United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, MARCH 14, 2012 No. 42

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, March 16, 2012, at 10 a.m.

Senate

WEDNESDAY, MARCH 14, 2012

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, sovereign of our Nation, by whose will the world and all creation have their being, we magnify Your Name. We know that You are mighty and we are weak, but we take heart in the knowledge that we can rely on Your strength.

Inspire our Senators today to know the constancy of Your presence, to be aware of the certainty of Your judgment, and to lift their hearts in frequent prayer to You, worshipping as they work. Guide them by Your higher wisdom and fill them with Your peace. May this be a day when we serve You with gladness because Your joy has filled our hearts.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following leader remarks the Senate will be in a period of morning business for 1 hour, with the Republicans controlling the first half and the majority controlling the final half. Following morning business the Senate will resume consideration of S. 1813, the highway bill. Senators should expect three rollcall votes at 11:30 a.m. on two remaining amendments to this bill that we have been working on for such a long time and to final passage of that bill.

Upon disposition of that, the Senate will be in morning business until 2 p.m. At 2 p.m., the Senate will be in executive session. At 2:30 p.m., there could be up to 17 cloture votes unless an agreement can be reached on those nominations.

SURFACE TRANSPORTATION ACT

Mr. REID. Madam President, it is a real accomplishment for this Senate to pass this highway bill, and it will happen. We worked through all these amendments, different tones and variations of subject matter, many of them not having anything to do with the highway bill, but as everyone knows, that is what the Senate is all about a lot of the time.

I now call upon my friend, the Speaker of the House of Representatives, to move this bill over there as quickly as possible. He has indicated that they likely will take up the Senate bill. I hope that is, in fact, the case.

At the end of this month the highway bill expires, which could lead to the laying off and termination of a little more than a million people. This bill, when it is signed by the President, will save or create 2.8 million jobs. It is important to get this done.

As for the judges, there have been conversations with me and a number of different combination of Senators, and I am hopeful we can work something out on this. If not, as I indicated, we will go ahead and have these judges votes. We need to get something done here. We have 17 judges—this does not count the appellate judges—that is, the circuit court judges—and there are 4 of those. I am hopeful we can work our

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

Printed on recycled paper.

way toward this culmination so we don't have this situation.

We have been in touch with the White House. There has been some concern about what happens with the 2-week recess that we have, and I am confident we will work our way through that. There is a conversation as to how we proceed with the IPO bill we got from the House. I think there is general agreement that there should be an extremely limited number of amendments, and we will move this as quickly as possible. So I hope the next day or two or three brings us more success here in the Senate.

Would the Chair 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

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for 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.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Madam President, I rise to speak in morning business.

LEADERSHIP

Mr. COBURN. Madam President, I am worried about the Senate as a body today. I came down here to the floor and I listened very intently to the Chaplain's prayer. He asked that we call on the higher wisdom; not man's wisdom, but God's wisdom. And I note with lots of consternation and worry that what is a very fine institution is being put at risk basically through failed leadership.

Let me explain what I mean by that. Having lived 64 years and running an organization and running a business, the quality that is most needed in leadership is a quality called reconciliation. And when that doesn't happen by our leaders—and I'm not singling out any one leader in particular—when that effort, that reconciliation, doesn't happen, it is not just directly related to the events surrounding that lack of reconciliation, it does damage to institutions. What we are about to see carried out today is the placing of partisan principles on both sides of the aisle ahead of the principle of advice and consent and the Senate's role.

Unfortunately, our leader didn't protect the Senate's rights under the Constitution with the last four nominations in terms of recess appointments, and we can debate that. But the fact is as an institution—whether it had been a Republican leader or Democratic leader—the No. 1 issue that needs to be protected is the rights of the Senate as related to the other branches of government. I think that is unfortunate, and I think that is part of our problem today as we fail to trust one another to do what is right.

Let me go back to leadership. The real qualities of great leaders are they bring people of disparate views together and they solve those problems; they never accept the fact that an impasse is the answer. What we have queued to set up today is going to be an impasse. Everybody knows it. It is going to be an impasse. All that does is reflect poorly on the Senate as a whole and on the leadership of the Senate as a whole on both sides. So my caution would be to return to what Chaplain Black said: There is greater wisdom than we have. That is the wisdom we ought to be drawing from as we reconcile differences in the Senate, rather than destroy the comity of the Senate and destroy the ability of us to work together in the Nation's best interest in the future.

I would also tell you that the other thing I am disappointed about is that we have the Senate focused on that small issue instead of the very great issues in front of our Nation—the very fact that we are going bankrupt; that we have not done one thing this year to actually trim the excesses of the Federal Government; that we have not addressed in any way, shape, or form the very problems that are going to create tremendous burdens not only to our children but those people who, through no fault of their own, will not have a safety net in the future because we failed to make the tough decisions today, and that is wrapped up in political expediency.

One of my favorite quotes—it is a summary of Martin Luther King, Jr.'s words. It is not his exact words, but he said the following: Cowardice asks the question, Is it safe? Expediency asks the question, Is it politic? Vanity asks the question, Is it popular? But conscience and character ask the question, Is it right?

What I put forward to the two leaders today is what we are about to let unfold today in the Senate: Is that the right thing for the Senate or does it have to do with expediency and popularity? And if it is to do with those two things—whether it is connected or not—that is called failed leadership. That is a failure to lead, to reconcile, to bring people together. We are better than that. Our leaders are better than that. We should not allow this to happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak in morning business on majority time, and I will yield, of course, to a Republican Senator coming to the floor because I know they have some 15 minutes or so remaining.

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

JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, it is time to end the delays and move ahead with up-or-down votes on these judicial nominations.

Right now there are 22 judicial nominations sitting on the judicial calendar: 17 district court and 5 circuit court nominees. These are appointments to Federal judgeships. In many instances they are appointments that are long overdue and desperately needed.

Twelve of these nominees were voted out of the Judiciary Committee last year—last year—two of them as far back as last October.

One would think they must be very controversial people to have made it this far but then stalled on the calendar. It turns out 17 of these 22 nominees received strong bipartisan support on the committee. Thirteen had blue slips, which is permission to go forward, from home State Republican Senators. Eleven of them would fill vacancies deemed as judicial emergencies.

I don't understand how we can do this to the Federal judiciary and to the men and women who are involved. The American people need these nominations to be confirmed in a timely fashion, and it is only fair to these men and women who are offering their lives in public service and sometimes jeopardizing their current jobs because of the uncertainty of their future.

All Americans want our Federal courts to be there to prosecute criminals, to make certain they have their day in court in civil proceedings, as well as to maintain the integrity of our judicial process.

There are only two ways to schedule a confirmation vote in the Senate: either a unanimous consent agreement or file cloture, which basically means force the issue. Forcing the issue takes time, and time isn't on our side. We have important things to do: finishing the Transportation bill today and moving forward on other important issues. But since President Obama took office, Senate Republicans have routinely objected when we have asked for their consent to promptly schedule confirmation votes on judicial nominees.

When we take a look at the record President Obama has faced, the obstruction from the Republican side of the aisle is unprecedented. President Obama's district court nominees have been forced to wait on the floor more than four times longer on average than those confirmed under President Bush or under President Clinton. Overall, at this point in their terms, President Obama has had only 131 nominees confirmed while President George W. Bush had 172 and President Clinton had 183.

Right now there are 39 judicial nominees pending either on the Judiciary

Committee or on the Senate floor. Promptly confirming these 39 would bring the President's overall numbers close to parity with President Bush. It wouldn't give him an advantage.

It is time to stop the delay. I think it is important for us to confirm these nominees as quickly as possible. We don't have to go through this painful and embarrassing charade of calling cloture vote after cloture vote on nominees who were accepted on a strong bipartisan vote, have been approved by Republican Senators, and are simply being held up on the hope by some Republican Senators that the day will come when there is a Republican President who can fill these vacancies. That isn't fair. Taking that approach is what gives our Chamber a bad name.

Ten of these nominees were reported out of committee last year. Why continue to delay them? I know during President Bush's first term the Senate confirmed 57 district court nominees within 7 days. These nominees languished on the calendar for months—months. If there is a legitimate objection to any nominee, step forward and state the objection. If a Member opposes the nominee, when the vote comes vote no. But for, goodness' sake, to let these names and nominations languish on the calendar isn't fair to the nominees, and it isn't fair to the courts that are in many instances facing judicial emergencies because of these vacancies.

I urge my colleagues—among these nominees are two for Illinois. Senator MARK KIRK and I had an agreed-to bipartisan approach. We put together bipartisan committees, we each found our favorite nominees, and we submitted the nominee to one another. We asked for approval; we got the approval. We have two extraordinarily good people: John Lee, proposed by me, and Jay Tharp, proposed by Senator KIRK. Both came out of committee without controversy—two excellent nominees sitting on the calendar.

For goodness' sake, I ask my colleagues, why would they do this? It isn't fair to these individuals. It isn't fair to Senator KIRK, and it isn't fair to this process. Let's move these names forward as quickly as possible.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Madam President, this week the average price of a gallon of gas is $4. The national unemployment rate is 8.3 percent. If we include those who are so frustrated they have stopped looking for work altogether, of course, the unemployment rate is much higher than 8.3 percent.

With all of this, the Democratic majority is about to spend more of the Senate's time on another heavy-handed power play that will not get them anywhere. But it will make clear yet again how out of touch they are with the needs of the American people.

First, we need to make clear what this is about and what this is not about. This is not about making sure the President's judicial nominations are being treated fairly. Despite what the majority would like us to believe, the President is doing quite well on that score, as is clear from both the facts and the admissions of our Democratic friends themselves.

As Senator ALEXANDER noted yesterday, the Senate has confirmed 76 out of 78 district court nominees whom President Obama submitted in his first 2 years. The President withdrew the other two. That is a 97-percent success rate. Not bad.

