means for every increase that we have in the price of gas, the revenues go down. Consequently, they have gone down in such a way that could not have been anticipated at the time. That, combined with the busy construction season, caused the trust fund's balance to go from $4.2 billion at the end of July to less than $1.4 billion in the beginning of September.

In my State of Oklahoma, our director is Gary Ridley, who I believe is the best director in the United States of America. He was forced to take dramatic action—and I think prudent action—when he said we would have to cut by $80 million the projects in August that were postponed.

Here is what we are up against. These are projects that have already been bid, people have been hired, the shovels are in their hands ready to do something, and all of a sudden they have to stop doing it which creates all kinds of problems.

Furthermore, at the point the trust fund officially runs out of money—which will be within the next 8 days unless we do what we are doing today, which I am confident we will—work on countless projects currently under construction will be halted. In other words, projects already under construction will be stopped.

The uncertainty over the Federal Government's ability to make good on financial promises made in law is forcing States to substantially disrupt their highway programs. It is a lot more serious than just stopping programs because if you stop programs, you are breaching contracts. You will have lawsuits and penalties that will come in and end up costing a lot more money. This is why we say what we are facing is, indeed, a crisis.

Once a project is canceled or delayed and jobs are lost, it is not as simple to restart the project, as there will be penalties to the States and, in many cases, a new contracting process.

Despite the arguments to the contrary, in my opinion, H.R. 6532 is not a raid on the general fund. In fact, the opposite is true. Let me go over this point to be sure we all understand.

I do not find disagreement with anything my three Republican colleagues said here. They are talking about a lot of things that had very little to do with this bill. I certainly agree with my junior Senator in his discussion about the United Nations, about the Social Security trust fund problems, and spending in general. What happened here—and I was mistaken not too long ago. I said it was the 1998 Balanced Budget Act. It was not that. It was actually in TEA–21. Nonetheless, back in 1998, they took $8 billion out of the trust fund and put it into the general fund. That is critical, we understand, because this is a moral issue. Probably the most popular tax in America today is the tax we have on our highways because people know when they buy a gallon of gas, that money is going to go to repairing highways, bridges and overpasses and make them safer for everyone in America. That is fine, but when they find out we have raided that trust fund and have taken $8 billion out and put it into the general fund, that is morally wrong.

I argued since that time—I can remember being on the floor 10 years ago, in 1998, saying this is wrong, we shouldn't be doing it. I have been trying to rectify that problem since 1998.

We are in a position where we can look at it this way: that we are rectifying something that should not have happened 10 years ago. We are giving back the $8 billion to the trust fund. That is not fiscally irresponsible. I think it is the right thing to do.

While I agree with my colleagues the highway program has grown to include things that are not in the Federal interest and doing nothing to save lives or reduce congestion or relieve the problems of transportation, which is a crisis in America, these issues are more appropriately dealt with in the national highway reauthorization bill for 2009.

I plan to play a very important, significant role. I will continue to be one of the big four, as Senator BOXER referred to it, during that time. I have felt for a long time—and I agree with my junior Senator—that there are a lot of items that should not be in a Transportation reauthorization bill. Over the years, more and more projects have crept in.

It is interesting that Senator BOXER, who is considered one of the most liberal Members of this body, and myself, who has been ranked recently as the most conservative Member of this body, agree in this area. While I am conservative, I have said I am a big spender in two areas. One is national defense and the other is infrastructure. That is what Government is supposed to be doing.

Talk to anyone, and they will tell you it is a crisis out there with our bridges. Oklahoma is dead last in the condition of our bridges. They don't realize it, but we are No. 3 from the top in terms of number of bridges, only exceeded by Texas and California. Yet we are a relatively small State. So we have this problem. We have to deal with it, and Government has to do it.

When the Federal highway system was chartered back in 1953 during the Eisenhower administration, I believe, we have been doing highways and funding them the same way since that time. Up until about 7 or 8 years ago, we always enjoyed a surplus in the highway trust fund. That is why people

are always targeting it, saying there is a surplus there, let's throw in the bike trails, let's throw in all these other projects about which Senator COBURN was talking. I agree with him they should not have been there.

One of the ways we are going to meet this crisis—and I am going to try to do it—is to make sure everything we do is directly related to safety on the highways and safety in transportation. Intermodal, sure, we have to consider we have channels, we have barge traffic, we have trains, we have all these things that are important. But we do have a serious problem, and anyone who doesn't think we have a serious problem in transportation in America has not been out driving around.