The Senate confirmed 62 of President Obama's circuit and district court nominations last year alone. If we look at President Bush's and President Obama's lower court confirmations when they both had two Supreme Court appointments for the Senate to consider, President Obama is doing much better than President Bush. President Bush had a total of 120 lower court judges confirmed in 4 years, while President Obama already has 129 lower court judgeships confirmed in just 3 years. So President Obama has had more confirmations in a much shorter period of time.

To the extent there is anyone here to blame, the Obama administration and Senate Democrats should actually look in the mirror. Of the 83 current vacancies, over half of them—44—don't even have nominees. Let me say that again: Of the 83 current vacancies, over half of them—44—don't even have nominees.

As for the minority of the vacancies for which the President has actually submitted a name, almost half of those are still in the Judiciary Committee. So nearly three-fourths of the current vacancies—61 of 83—are due either to the administration failing to nominate someone or the Democratic-controlled Judiciary Committee failing to move them out of committee.

Given what we have to work with, it is no wonder the majority leader complimented Republicans—complimented Republicans—at the end of last year, noting that the Senate had, in fact, accomplished quite a bit on judicial nominations. That was the majority leader of the Senate just last year. The senior Senator from Minnesota, a Democrat on the Judiciary Committee, acknowledged the same thing.

So this is not about making sure the President is treated fairly in his judicial nominations. In fact, this isn't even about judicial nominations at all. This is about giving the President what he wants when he wants it, and what the President wants is to distract the country from his failed policies that have led to soaring gas prices and high unemployment and instead try to write a narrative of obstruction for his campaign. He doesn't care if he eviscerates the Senate's advice and consent responsibility to do so.

What the majority should do is work with us to move these lifetime appointments in an orderly manner as we did 62 times last year and as we have already done 7 times this year. As I suggested yesterday, we could get to the bipartisan jobs bill this week and process some judicial nominations as well. The jobs bill passed the House by a vote of 390 to 23—390 to 23—and the President says he supports it as well. While we are working on a bill to get people back to work, we can make progress on other judicial nominations.

So I encourage the majority to work with us on both legislation and nominations and not to go off on a partisan, unprecedented path that would not get us anywhere and would not solve the problems Americans care about.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

WORK TO BE DONE

Mr. SESSIONS. Madam President, I thank our Republican leader, Senator MCCONNELL, for bringing some perspective to this situation. I have seen the circumstances in the Senate and how the nominations process has changed over time. When I came here, there were no filibusters. Maybe there had been one in which a nomination was delayed and the nomination was withdrawn because it had certain problems, but virtually none. It was the position of the Senate that we did not filibuster nominations, and I still believe in that.

But I would point out that in 2001 the Democrats met in conference, and they had a plan to change the ground rules of confirmations. They announced it to the New York Times. Cass Sunstein, Marcia Greenberg, and Laurence Tribe met with them, and they came out and started filibustering systematically the fabulous nominations that President Bush had sent to the Senate. He sent eight nominees early in his administration. Two of them were renominations of President Clinton's nominees. They were promptly confirmed in the Senate. But immediately filibusters of superb nominees such as Priscilla Owen, Janice Rogers Brown, and others commenced, and we had a long process with that. This was led by the Democrats. Then-Senator Obama was one of them. He filibustered Justice Alito's nomination. We had not done that before. He participated in other filibusters. Senator REID voted to block an up-or-down vote 26 times. Senator LEAHY voted to block an up-or-down vote 27 times.

What happened was there was such a controversy over this changing of the rules in the early 2000s that it resulted in a compromise. Fourteen Senators—called the Gang of 14—decided they would break the logjam and create a new rule. It was not a perfect rule. I really think filibusters are not the

right thing for judges. But they said: We will have them only in extraordinary circumstances. That sort of became the new rule, and a number of nominees eventually, after years of waiting, were confirmed. Others were not. That is sort of the way we operate today. But that is not the problem. That is not the problem at all.

Since President Obama has been in office, he has had about the same percentage of confirmations as President Bush had during the same period of time. He has had fewer lower court nominations because he has submitted fewer nominations—about 20 percent fewer nominations than President Bush. The average time from nomination to confirmation for President Obama's nominees is within a week of the average time from nomination to confirmation for Bush nominees. The process is working here.

What is happening? I am telling you, I know what is happening. This Democratic leadership in the Senate—and make no mistake, they control this body—has been trying to create a perception that there is obstruction going on, and they are going to pretend that these 17 nominees, who would have come up for a vote in regular order, are being blocked. This is part of an obstructive tactic, and it is not accurate, and it is not correct. Nominations have been moving at the regular pace. It is a gimmick. It is a political stunt.

What ought to be done in the Senate? We need to be working on what is important. We now will have, finally, after 3 weeks, votes today—maybe—to pass the highway bill. Well, why did it take 3 weeks? We went about 2 weeks without doing anything. We have had about 2 days' worth of votes all of a sudden at the end of 3 weeks, and the bill will be up for final passage.

Why was that not done 3 weeks ago? Because Senator REID obstructed the ability of Senators to offer amendments, and he tried to move this bill forward without amendments, except the ones he picked, and that is not right. The majority leader does not get to pick amendments or how many should be offered to legislation in the greatest deliberative body in the history of the world, the U.S. Senate. He does not have that power. So he tried to move the bill forward, and Republicans said: No, we will not move to a final vote until you agree on amendments. Now he has agreed to 20 or 30 amendments. In about 2 days' time, they will have all been voted on—some of them were withdrawn—and the bill will come up for final passage.

Why didn't it happen earlier? Because this is a rope-a-dope. They do not want to talk about the things that this country needs. One of them is a budget. It has been over 1,000 days since this Congress has passed a budget. Why aren't we spending time on that? Senator REID said it is foolish to pass a budget. It is not foolish to pass a budget. We are required to pass a budget. This country has never needed a budget more than it needs it today—never.

We are heading to financial catastrophe. Erskine Bowles chaired the debt commission—President Clinton's Chief of Staff—and he said we are heading to the most predictable financial crisis in our Nation's history. Why? Because of the debt we are running up. And we need to confront that, but Senator REID did not want to talk about it. He did not want his Members to have to vote. If you bring up a budget, Members have to vote. They get to offer amendments. They will talk about the debt course of America, which is on an unsustainable path. Everybody says that. Why aren't we talking about that?

Judicial nominations are moving at a reasonable pace, as they have always moved. There is nothing unusual about President Obama's ability to get his judges confirmed. I have probably voted for 90 percent of them. What is unusual is that we are violating the statutory law of the United States of America that says you should have a budget. We are required to pass a budget. By April 1, it should be before the Senate. It should be passed by April 15. Isn't that perfectly sane, that the United States of America would have a budget? And the Senate does not want to do that.

What else should we be talking about? We should be working to have more affordable American energy. We all want to create jobs. Our colleagues on the Democratic side rammed through a big stimulus bill that spent government money, ran up $800 billion—every penny added to the debt of the United States. We were in debt and we spent $800 billion—all borrowed, all adding to our debt. It did not really do anything for the economy. Only 4 percent of it went to roads and bridges. What a tragedy that was. It was supposed to fix our crumbling infrastructure. At least we would have had something concrete to show for it had we built roads and bridges.

So now we are in this situation: How do you create jobs? We cannot keep borrowing money. We do not have it. Expert after expert who has testified before the Budget Committee, where I am the ranking Republican, has told us you cannot keep borrowing this kind of money. Experts have told us that the size of the debt we have now—$15 trillion—already is slowing growth in the country. We need economic growth, we do not need it slowed, and it is being slowed because we have run up so much debt, experts tell us. So I am worried about that. We have to deal with it.

How do we create growth? One of things we need to do is produce more American energy. We do not need a Secretary of Energy—I have taken to calling it the Department of Anti-Energy—who said in 2008 that he wanted to see the price of energy go up.

He was asked I think yesterday in the committee: Do you still believe that?

He said: Well, no, I have changed my mind since 2008. You know, the economy is not doing well, and maybe now at this point I don't think energy prices should go up.

Can you imagine the Secretary of Energy fundamentally having as his guiding principle that he wants to raise the price of energy? And the President said it himself before he was elected.

This is a radical idea driven by extremists who do not understand that the cost of energy hammers the American people. The average American is spending $4,000 a year on gasoline, at almost $400 a month. You were spending $200 a month on your gasoline when President Obama took office. Now you are spending twice as much: $400—$200 a month in the form of a basic tax on you.

We are importing oil. But we are finding more in the United States, and we have better techniques for bringing it out of the ground. We can produce a lot more. Privately owned lands are showing increases in energy production and exploration. They are doing a good job. But the government owned lands are down 14 percent because the President is blocking production on government lands, blocking offshore production. He really is.

We were projected to have issued lease sales in the Gulf of Mexico on 12 major tracts. That has been reduced to just two in the last 2 years. This is putting us behind. Production of oil and gas in the Gulf of Mexico is down. Jobs are down. When we allow drilling in the Gulf of Mexico, oil companies bid for those rights. They pay money to the U.S. Government. Not only do they create jobs in America, they pay us money to get the right to drill and then they pay us for every barrel of oil they produce. It creates wealth for America. Why do we want to loan money to Brazil to produce oil and gas offshore when we can produce it in our own gulf?

So those are things on which we need to be focused. Why aren't we talking about that, in addition to the budget?

And taxes. I was talking to a businessman the other day. He said this investment tax credit that encourages you to invest in new machinery and other equipment for his company—he examined that, and he decided he would take advantage of it and accelerate a purchase of some things for his company. He got a big tax credit, but he said the paperwork was this thick. The lawyers and accountants and effort he had to go through cost him at least a third of the advantage he was supposed to get from the government. It is not necessary for things to be that complicated.

We need simplified, progrowth tax reform. Why is that not on the floor of the Senate? Isn't that a priority for America? I think everybody can agree that if we simplified our tax procedure, if me made it more growth-oriented, we could create jobs without losing revenue to the Federal Government, create economic growth, and put our country on a path to a sound future.