I don't argue with those who feel this process is not right. I don't like this process. I was hoping we would be all right when we passed the 2005 Transportation reauthorization bill. I was elated. I knew we were going to be in good shape on that bill. All these things happen, but when they happen, we have to correct it. You can't say this is the wrong way to do it. I have to do it and whatever way is right. That is my opinion. Maybe I am in the minority, but when we are defending America and working on infrastructure, Government has to perform.

I would only say I do not disagree with my colleagues who do not like the way this happened. I don't like the way it happened either. I wish it did not happen that way. I can tell you we are going to have to do something. I don't agree this is a bailout. I don't call it a bailout. I think it is one of the two prime responsibilities of Government, and we are going to have to do it. What we are doing now is not enough.

Let me speak to my colleagues who have complaints about what is in a highway reauthorization bill. When the 2009 reauthorization bill takes over from the 2005 bill, I will expend as much energy as I can to keep on the track of safety and moving America and not all these other things special interest people want. I think those things are fine, but they should stand on their own two feet. I believe we have the opportunity now to get this done.

While I don't like the way it happened, I can tell you it had to happen. We cannot stop construction in America at a time that is already a crisis. In the absence of passing this bill today, that is exactly what will happen.

I encourage everyone to vote for it. I hope we are going to be able to do it on a voice vote. I understand other speakers wish to be heard. I will go ahead and set an example and yield back the remainder of our time on this side, hoping we can get to the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is available?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. On this side?

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. Mr. President, I rise to discuss legislation vital to this Nation's transportation infrastructure. The highway trust fund, the means by which we fund our Nation's roads, highways, and bridges, is in trouble. Tomorrow, the U.S. Department of Transportation will slow down payments to States for infrastructure investments. That is highway projects. This is happening because forecasts now suggest that a shortfall of billions of dollars to the highway trust fund will occur in the near future.

The shortfall stems from the agreement of the 2005 highway bill negotiations, when the Bush administration and the Republican-led Congress agreed to spend down the balance of the fund.

Last year, we learned the trust fund would run out of money faster than anticipated. Accordingly, the Finance Committee reported out a bill at that time to address the problem. We tried to move a $5 billion highway fix earlier this year as part of a larger FAA reauthorization bill, and that proposal was blocked. So we had to find other ways to pass this critical highway fix. In the meantime, the highway trust fund problem worsened. As gas prices rose dramatically, fuel tax receipts, which finance the lion's share of the highway trust fund, dropped sharply. In short, as Americans drive less and purchase less fuel, the trust fund shortfall has worsened, even more so than we previously expected.

So we tried to pass the highway trust fund as a stand-alone bill. Recognizing the dramatically worsening state of the fund, we proposed an $8 billion fix—not $5 billion but up to $8 billion. In fact, the $8 billion fix matched the amount that was taken from the highway trust fund when its balance was deemed to be too large back in 1998.

We worked with the House in developing that measure, and the House sent it over to the Senate with a resounding vote of 387 to 87. We attempted to clear that bill through the Senate by unanimous consent on June 26, but the bill was blocked again.

Then before Congress recessed in August, I again attempted to move this $8 billion highway trust fund fix as part of the Jobs, Energy, Families, and Disaster Relief Act. But that measure also failed to pass.

Ensuring the highway trust fund remains solvent means my State of Montana will not have to suffer more than $98 million in funding cuts, as well as approximately 3,500 job losses in the next year.

Nationwide, the industry experts tell us the funding cuts to States would be at least $14 billion, with job losses approaching 400,000 if we fail to address this trust fund need. This will occur at a time when nationwide unemployment is at its highest level in 5 years.

In transferring $8 billion from the general fund into the highway trust fund, we will ensure delivery of the full $41.2 billion in guaranteed highway funding for fiscal year 2009.

It is important to remember the States have been relying on the 2005 agreement between the Bush administration and Congress when developing State budgets over the last several years. They relied on us.

Fixing the highway trust fund will preserve Federal funding for roads, highways, and bridges, and it will preserve good-paying jobs that rely on construction and maintenance projects.

An important point here, too, is no offset is required to fix the highway trust fund and that is because the $8 billion transferred is intergovernmental. The Congressional Budget Office indicates this fix does not constitute a spending outlay and, thus, would not violate the pay-go rules. Likewise, the Joint Committee on Taxation confirms this transfer will have no revenue effect.

I am pleased the Bush administration has finally come to its senses and realized the need to address this problem. I am pleased my colleagues in the Senate across the aisle have removed their objections, and I am pleased we are now finally going to do what needed to be done for over a year.