We have to have economic growth, and we cannot get it by continuing to borrow from our children—really borrowing currently—to spend money to try to jump-start through a sugar high the American economy that is dragging along.

We have this major problem with governmental regulations. I am hearing it everywhere I go—from farmers who are being told they cannot have dust on their farms. When Senator ROBERTS asked an EPA witness how are we going to keep dust down, they said, well, you can have a water truck and go by and water it. Now, how silly is that? They have work rules that keep children in families from helping out on the farm. They have rules dealing with a ditch, calling it a navigable stream. This is regulatory overreach of a monumental degree, and I am hearing it from business, I am hearing it from taxpayers, I am hearing it from farmers all over.

Every regulation needs to be examined. If it produces a positive result for America in terms of health and safety and the general welfare, OK, I am for it. But if it is the kind of regulation that does not produce a benefit but adds to the cost of doing business—costs that add up for the average American consumer—then it needs to be eliminated.

It would help create jobs and help make us more productive, as we work on producing American energy, which creates jobs in itself. That additional production of energy does have the tendency to pull down prices. There is no doubt about it. It may not happen day to day. But as energy reserves are increased, as energy productions and exploration occur and more is produced, it tends to bring down prices. So we need to focus on things that bring down prices of energy. We do not need to be mandating forms of energy that cost 2, 3, 4, 8, 10 times as much as the basic energy we have today.

We cannot afford it. It adds to the cost of doing business. The consumers pay it with their pocketbooks when they go to the store, and when businesses look for a place to build a plant, they look at the rest of the world. If our energy prices are lower and reliable, then they can afford to invest here, hire American workers.

But if our energy prices are too high—and I can cite examples of investments in my State of Alabama that were determined one way or the other based on energy prices. If the price of energy is too high, they go somewhere else. They cannot afford it. They have to seek the lowest price. That creates jobs and growth.

We need to have an Energy Secretary who understands his job is to protect the health and safety of America and produce as much energy as we can at the lowest possible price, not to be engaged in some social engineering. I have to tell you, it troubles me that the Secretary of Energy does not even own a car, he rides a bike. I mean, this is who is running this country. It is the kind of idea that is not realistic for the average American citizen. People with big salaries and so forth, when the price of energy goes up, it does not bother them. But the average guy, the high prices hit his rent payment, hit his health care, his food, and he has to pay $100 more a month, $150 more a month for the same amount of gasoline.

We have small business paying more. Tell me that does not hurt this economy. Tell me that does not raise unemployment. It absolutely does. It is stupid. We do not need to be doing things that do not make sense. We cannot afford it. This Senate needs to be focused not on some unprecedented, unheard of, gimmicked-up complaint that we are now going to have 17 cloture votes on judges, many of whom have been on the Senate floor less than 1 month.

Half the nominees who have made it to the Senate today are now in committee. Senator LEAHY, our Democratic chairman, has not moved them out of committee yet. They will move. He moves them very fast, frankly. How can it be Senator MCCONNELL's fault that they have not been confirmed? It is a lifetime appointment. Judges are not entitled just to be given a lifetime appointment like that. People running for Congress, they work for months and years trying to achieve the job, putting a record out there. So it does not hurt for a judge to be sitting on the floor for a while.

Maybe someone will come forward and say: Let me tell you what that judge did to me or this is what he did wrong or something. Sometimes that happens. So we need a steady process, and we are moving forward well within the traditions of this Senate.

But what has happened is this Senate is obstructing legislation that is coming out of the House that would fix energy, that helps tax reform. There are small business growth proposals that are on the floor now, they are not even being brought up. They are being obstructed by Senator REID and the Democrats. That is a fact. I am not making this up. So this is a body that is not doing its job. The House produced a budget. They produced a historic budget. That was realistic. I would like to have seen them go a little further, frankly.

We may not have agreed with everything in it. But it was a historic budget. It changed the debt trajectory of America. It began to bring our debt on a downward path instead of this surging, upward path we are on. They did it last year and they are going to do it again this year.

What is the Senate going to do? Nothing. We are not going to have a budget for the United States of America. It is a sad day. I feel strongly about this. I have seen the debates over judges. I saw fabulous judges, like Justice Alito on the Supreme Court, be filibustered. I saw Chief Justice Roberts' nomination sit for a long period of time when he was nominated for the circuit bench.

Alabama's fabulous Justice Bill Pryor, now on the Eleventh Circuit, was blocked for months and months and months. Janice Rogers Brown, Supreme Court of California, African-American, great justice; Priscilla Owens, ''unanimously well qualified,'' Supreme Court Justice of Texas. She was fabulous. They held them all.

The only ones they confirmed were the two judges President Bush had graciously reappointed, whom President Clinton had nominated but were not confirmed at the end of his term. I will close by saying we do need to work on this issue of what the Senate needs to be focusing on. I believe it needs to be focusing on a budget, energy, taxes, regulations, things that will make a difference for America, make our country stronger and healthier and more productive and more competitive without adding to the debt.

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

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

The legislative clerk proceeded to call the roll.

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

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

JUDICIAL NOMINATIONS

Mrs. BOXER. Madam President, I was listening with interest to my good friend from Alabama, a man I work with very closely on a number of issues. But on this one, we see the world a little differently. He has made his point that Democrats held up a lot of judges and so on. I understand that. But there is no comparison. Facts are stubborn things. We need to look at the facts when it comes to voting on judges.

I just wanted to share, before I talk about the highway bill, this one chart: ''Judicial Nominee Wait Times.'' These are the facts. This is not made up. These are the facts. With President Clinton, we see the wait time. With Bush, we see the wait time. Obama, we see the wait time—way over 100 days. So we are going from 10 to 20, to over 100 days.

This tells the story. If people want to know why our majority leader has decided to bring up all these judges today, it is because of this. We have emergencies in some of our courts where they do not have the judges. These judges are so well qualified. We have one amazing judge awaiting to be confirmed from our Central District. I think he is about third on the list. He received a great vote out of the committee. These nominees have put their lives on hold.

This may sound odd, but my favorite part of the Constitution is the preamble. I read it a lot. When I go into

the schools, I talk about it to the children. We discuss what it means. When it says, ''We the People of the United States, in Order to form a more perfect Union, establish Justice . . .'' that is the first reason. We want to form a more perfect Union, and the first way to do it is to establish justice.

How can we have justice if it is so delayed? How can we have justice when it is politicized? I think this says it all. So as we go from a bipartisan bill into this, unfortunately, the partisan waters, I think it is important to the people of the country to understand, we do not want to pick a fight at all. We want to get things done around here. Democrats want to get things done. We have proven it by reaching out to our Republican friends on the highway bill and many other things—payroll tax. On the judicial nominees, we want to do the same.

I wished to just make that simple point before I get back to the reason I am on the floor; that is, to complete work on the Transportation bill.

TRANSPORTATION

The Chair is a member of the Environment and Public Works Committee. She has been instrumental in getting this bill to the floor. People asked me yesterday—some of the press people—what it has been like to get this bill to the state it is in now, passing the Senate. I say: People like to say, watching a bill become law is watching someone making sausage. I said: It is a lot messier than that. It truly is. This bill was almost derailed because someone wanted to talk about contraception. Then we had issues that had nothing to do with the bill, dealing with offshore oil drilling and issues dealing with pipelines and issues dealing with extraneous matters.

But we got through it all. We got through it all for one main reason; that is, the desire of the vast majority of Senators, certainly not all—there are some on the fringes who do not want to do this bill—but the vast majority of Senators want to get this bill done. Why is that?

It is because this is a bipartisan program that has been in place since Dwight Eisenhower was President, a Republican President, who clearly stated—because he was an expert on logistics as a general—that we have to move people and we have to move goods efficiently in a first-rate economy.

So I think everyone—not even most people—sees that. Yes, we have a few colleagues in the far corner of the right who want to do away with the highway program. But thank goodness they did not succeed on their vote. They got too many votes for my liking, but that is where it is. But we were able to say strongly, no.

This is a program the Federal Government should play a role in because this is one Nation under God. If one has great roads in their State and the next-door neighbor has not paved any roads, they are kind of stuck. That is why we have a national highway program.

One more reason we got where we are, which is very close to being done with this bill, successfully done, is that we had more than 1,000 groups behind us—way more than 1,000—and they represented Americana. They represented everyone one from the construction workers who are struggling and suffering with a very high unemployment rate to the businesses that employ them, that want to be able to provide the work and want to be able to do what they do best, which is building things. So for all those reasons, we have gotten to where we are. There is one more reason.

I wanted to take my last few minutes to talk about those Members who worked together on this bill, the various chairmen. This is an unusual bill. It is a jobs bill, a huge jobs bill, and 2.8 million jobs hang in the balance. We have had to deal with four different committees together. We have Senator INHOFE, my ranking member, who was extraordinary. He is a hero when it comes to this bill—talking to people on the floor yesterday, from the heart, with the facts, urging them to help us pass this bill. My hat is off to my ranking member Senator INHOFE.

Interestingly, we are on opposite sides on the environmental issues. We really are. We have some very tough arguments and very tough debates. I just see a clean and healthy environment as something we need to do to protect our people. He sees it as a bureaucratic regime to stop business. Through it all, we have never lost respect for one another. We have come together on this issue. There is very little distance, if any, between us. I thank Senator INHOFE.

Senator BAUCUS is chairman of the Transportation and Infrastructure Subcommittee of EPW, and, of course, the very strong chairman of the Finance Committee. I can't thank him enough. He had the tough job of filling the gap we had in terms of money for the highway trust fund. This was not easy. He had to find ways to do it that everybody supported—not everybody but most people—and he was able to get the job done.

With many colleagues on both sides of the aisle, I particularly give a shout out to Senator THUNE, whom I believed was extremely helpful in all of this.

I also wish to thank Senator VITTER, who was the ranking member of the Transportation and Infrastructure Subcommittee of EPW, for his assistance.

On the other key committees, Senator TIM JOHNSON, chairman of the Banking Committee, and Senator RICHARD SHELBY, ranking member of the Banking Committee, could not have been nicer. I called their staffs very often to make sure they would move forward, and they did.

By the way, the EPW Committee was able to vote out a bill unanimously. Everybody supported it, and so did the Banking Committee. I am grateful to them.

I thank Senator ROCKEFELLER and Senator HUTCHISON, chair and ranking member of Commerce, from the bottom of my heart. They had some difficult bumps in the road. When the bill came out of committee, there was controversy. Working with Senator CANTWELL, we figured out how to get a vote on something she cared a lot about. We were able to smooth out that bump in the road. Frankly, they came together like true champions and were able to get over the partisan differences and come up with a bipartisan bill. So we married together four committees' work—that was amazing—into this Transportation bill. It was bipartisan from day one to this day.

That reminds me of how long we have been on this bill on the Senate floor. It has been 5 weeks, and today I believe we are going to see victory.

In terms of Senators, I have to thank our leader Senator REID from the bottom of my heart. When you are the majority leader—and there have been books written about this—you have to keep the train moving. You have to keep moving with legislation, moving forward. Everything has a deadline and a date. Every committee chair wants their bill on the Senate floor. I know what it is because I have the good fortune of being on the leadership team. He could have easily said: Senator BOXER, Senator INHOFE, I have given you 3 weeks, and we are still not off this. But he stuck with it. I am so appreciative, and so are all the working people and the businesses that rely on this bill.

Our whip, Senator DURBIN, worked so hard, along with his staff. We love his staff. Day in and day out they would let us know what the votes would be like on the amendments. I appreciate it.

Senator SCHUMER and Senator MURRAY in the leadership were pushing this forward.

I also thank Senator MCCONNELL for working with us to get this done.

I also must thank staff by name. I hope I don't leave anybody out. I want them to know somebody asked me what it was like, and I said there is a song called—don't worry, I am not going to sing it—''The Long and Winding Road.'' It was ''the long and winding road'' to navigate this bill. It was very difficult.

I have a chief of staff, chief counsel of the committee, who is beyond extraordinary, and that is Bettina Poirier. I think she deserves an enormous amount of credit. She was able to work with all the staff to bring them along so that their concerns were heard from day one to this day. I thank her. Her counterpart on Senator INHOFE's staff Ruth VanMark is an extraordinary person who has been with the Senator for way more than 20 years. She is a tower of strength and has great respect from the colleagues on her side of the aisle, working with them to make sure they knew what was going on.

This bill is a reform bill. It takes 90 titles down to 30. It is a strong bill and a fair bill, and it is paid for.

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. In 2½ minutes.

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

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

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

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

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. The clerk will state the bill.

The legislative clerk read as follows:

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

Pending:

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

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

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

JUDICIAL NOMINATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

ABRAMS NOMINATION

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1556

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. _____. EMERGENCY EXEMPTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

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

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

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

Mr. PAUL. Yes.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 1816

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

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

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

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

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

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

Is this the chairman's understanding as well?

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

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

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

I yield the floor.

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

AMENDMENT NO. 1669, AS MODIFIED, WITHDRAWN

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

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

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

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

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

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

AMENDMENT NO. 1810

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

Mrs. BOXER. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

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

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

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

The amendment (No. 1810) was rejected.

AMENDMENT NO. 1779

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

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

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

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

The amendment (No. 1779) was agreed to.

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1816

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

The ACTING PRESIDENT pro tempore. The Senator from California.

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

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

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

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

The Senator from Kentucky.

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

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

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

Thank you.

I yield the floor.

Mrs. BOXER. I ask for the yeas and nays.

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

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

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

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

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

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

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

[Rollcall Vote No. 46 Leg.]

YEAS—76

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

NAYS—20

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

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The amendment (No. 1816) was agreed to.

AMENDMENT NO. 1556

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

The Senator from Kentucky.

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

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

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

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

Thank you.

The PRESIDING OFFICER. The Senator from California.

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Kentucky.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 47 Leg.]

YEAS—42

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

NAYS—54

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

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

forward to working with them to improve it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION-BY-SECTION ANALYSIS

SEC. 35001. SHORT TITLE.

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

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

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

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

SEC. 35101. RAIL PLANS.

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

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

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

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

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

SEC. 35102. IMPROVED DATA ON DELAY.

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

SEC. 35103. DATA AND MODELING.

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

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

SEC. 35104. SHARED-USE CORRIDOR STUDY.

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

SEC. 35105. COOPERATIVE EQUIPMENT POOL.

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

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

SEC. 35106. PROJECT MANAGEMENT OVERSIGHT AND PLANNING.

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

SEC. 35107. IMPROVEMENTS TO THE CAPITAL ASSISTANCE PROGRAMS.

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

SEC. 35108. LIABILITY.

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

SEC. 35109. DISADVANTAGED BUSINESS ENTERPRISES.

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

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

SEC. 35110. WORKFORCE DEVELOPMENT.

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

SEC. 35111. VETERANS EMPLOYMENT.

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

SUBTITLE B—AMTRAK

SEC. 35201. STATE-SUPPORTED ROUTES.

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

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

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

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

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

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

SEC. 35204. NORTHEAST CORRIDOR ENVIRONMENTAL REVIEW PROCESS.

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

SEC. 35205 DELEGATION AUTHORITY.

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

SEC. 35206. AMTRAK INSPECTOR GENERAL.

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

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

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

SEC. 35208. ON-TIME PERFORMANCE.

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

SEC. 35208. BOARD OF DIRECTORS.

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

SUBTITLE C—RAIL SAFETY IMPROVEMENTS

SEC. 35301. POSITIVE TRAIN CONTROL.

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

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

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

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

SEC. 35303. FCC STUDY OF SPECTRUM AVAILABILITY.

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

SUBTITLE D—FREIGHT RAIL

SEC. 35401. RAIL LINE RELOCATION.

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

SEC. 35402. COMPILATION OF COMPLAINTS.

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

SEC. 35403. MAXIMUM RELIEF IN CERTAIN RATE CASES.

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

SEC. 35404. RATE REVIEW TIMELINES.

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

SEC. 35405. REVENUE ADEQUACY STUDY.

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

SEC. 35406. QUARTERLY REPORTS.

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

SEC. 35407. WORKFORCE REVIEW.

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

SEC. 35408. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

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

SUBTITLE E—TECHNICAL CORRECTIONS

SEC. 35501. TECHNICAL CORRECTIONS.

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

SEC. 35502. CONDEMNATION AUTHORITY.

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

SUBTITLE F—LICENSING AND INSURANCE REQUIREMENTS FOR PASSENGER RAIL CARRIERS

SEC. 35601. CERTIFICATION OF PASSENGER RAIL CARRIERS.

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

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

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

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

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

That is why I am here.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In closing, I want to make two final points.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The majority leader is recognized.

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

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

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

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

CLOTURE VOTES VITIATED

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

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

The minority leader is recognized.

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

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

we will have an opportunity to explain to our colleagues.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

Again, I thank all of you for your cooperation.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 48 Leg.]

YEAS—74

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

NAYS—22

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

NOT VOTING—4

Crapo	Kirk
Hatch	Lautenberg

The bill (S. 1813) was passed.

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

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

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

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

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

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

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

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

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

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

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

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

EXTENSION OF TAX EXTENDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MORNING BUSINESS

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

The PRESIDING OFFICER. The Senator from Oklahoma.

FINAL PASSAGE OF S. 1813

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

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

philosophically, such as some of the streamlining and enhancements. We have now resolved the enhancement problem so decisions can be made by the States. So I think that was good.

I wanted to at this point mention our staff, even though I already mentioned Ruth VanMark earlier. I was kidding when I said she is off of probation. She has been loyal to me for 22 years and been through several of these bills with me. Let me also mention James O'Keeffe, Murphie Barrett, Kyle Miller, Dimitri Karakitsos, and Alex Renjel. So we have a great team over here, and, of course, they have a great team also on the Democratic side, with Bettina Poirier, David Napoliello, Andrew Dohrmann, Grant Cope, and Tyler Rushforth from Senator BOXER's office.

So, Mr. President, some good reforms have taken place, and we need now to get serious about what we are going to do in the next short while in preparation of a much longer and better and more robust highway reauthorization bill. Of course, first is to get with the House Members, get into conference and see what we can accomplish.

Again, I thank all the staff, all the people working on this bill, Senator BOXER, and, of course, the majority leader, HARRY REID, as well as MITCH MCCONNELL.

I yield the floor.

Mrs. BOXER. Mr. President, I ask unanimous consent that following my remarks Senator LANDRIEU be recognized.

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

Mrs. BOXER. Mr. President, I again thank everybody. During our earlier morning business period I praised all of the staffs from both sides of the aisle, all of the chairmen, and all of the ranking members. So thank you so much. It was a great vote, 74 to 22. If Senator LAUTENBERG had been here, it would have been 75. So what more can a chairman ask.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I want to take a minute to thank Senator BOXER and Senator INHOFE and the staffs of both of those excellent Senators who have worked so hard on this bill that is so important to our country. From New York to California, from Alaska to Florida, this bill represents over $110 billion of investments in America. Whether we are talking about two-lane roads, farm-to-market roads, one-lane or two-lane roads, interstate, or rail that is running in our urban areas that are congested, time consuming, and frustrating for our drivers; whether it is for the trucking industry that depends on good, solid, strong highways; the petrochemical industry, the oil and gas industry, or our small businesses, it is important for America's infrastructure to be strengthened, and that is what we did today.