I wish to note that the chairman of the Subcommittee on Transportation, the senior Senator from Washington, has joined me in doing everything she could do to get this problem fixed. She talked with me innumerable times and many Senators. She was very concerned about this situation and worked so hard. She deserves the lion's share of the credit for all the work she has done. I congratulate her for her staying efforts in that regard.

We should not delay any further. We should remember the old adage: There are no Democratic roads, there are no Republican roads, only American roads. We need to fix this trust fund now. Our States and constituents are relying on it.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

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

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

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is on passage of the bill, as amended.

The bill (H.R. 6532), as amended, was passed, as follows:

H.R. 6532

Resolved, That the bill from the House of Representatives (H.R. 6532) entitled ''An Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.'', do pass with the following amendment:

On page 3, line 2, strike [September 30, 2008] and insert *the date of the enactment of this Act*

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

AMENDMENT NO. 5280

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes, equally divided, prior to a vote on the Vitter amendment.

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

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, what is the order now?

The PRESIDING OFFICER. The pending question is the Vitter amendment.

Mr. LEVIN. And is there a time agreement on debate?

The PRESIDING OFFICER. There was to be 2 minutes equally divided at 6 p.m.

Mr. LEVIN. Does the Senator from Louisiana wish to go first or second?

Mr. VITTER. I would like to go first, and I may reserve some time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of the amendment pending before us and would ask all my colleagues to look favorably upon this amendment.

The committee had decided to cut $411 million from the Missile Defense Agency budget. That is a significant amount of money. This amendment would not restore all of that; it would restore $271 million of that amount. I think that is very justified considering the significance of missile defense, particularly in a post-Cold War world, with threats such as North Korea and Iran and even the technological uncertainty of the Chinese military.

In addition, the committee itself noted that the Joint Chiefs staff report said that we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. This amendment would help get us to that point.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LEVIN. Madam President, I will take 30 seconds and yield 30 seconds to my friend from Florida.

On the four items that the Vitter amendment adds money to, the committee either already added more than the administration requested or fully funded. On THAAD, we added $115 billion; on targets, we fully funded; and on the Aegis and the SM–3 missile, we added $100 million. So on the items he adds money to, we either added money or fully funded. We did not cut those items.

Mr. NELSON of Florida. Madam President, his cuts would allow the Secretary of Defense to make cuts across the board to the budget in order to fund his add-back, and that could be the Joint Strike Fighter, the B–52, the F–22, the Patriot Missile, and the LPD amphibious ship. This is not good policy. Our committee came out, on $9.3 billion, and cut only 4 percent on national missile defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Landrieu
Bayh	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Enzi	Roberts
Burr	Graham	Shelby
Chambliss	Grassley	Specter
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Cornyn	Inhofe	Wicker

NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Sessions
Carper	Leahy	Smith
Casey	Levin	Snowe
Clinton	Lieberman	Stabenow
Collins	Lincoln	Stevens
Conrad	McCaskill	Sununu
Corker	Menendez	Tester
Dodd	Mikulski	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feingold	Nelson (FL)	Wyden

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The amendment (No. 5280) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4979

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on the Nelson amendment No. 4979. Who yields time?

The Senator from Florida is recognized.

Mr. NELSON of Florida. Senators, I can make this very quick. This is for the widows and orphans. This is removing the offset from the survivor's benefit that a military retiree pays, like an insurance premium, and gets a survivor's benefit. But, oh, by the way, under current law that survivor's benefit is offset—what they get out of the Veterans Affairs Department—in dependency and indemnity compensation.

We passed this overwhelmingly last year. We need a big vote so we can tell the conference committee not to gut it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, this is a very laudatory effort on behalf of our colleague. It is one I will personally support. I do, however, draw to the attention of all colleagues that it is a very expensive provision, but it is one that deserves the recognition that it has been given by our colleague and further consideration of the conference between the House and the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—94

Akaka	Cochran	Hagel
Alexander	Coleman	Harkin
Allard	Collins	Hatch
Barrasso	Conrad	Hutchison
Baucus	Corker	Inhofe
Bayh	Cornyn	Inouye
Bennett	Craig	Isakson
Bingaman	Crapo	Johnson
Bond	DeMint	Kerry
Boxer	Dodd	Klobuchar
Brown	Dole	Kohl
Brownback	Domenici	Kyl
Burr	Dorgan	Landrieu
Byrd	Durbin	Lautenberg
Cantwell	Ensign	Leahy
Cardin	Enzi	Levin
Carper	Feingold	Lieberman
Casey	Feinstein	Lincoln
Chambliss	Graham	Lugar
Clinton	Grassley	Martinez
Coburn	Gregg	McCaskill