I know the Senate has been criticized over and over again about not being able to function. But today we saw, as our leader said, one of our most conservative Members and one of our most progressive Members bring a bill to this floor and get 74 votes. That is hard work, and that is the way the Senate should work.

I am so proud to have been a small part of this overall bill with Senator WHITEHOUSE, Senator SHELBY from Alabama, and many other Senators who joined us in an effort to put on a very important amendment to the gulf coast and to the country in this Transportation bill. That bill, which was adopted as an amendment to the Transportation bill, as you know, Mr. President, is known as the RESTORE Act.

The reason we call it the RESTORE Act is because that is exactly what it will do. It will restore America's energy coast—the gulf coast. We are proud of our energy infrastructure. We are also proud of our fishing industry and our ecotourism industry. We are also proud of our commercial fishing and recreational charter captains who take people from all over the world off the beautiful coast of Florida, Mississippi, Alabama, Louisiana, and Texas with some of the best fishing in the world.

We have fisheries that are alive and vibrant, not overfished, with people in business and restaurants serving this food all over the country. We are so proud to have passed the RESTORE Act, which is going to take not taxpayer money, not money adding to the deficit, but monies from a fine that is going to be levied by the courts very soon—very soon. This fine will be levied against BP because of the single largest environmental disaster in the Nation's history.

BP, an operator of oil and gas wells not just in the gulf but all around the world, drills safely in many places. But, boy, they sure messed up this one. There were 11 men killed, others were injured, and hundreds of millions of gallons of oil were spilled into the Gulf of Mexico. It was a horrible accident. It should not have happened.

No industry is perfect. No operation like this, whether it is going to space or going below sea, whether it is producing sophisticated equipment or is involved in the mining or extraction business has a complete guarantee of safety and perfection. But this was a terrible accident. We wish it never would have happened.

The courts are sorting out whether this company was simply negligent or grossly negligent. We can have our opinions, but it is not something we need to decide. What we did decide, though, is when the court set that penalty, that what is right for the States that were so injured—with marshes inundated with oil, and pelicans, dolphins, and other wildlife and birds that live and breed and count on this environment to be there—is for that money to be redirected back to the gulf coast.

Because of the good work of our Presiding Officer and Senator BAUCUS—and I want to thank, particularly, Senator BINGAMAN—we were also able to add—not in the RESTORE Act, not taking money away from the gulf but in a side-by-side—some money to fund the Land and Water Conservation Fund. Now, it is only for 2 years, but there is going to be more money in that fund than has been there for a while, which will also accommodate the environment nationally, and that provides a balance and a synergy.

The gulf coast wants to be fair. Our people have suffered. But we also know the country has been very generous to us through a series of very unfortunate events in the last 6 years: Katrina, Rita, Gustav, and Ike, horrible hurricanes. But every part of the Nation has experienced disaster, whether it was the fires in California or the flooding in the Northeast or the hurricane last season that raked the Northeast. Last season, in fact, we will remember, was the season that had the largest number of disasters. There were 12 that cost over $1 billion. That has not happened before.

So lots of parts of the country have suffered. But the gulf coast has suffered in a special way, unfortunately, with a series of events, hurricanes, and oilspills. So we are grateful.

We tried to make this bill appropriate, leaving 20 percent of the general fund, which will secure doubling the amount of money in that liability trust fund. That is a benefit to the Nation. We put in some money for land and water. That will benefit the Nation, and there is some money to establish an oceans trust.

I ask for another 1 minute.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Ms. LANDRIEU. That will benefit the Nation. But the bulk of that penalty money will go to the gulf coast, and it will not be wasted, I promise. The bill has tight safeguards and guidelines about the way that money will be spent restoring our marshes, rebuilding our coastline; we have lost the size of the State of Rhode Island.

I wish to thank so much the groups. There were over 200 organizations, from Ducks Unlimited to the National Environmental Defense Fund, to Nature Conservancy, to many of the Chambers of Commerce, locally and nationally, that supported the RESTORE Act. Without their help, this never would have happened because we don't get a vote as we did on the Senate floor without a lot of help. We got I believe it was maybe 76 votes on the floor of the Senate. It is hard to get a resolution on mom and apple pie to get 76 votes today. So I am very humbled to say it was the work of many people. I was proud to lead this effort with Senator SHELBY, my partner from Alabama.

But my final comment is, work needs to be done. That is my final point. The

amendment is in the Transportation bill. The Transportation bill has now left the building, left the Senate. It is now on its way over to the House. I hope the House will take this bill—and I know they have their own opinions about how things should be. But it is important to get this $110 billion of investments out for America. We need to keep this recovery going. People are looking for jobs, well-paying jobs. Small businesses get these contracts as well as large businesses for our rail, our water, our transportation.

I hope the RESTORE Act, because it is safely tucked in this bill, will generate some additional votes on the House side. I hope my colleagues from the gulf coast in the House, Republicans and Democrats, will say: Overall, it may not be the House's Transportation bill, but you know what. It is a good bill.

Twenty-two Republicans over here voted for this bill. As Senator INHOFE said, there is streamlining, there are new approaches, there are better approaches, less waste, less fraud, less abuse in this bill. So there are some good things they can vote on.

I thank, again, in conclusion, Senator INHOFE and Senator BOXER and particularly Senator BAUCUS for his help in helping us, at the very end, to put what we needed to get together to pass this RESTORE Act. I will continue to report to all how the courts are going to rule, how much this fine is going to be, and how that money is spent in the next couple years to help save a very important part of our Nation and a part of the Nation that contributes substantially to the GDP of our Nation.

EXECUTIVE SESSION ORDER VITIATED

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order to proceed to executive session at 2 p.m. be vitiated.

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

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. I ask unanimous consent that morning business be extended until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each and that the time be equally divided.

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

The Senator from New York is recognized.

COMPLIMENTING SENATOR LANDRIEU

Mr. SCHUMER. Mr. President, first, let me compliment my colleague from Louisiana for her diligence, her hard work. I don't think anybody effectively delivers more for her State in this Chamber than the Senator from Louisiana. I can assure you, knowing her, now that she has done this, she will have another proposal and she will be talking to us about it probably within a few hours. Because of her hard work and charm and many other good qualities, she never wears out her welcome, at least with the Senator from New York.

GASOLINE PRICES

Mr. SCHUMER. Mr. President, the big issue everyone is talking about is gasoline prices. Obviously, they are a scourge on average families and on our national economy. There are many long-term solutions we debate: the pipeline, incentives for green energy, more exploration, nuclear energy, and of course conservation—probably the No. 1 way to, in the long term, reduce imports of foreign oil into the country and reduce the price.

But everyone is asking, what are short-term solutions?

To me, there is obviously one that would matter more than all the others and that has the best hope of getting something done. So 2 weeks ago, in a letter to Secretary of State Hillary Clinton, I asked the State Department to pressure the Government of Saudi Arabia to use its excess oil capacities as a means to calm oil markets. It has been my position that this is the quickest way to bring down gas prices, and the reason is very simple. The No. 1 thing jacking up prices right now is the fear in the markets that Iran will shut off its production.

We have an economic boycott, a majority of nations of the world, of Iran to prevent them from going nuclear. What are they trying to do? They are saber rattling: Squeeze us too hard, we are going to cut off oil. In fact, they cut off oil sales to Britain and France, although those are symbolic because Britain and France do not buy much Iranian oil. But with Iran's saber rattling that they might well cut off oil exports, the price has gone up and up and up. Those who speculate in oil use that and probably have it go up even further.

So that is why I have been, for the last 2 weeks, suggesting the Saudis say they will produce more oil and that they will replace every barrel of production Iran takes off the market for the foreseeable future with a new barrel. The Saudis of course can do that. The Saudis have 2.8 million barrels of extra production, they and the Gulf States. Iran's total sales to the rest of the world are 2.2 million barrels a day. Therefore, they have the ability to do it.

Today I was pleased Saudi Arabia declared it will fill any oil gap as a result of the Iran oil embargo. At the 13th International Energy Forum in Kuwait, the largest gathering of oil-producing and consuming countries, the Saudi oil minister, Ali al-Naimi, said the following: ''Saudi Arabia and others remain poised to make good any shortfalls—perceived or real—in crude oil supply.''

Right after the Saudi oil minister made this announcement, prices dropped 0.6 percent. My belief is that if the markets believe this is real, the price will come down significantly further. So we are asking the Saudis to repeat this promise because, make no mistake, the more the Saudis repeat the promise to offset Iran's output, the more explicit they are, the more emphatic they are, the more they assure the markets they are for real and that this is not just a psychological device to calm the markets for the moment, the more markets will calm down more permanently and the more the price will come down.

I wish to compliment the Obama administration for doing tremendous work behind the scenes. I have talked to many people in the administration over the last few weeks and they assured me and told me some details of what they were doing and their pressure has finally gotten the Saudis to make this statement. This statement is a great start, but as I said, it should be repeated, reemphasized, and elaborated upon by the Saudis so the markets will be assured.

The President was right on money when he said we also need long-term to our dependence on foreign oil. He is right that drilling alone will not solve our problems. We are producing more domestic oil in the United States than we have in 8 years, and we have discovered a huge supply of natural gas. But we have to look at all fronts. We have to look at green energy, wind, solar. There are tax breaks that encourage these new industries that will employ thousands. We ought to pass them. Our colleagues voted against them on this highway bill. That doesn't make much sense. I, for one, would look at nuclear as something that produces clean energy, that doesn't produce global warming. It has to be safe. Of course, we have to continue to look to produce more oil.

I was one of six or seven on this side, actually—as the Senator from Louisiana is importuning—who voted to open parts of the east gulf to produce more oil and it has begun to do that and that will help.

The No. 1 one thing we have to do in the long run is conservation. The fact that we are getting more miles per gallon by 2020 will reduce our importation of foreign oil—which raises the price—by more than 1.1 million barrels a day. In fact, since we gave the President the ability to increase those CAFE standards further, and he did it, the prediction is, by 2030, we will not need to import any oil as our cars get 45 and 50 miles a gallon and the demand for gasoline goes down. The No. 1 reason we have to import oil is because of gasoline and diesel fuel and airplane fuel. Most of our energy can come from natural gas and can come from water power, wind power, and solar power.

The bottom line: This announcement is a good announcement. I hope the markets will heed it. I hope the Saudis will repeat it. I hope, as a result, the price of oil will come down. It is the best news on a very bad front; that is, of rising gasoline prices, that we have had in a very long time. Let us hope it brings together some good news.

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.

The PRESIDING OFFICER. The Senator from Texas.

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

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

VOTER ID

Mr. CORNYN. Mr. President, there they go again. On Monday the Justice Department, under Attorney General Eric Holder, added another account to its litany of shameful actions by refusing to preclear a commonsense Texas State law that would require all voters to show a photo ID prior to casting their vote. The Justice Department's refusal to preclear this change in Texas law by the Texas Legislature is simply inexcusable. The Texas voter ID law is constitutional, and it is a popular measure necessary to protect the integrity of the Texas election process.

This is not and should not be a partisan issue. The polling I have seen shows that Republicans, Democrats, and Independents in the 70 percent range all agree that voter ID laws are commonsense responses to the concerns many have about the integrity of the election process. But, unfortunately, I can only conclude that Attorney General Holder and the Justice Department have chosen the low road of politics as opposed to the high road of the rule of law. I believe, unfortunately, the evidence supports the conclusion that this represents the lowest form of identity politics. In the face of high gas prices, the sluggish economy, and a struggling and rising national debt, the Obama administration has used every tool in its political toolbox to try to distract the American people from their priorities—jobs, the economy, and debt—and, unfortunately, divide the American people while they distract them from the real issues.

Political games should not force the State of Texas or any other State to spend its taxpayer dollars suing the Department of Justice in Federal court, which it now must do, to enforce a State law that is clearly constitutional. One does not have to take my word for it—just read an opinion by Justice Stevens in 2008 upholding the constitutionality of a similar Indiana law. It is nearly identical to the one in Texas, and it is justified by a valid interest in protecting the integrity and reliability of the electoral process.

But the Justice Department continues to insist there is something wrong with requiring every voter to prove their identity before they vote, just as you are required to do before you board an airplane, buy a pack of cigarettes at a convenience store, or buy a six-pack of beer at that same convenience store. If you look on the Web site of the Department of Justice, in order to gain entry to the Department of Justice building, you need—you guessed it—a photo ID. Well, this may sound like common sense. Common sense is evidently not that common at the Department of Justice these days.

You would have to be blind to reality to deny that a significant amount of voter fraud exists in the United States. Every State has had its experience with voter fraud.

In Texas, back in the famous Box 13 election between Coke Stevenson and Lyndon Johnson for the U.S. Senate, they found a number of votes from voters who were not even alive—dead votes. Perhaps one of the most recent books on this was written by John Fund in 2008, a book called ''Stealing Elections: How Voter Fraud Threatens Our Democracy.'' In that book Mr. Fund demonstrates why the American people and Texans fear that their legally cast vote will be diluted with the vote of people who are not legally qualified to cast a vote.

Unfortunately, we also know that identity theft is rampant. We have seen this in our broken immigration system, where people claim Social Security numbers and identification that is not their own but is actually someone else's. It is also very difficult to prove because often the legal authorities lack what they need in order to dispute a voter's identity, thus the need for a government-issued photo ID. As a result, officials frequently hesitate to accuse someone of casting an illegal ballot even when they are almost certain a crime is being committed. It is easy for identity thieves to use another person's voter certificate to fraudulently cast a ballot when there is no real requirement for voters to prove their identity. We should be all about making their job more difficult, not easier.

Every case of actual, alleged, or perceived voter fraud has the potential to drive prospective voters out of the Democratic process, undermine the legitimacy of our government, and swing the results in close elections. The Texas voter ID law is necessary to prevent these evils.

This administration would have you believe that State ID laws are intended to drive down the turnout among certain ethnic groups, but this could not be further from the truth. If people are legally qualified to vote, this is a law designed to protect their rights and to make sure their vote counts and that in a close election it will not be swung by people who have no legal right to vote.

In fact, in their own letter to the Texas secretary of state, the Justice Department presented no evidence—zero, zip, nada—of discriminatory intent in the Texas voter ID law. This is because the law was clearly intended to uphold the sacred principle of ''one person, one vote'' and is narrowly tailored to avoid all retrogressive effects on voting rights. For example, under Texas law every registered voter is entitled to receive a photo identification card free. So if you don't have a driver's license and you don't have any other form of photo ID, you can get one for free. It also exempts from its requirement anybody above the age of 70. What is more, let's say election day comes and you don't have a photo ID, but you want to vote. You can cast a provisional ballot even without a photo ID just so long as you come back within 6 days and produce one showing that you are who you say you are and thus prove you are legally qualified to vote. The Texas voter ID law will also make sure no legitimate voter is caught off guard by requiring the State to inform and educate all citizens as to what the new law requires.

Despite these multiple layers of protection, the Justice Department insists on pushing their false narrative that this law will somehow suppress legitimate voter turnout. Just the contrary is true. The only votes this ID law will suppress are those people who have no legal right to vote, and it will protect and preserve the right of legitimate voters to cast their vote undiluted by votes of people who are not qualified to vote.

We also know there is data from States that have recently passed voter ID laws that demonstrates there is no evidence whatsoever to support the claim of the Department of Justice that it will somehow potentially suppress minority votes. For example, in Indiana the subject of the Supreme Court decision in 2008 was an Indiana voter ID requirement. Election data in Georgia shows that turnout has increased since the passage of these commonsense photo ID requirements.

The data also shows that the voter ID laws in Georgia and Indiana had no negative impact on minority groups. These findings should be unsurprising given some of the research that has been conducted by a number of universities, including the University of Missouri, the University of Delaware, and the University of Nebraska, among others.

Research compiled by the University of Denver and the University of Nebraska from 2000 to 2006 leaves no doubt about the conclusion. They say: ''Concerns about voter identification laws affecting turnout are much ado about nothing.''

In spite of these facts, in spite of the evidence, in spite of the law, the Holder Justice Department continues to cling to their false narrative, claiming that Texas has not demonstrated significant enough evidence of voter fraud to justify its voter identification law. That turns the law of the land on its head.

Texas is not required to prove to the satisfaction of Eric Holder and the Justice Department that there is sufficient basis for them to pass a State law. As the occupant of the chair knows as a former attorney general of his State, the burden is on those who would contest the constitutionality of the law to prove it is unconstitutional or to otherwise prove that it violates Federal law. Under Attorney General Holder's view, the State of Texas and any State that passes a voter ID requirement is presumed guilty until proven innocent. As I said, that turns the legal question on its head. It is exactly the opposite of what it should be.

The Department of Justice also conveniently fails to mention that voter impersonation is almost impossible to detect or prove without a photo ID requirement such as the one passed by the Texas legislature. They similarly fail to mention that this type of law is perhaps the best way—the least burdensome way, the least intrusive way—to eliminate in-person voter fraud. Why would the Justice Department want to prevent States such as Texas from enforcing laws that help detect and deter voter fraud? I can't find an answer to that any other way other than to say that it is pure politics.

The Federal Government should be doing everything in its power to encourage States to protect the integrity of the ballot, to make sure that every legitimate voter's vote counts and is not diluted by the illegal vote of someone who is not qualified under the law to cast a ballot. Instead, Eric Holder's Justice Department is throwing up roadblocks to those State-based efforts to protect the integrity of the election process, forcing my State and taxpayers in my State to waste money to try to go to court and now to override his decision, which the Court will do. Why will they do that? How can I be so sure? Because the U.S. Supreme Court is the law of the land, not Eric Holder and not the Justice Department, and the Supreme Court has spoken on this issue. But that is irrelevant to Mr. Holder and the Justice Department, so my State has to spend—waste, really—taxpayer money to defend this legitimate and evenhanded requirement when we should be focusing on other important issues.

This Washington game of divisive identity politics is reprehensible, and Attorney General Holder should be ashamed of himself for engaging in it. I hope my colleagues will join me in calling on Attorney General Holder to respect the rights of the people of Texas and of their States by reversing his decision to block our commonsense voter identification law.

Mr. President, I yield the floor and 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from New York is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I rise today to praise the majority and minority leaders for coming together to make sure we get our pending judicial nominees confirmed in a timely manner.

Today, the Senate is back on track to do what we have always done for decades: confirm judicial nominees—the vast majority of whom are totally uncontroversial—as part of our day-to-day business.

Thanks to the hard work of the leaders of both caucuses, and to Chairman LEAHY, who has been persistent and smart and focused on this issue, we were able to avoid having 17 cloture votes this afternoon on judicial nominees—most of whom were unopposed; 13, in fact, were supported by their Republican home State Senators.

While the details of the agreement have not yet been announced publicly—and they will be by Senator LEAHY and Leader REID and Senator MCCONNELL—we know there is an agreement, and that is a good thing.

The bottom line is, I hope we can continue at least at the same pace, when we have cleared the backlog that has existed.

Let's be clear: This is what doing our job is, and it is doing exactly what we have done literally for decades—nothing more, nothing less. I suppose each side could point fingers at the other as to why this degenerated, but that is not the point today. The point today is that we have come to an agreement and, hopefully, it will set the ball rolling on much smoother approvals of judicial nominees in the future, with less altercation, more comity, and actually filling the bench more quickly.

There are more judicial vacancies now than at any time in recent history. One out of every 10 judgeships is empty. As a result of these vacancies, families and business must wait sometimes over 2 years before their civil trial can even start. Even worse, it cost the government $1.4 billion in 2010 alone to detain inmates awaiting trial because there were not enough Federal judges to hear their cases.

The agreement we have reached to work through these judges is certainly not an attempt to jam judges through the process. In one day in 2002—we were here in the Senate—we confirmed 17 district court nominees and 1 circuit court nominee.

I am glad we have come to an agreement. I want to give special thanks to my good friend, Senator ALEXANDER of Tennessee. He and I have talked about this for a long time. I know he has talked to Senator MCCONNELL. I have talked to Chairman LEAHY and Leader REID. His encouragement to move us forward has been very helpful indeed.

Let us talk just about district court nominees for a moment.

The vast majority of Americans want us to confirm good, moderate, pragmatic judges to the U.S. district courts—exactly the nominees whom this President has put forward. After all, judges on the district court do not make law. Courts of appeals and the Supreme Court have a little more latitude, depending on the case.

I have said time and time again—I will say it again—the Senate has an obligation to take a hard look at the President's judicial nominees. My view remains that ideology does matter. Every Senator here has the right to make sure that a President's judicial nominees are within the mainstream. And the definitions of ''mainstream'' sometimes differ. We know that.

There will always be nominees—especially to the courts of appeals—about whom we will disagree. There will even be those who some of us view as so extreme, on either side, that we will refuse to give our consent to holding an up-or-down vote.

But there is a hard look, and then there is purposeful delay, and we have to avoid that by either party at all costs. We need to get the process moving again. When nominees come out of the Judiciary Committee unanimously or by an overwhelming bipartisan vote, there is no reason they cannot be approved on the floor a few days later.

We have come together today. I know we can continue in the future to agree to confirm qualified judges without further obstruction, without furthering the view ''it is my way or the highway.''

I wish to mention one specific way I think we can move forward on judicial confirmations in a meaningful and useful way. In the past, we have cleared the calendar of nominees on whom there is a consensus before going out for recess. Lately, we have not done that. As a result, there were 20 nominees who did not get confirmed before last August and 10 from December.

I hope wherever we are at the end of the summer, we can agree to confirm consensus nominees—those who got unanimous support or close to it—as we always have in the past and fulfill our obligation to the third branch of government.

One other point. Today, this morning, we passed a highway bill, overwhelmingly. It was led by Senator BOXER, one of the most liberal Members of this body, and Senator INHOFE, one of the most conservative. This afternoon, we are going to hear an announcement of specifics of an agreement to move judges forward. Tomorrow, we will be working on a jobs bill that, while there are differences in the specifics, has broad bipartisan support and consensus.

Perhaps an idea; a moment of greater comity that we have seen this week is not just momentary but will last on into the future. The lesson the American people taught us is they do not

want obstruction, particularly for its own sake. They understand compromises have to be made in a legislative body, that it cannot be ''my way or the highway.''

Unfortunately, all too often in the past year we have seen too much of that attitude. The fact that we are batting 3 for 3 this week in terms of important issues: a highway bill, judicial nominees, and an IPO bill with broad bipartisan consensus, hopefully, augers well for the future.

Perhaps the era of obstruction and confrontation has passed its high-water mark. Perhaps it is now politically damaging to block legislation for its own sake or because someone does not get 100 percent of what they wanted. Perhaps a new era of more bipartisan consensus and more accomplishments for the American people to deal with our problems is upon us. I hope and pray it is so.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CENTURY ALUMINUM

Mr. ROCKEFELLER. Mr. President, I am in this Chamber with my colleague, Senator JOE MANCHIN, who has as much interest in this as I do and feels the happiness from a wonderful event which will happen, we hope, tomorrow in West Virginia, which will not necessarily be a moment that most people around the country or even in this body will notice, but it is an enormous moment to the people of West Virginia because it has been a long festering problem that we believe will be ratified tomorrow.

What am I talking about? Tomorrow the retirees at Century Aluminum in Ravenswood, WV, hopefully, are going to ratify a decision that has been reached by the Steelworkers, led by a local heroine, an icon of Appalachia, Karen Gorrell, who has stood out all night by the roadside protesting.

Back in 2009, Century Aluminum—and aluminum is a volatile industry but very much of an up-industry now—simply shut down. Hundreds of jobs and hundreds of retirees and their families were just cut out and cut off. Periods of negotiation went on with Century Aluminum under the particular management then, but it wasn't going anywhere. There wasn't a lot of goodwill that I was able to detect.

Then comes the kind of change you really want to see. You start with good people, good workers. It is a hard job. It pays pretty good wages, good benefits—not defined benefits in terms of health care but VIPA benefits, which are benefits nevertheless for retirees. They are good people who are located in a rural county in West Virginia, which is kind of the heartland of West Virginia where a lot of good people come from. They tend to work very hard and to be very wonderful. What these men and women have always wanted is simply to be treated fairly.

In a world of big corporations, decisions are made from far away places by corporate leaders. But it doesn't necessarily need to work that way—that the people on the line are out in the cold without benefits, without health care at all. There they are picketing or just being miserable, and the world pays little attention because there is not a lot of progress made, so the attention is pulled away from it. But not if you are under the leadership of Karen Gorrell, the local union leader there. She is a fantastic woman who brings not only ferocity—she went to a corporate meeting—and the occupant of the chair will enjoy this because I know him well—wearing a T-shirt that was sort of the hand of the corporation with blood dripping off it, and it was a stockholders meeting. She was so good that people sort of respected her for that rather than resent her for it. But she is a strong, classic Appalachian person, a very strong union leader.

What happened was there was new management at Century. The State had been extraordinarily helpful, the legislature, putting up a lot of money over a period of 10 years. What should have been able to happen was that Century Aluminum would open again, people would go back to work. But then the big enchilada would be if the Ravenswood plant itself, the old Kaiser plant, would open, for which there is a real purpose.

They reminisce in West Virginia about Henry Kaiser, who obviously built that plant many years ago, going through the plant shaking hands with workers, knowing their names. That was a different era, and he was an extraordinarily good man.

Senator MANCHIN and I want this situation to be worked out. We have both worked very hard on it. Actually, the parties weren't that far apart. What made them not that far apart was that the issues were complicated, but it was the will to settle that predominated. Each side didn't get exactly what they wanted, but each side, in a sophisticated, nuanced way, understood there were very high stakes for losing everything and very high stakes, including a lot of money from the West Virginia Legislature over 10 years. The stakes for winning, for settling were extraordinary.

Everybody rose to the occasion. This could never have happened without the leadership of Karen Gorrell and her particular type of leadership, which I found wonderful, just refreshing. I have been out there many times over the years because Century Aluminum has had a lot of problems. I am sure Senator MANCHIN has too.

Now I am praying and hoping they are going to ratify this agreement tomorrow. If that is so, I am not sure the news will reach Baltimore, and I am certain it will not reach Vancouver, but it will reach all over West Virginia. It will be an example of labor and management, with good corporate and union leadership, coming together at precisely the right moment, after a tremendous amount of strain and stress and anger.

I conclude my statement just praying that the retirees will do what I think they are going to do tomorrow—I encourage that—and accept the agreement agreed to by the union and Century Aluminum. If that happens, whether they know about it in Vancouver doesn't interest me much. They will know about it in West Virginia, and I care about that.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. MANCHIN. Mr. President, I also rise in support, along with Senator ROCKEFELLER. What a good job he has done. We have both had the honor of serving our great State as Governors. As every Governor and legislator knows, we fight for every job we can create. We fight like the dickens to save every job we have.

As the Senator said, he has been fighting these battles for many years. I was in the legislature when he was our Governor. We fought side by side then. When I became Governor, he was a Senator in Washington, and he fought along with me on every job we created and saved. Now here we are again side by side fighting.

Ravenswood, in Jackson County, is a very unique place. In Ripley and all the surrounding towns, we have about 22,000 people who live there, and 4,200 people live in Ravenswood, 3,000 in Ripley. One can tell how that is the lifeblood, truly, of the community. Lucy Harbert is the mayor. She is dogmatic. Karen Gorrell is unbelievable. There are men and women there fighting basically for what was promised to them, fighting for survival.

I think the big story is that in 2009, the plant closed, as the Senator said. In 2010, all the employees were told all of their health care benefits that had been promised to them and negotiated in good faith were gone—all gone by the stroke of a pen. The courts upheld it.

Lo and behold, we have a new management team. We have Mike Bless—and we are talking about Monterey, CA. Clear out there. These people came in and saw what we had, the fabric of the town and the fortitude of these people. So management said: We need to do something. Karen Gorrell and the rest of them never let up. They said: We want to be treated fairly. We want what we were promised. Everyone made considerations here.

What we have coming up with a vote tomorrow—as the Senator said, there will be a vote for the retirees to accept the proposal they have been negotiating, which I am hopeful and I know Senator ROCKEFELLER is too—will be

passed tomorrow. That is the first step in the right direction. The State has entered as a partner also. With the State, they will work out power contracts and things of this sort. How important are power prices? How important is the coal and the power that coal produces? Without that, we would be dead in the water.

There is so much promising going on. But when you see a community come together—Governor Earl Ray Tomblin, our friend, worked hard in the legislature. This is not a story we see today in America that much.

In 2009, the plant closed. Over 600 people lost their jobs in a little town of 4,200 people. Now we have a chance to at least get 400 or 500 back on the job. We have not seen that turn around too much. You can imagine why Senator ROCKEFELLER and I are so excited, and I think more than anything we are so proud that we represent a State that has so much resilience. They have stuck together. So our hat is off, from the corporate end to the union end, to the people working together from the community.

I need to say that the President of the Steelworkers Union, Leo Girard, has just been a rock. Leo gets right in there. The Steelworkers stood behind their retirees. They stood behind them. They would not take anything less than the retirees being treated fairly. That brought everybody to the table and gave us the glue it took.

Senator ROCKEFELLER is persuasive, as you know, in his ability to get involved and persuade people to do the right thing, and all of us were behind this effort. It came to fruition. Today, West Virginia is a brighter spot, and Ravenswood is a brighter place. Hopes are up again. The people are enthusiastic, and we can see they have a little skip in their step. That means an awful lot. These are the hardest working people, who don't ask for a whole lot—just an opportunity to take care of themselves and their families.

To Lucy Harbert, Karen Gorrell, Mike Bless, and Leo Girard, Senator ROCKEFELLER, and the entire West Virginia delegation, I think everybody should be extremely pleased. Tomorrow we know it will be a successful vote. We are going to show the country we can compete with anybody in the world. I know the occupant of the chair feels the same way in Maryland, and you have been able to. We will work together on this and start rebuilding America one job at a time. This is 400 jobs at one time.

With that, I say thank you to all of the good people in West Virginia who made this happen. I thank Senator ROCKEFELLER for his leadership over the years. I have been honored to work with him. He has been a tremendous mentor. We will continue to work together for many years.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have for the last 2 years since the health care law was signed by the President, to give a doctor's second opinion about the health care law. I do this week after week because we need to recall that it was NANCY PELOSI, then Speaker of the House, who famously said that Congress had to first pass President Obama's health care bill to find out what was in it.

It has now been 2 years, and we continue to find out more and more what is in the law as people read it. Even this morning the Wall Street Journal had a story about the upcoming 2-year anniversary and, of course, the Supreme Court hearings, which will begin in a little over a week, as to whether this health care law is constitutional. I believe it is not, but there will be 3 days devoted to that discussion. And the Wall Street Journal article today has a poll covering the time period since this health care law was passed all the way through today which reflects that the health care law is still more unpopular than it is popular. More people are opposed to the health care law even 2 years after it was passed than are supportive of it.

Interestingly, other studies of the American populace show that the more people know more about the health care law, the less they are actually likely to support it. And for those people who have talked to a health care provider—a nurse, a doctor, or a therapist—they are even less likely to be supportive of the health care law. The more people learn about the health care law, the more they do not like it.

So much of this specifically relates to the mandate that everyone in the country is going to be obligated to buy a government-approved product. That is the crux of the debate that will be held within the Supreme Court in the weeks ahead and in the decision to come within the next couple of months.

It is interesting to go through the process of how this law was passed: a party-line vote, votes in the middle of the night, closed-door negotiations in spite of the President saying all deliberations and discussions would be on C–SPAN, and the American people saying: No, do not pass this. In spite of the objections of people all across the country, this bill was crammed through the House and the Senate and signed by the President at a time when people said: This isn't going to give us what we want. What we want is the care we need from a doctor we want at a price we can afford.

The President made lots of speeches and lots of promises to let the public know he was listening to them. But he wasn't listening to the public. He wasn't listening to this side of the aisle. That is why this health care law actually fails patients, it fails providers—the nurses and the doctors who take care of those patients—and it fails the American taxpayers.

I remember the President saying: If you like your plan, you can keep it. And when he was running for the Presidency, he said: You will not have to change plans. He said: For those who have insurance now, nothing will change under the Obama plan except you will pay less. That is what he said. Yet at a townhall meeting in Wyoming—I go home to Wyoming every weekend and visit with people—when I asked a group of 100 citizens how many, under the President's health care plan, believe they are actually going to pay more, every hand went up—every one. The President said the law would save $2,500 per family. The American people haven't seen that. So they listened to the President's promises, but now they say: I am not sure I can believe what he has to say.

The President talked about protecting Medicare. He did that in an address to Congress in 2009. Yet, with the health care law, they took $500 billion away from Medicare—not to save it or to strengthen it but to start a whole new government program for other people. So when I talk to seniors, they have great concerns about the way Medicare has been handled in this health care law. Specifically, their concern is that they are not going to be able to find a doctor to take care of them.

First of all, in terms of the health care law, it has failed in helping us have more doctors and nurses and nurse practitioners and physician assistants. But when I talk to doctors at home in Wyoming—and I practiced medicine for 25 years—what I see is offices that are full, and what I hear is that they continue to care for patients they have taken care of for years who are on Medicare, and they continue to care for patients who are currently Medicare age, but in terms of someone who may move to a new town or someone whose doctor may retire, it is getting harder and harder for patients on Medicare to find doctors to take care of them.

A lot of it has to do with the concerns about reimbursement—the so-called doc fix that was part of the debate recently when we extended that with the payroll tax holiday legislation. But there is very little certainty that comes out of Congress, and doctors look at that and say: How can I make decisions about my practice and my life when I don't know if they are going to cut Medicare fees by 27 or 30 percent at the end of the year? They faced a similar situation at the end of last year, and they faced a similar situation at the end of February. So it is not a surprise that doctors are more and more reluctant to accept new

Medicare patients when their offices are already full with patients.

When we look at all of this, we wonder, is it surprising that this health care law is as unpopular as it is?

The President said that this health care law will not add one dime to our deficit. It will add not a dime to our deficit. We had another budget this year, another deficit looking at $1 trillion. The CBO report came out yesterday talking about more money being spent than had been anticipated—a higher deficit. The President promised. He said: I will not sign a health care plan that adds one dime to our deficits either now or anytime in the future, period. But if you take a look at an honest accounting of the health care law, it is going to find that this will increase the deficit by hundreds of billions of dollars in the first 10 years alone and much higher beyond that.

I remember listening to the debate in 2008—and now here we are, in another Presidential election year—when President Obama, who was then a Senator, a Member of this body, and Hillary Clinton, who was also a Senator and Member of this body, were debating what they saw as the future for health care. At the time candidate Obama opposed a mandate to buy insurance—a mandate which is now part of and which, actually, many call the linchpin of this health care law. It is the very thing that is going to be argued before the Supreme Court and upon which the Court will rule whether it is constitutional. It is at the heart of President Obama's health care law. He opposed it when he was a candidate. He actually made his opposition to the mandate one of the hallmarks of his primary campaign against then-Senator Clinton. So people scratch their heads and say: What is he really for? What does he stand for? When he was a Senator, he claimed that penalizing people for not buying health insurance was like ''solving homelessness by mandating everyone buy a house.'' Those were his words in talking about the impact of a mandate.

So here we are now, 2 years later, and three-quarters of the American people believe it is unconstitutional for this body, for Congress, and for any President to sign something that mandates they buy a government-approved product. We don't know what the Supreme Court will do, but the American people are significantly opposed to the key component of the President's health care law.

The President also said he wouldn't raise taxes. Yet there is a list of taxes that have been raised as a result of this health care law.

So it is not surprising that 2 years later there are more people opposed to the health care law than are supportive. Think about the President and the statements he has made and the statements made on the other side of the aisle in the runup to the health care law, and it is not a surprise that 2 years later people are saying: That is not what happened.

I remember the discussions and the debate on this floor about small businesses and the expenses this would place on our small businesses. The President said that 4 million small businesses may be eligible for tax credits. The key word there, of course, was ''may.'' In fact, the IRS spent $1 million in taxpayer money to mail millions of postcards to small businesses promoting the so-called tax credit. But the Treasury Department's inspector general—now 2 years later—testified recently that the volume of credit claims has been lower than expected—lower than Democrats promised, lower than the President talked about, but not lower than people who actually read the bill thought would occur because of the requirements and what would need to happen to apply, what the incentives were, and what the consequences were. Out of these promised 4 million small businesses that would get help, the Treasury Department's inspector general says only 309,000 firms have received the credit. That is 7 percent of the 4 million firms the administration and the Democrats in the Senate said would receive the tax credit. So when people look at that, they say: Did they really help me? The answer is no.

That is why, when I ask the second question at a townhall meeting—not the first, which is, Do you think you will end up paying more under the Obama health care law, the one that promised you would pay $2,500 less, and all the hands go up, that they believe they are going to pay more—the second question is, Do you believe the availability and quality of your care under the Obama health care law is going to go down? And nobody wants that for themselves or their parents or their kids. When I ask, how many of you believe it is going to go down, everyone raises their hand. They all believe they will receive less—less availability, less quality, less timely care than they were able to achieve before the health care law was passed.

So that is why I come to the floor each and every week with a doctor's second opinion about the health care law, because each and every week there is something new that has been found out or a new regulation that comes out because let's not forget that in this very lengthy, very heavy health care law, 1,700 times it says the Secretary of Health and Human Services will write rules and regulations, really describing what the law says.

When they take a very small part of the law, 4 or 6 pages relating to accountable care organizations, and come out with 400 pages of regulations about accountable care organizations, even those places the President holds up as models of where it works well, places such as the Mayo Clinic or the Utah health care system or Geisinger in Pennsylvania, many of those say: We cannot comply with all these rules and regulations that are now coming out from the Secretary of Health and Human Services.

Every week, a new series of rules and regulations comes out, a new series of mandates. Doctors and nurses are finding they are spending less time with patients and more time with paper and it is hurting the job creators of the country. They don't know what it is going to cost them, but they know it is going to cost more. The incentives and the consequences within the law are not those that are going to encourage businesses to continue to provide health insurance. I believe it is going to result in more and more people being dumped by their employers onto a different system, with significant expense to taxpayers around the country.

That is why I come to the floor, week after week, to talk about this health care law and say it is bad for patients, it is bad for the providers—the nurses and doctors who take care of those patients—and it is going to be terrible for taxpayers. That is why I believe we need to repeal and replace this terrible, broken health care law with something that is actually patient centered, which puts the patient at the center of the discussion. It is not government centered, it is not insurance company centered but patient centered.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. DURBIN. Mr. President, there is a bill that passed the House of Representatives with an overwhelming bipartisan vote. Its supporters have characterized it as a jobs bill. It is a bill which, frankly, changes many laws and comes over to the Senate. The minority leader, the Republican leader, has been on the Senate floor almost every single day urging us to take up this bill as quickly as possible and to pass it because of the impact it might have on employment across America.

I might say for the record, I believe the bill we passed today, the Transportation bill, is the true jobs bill—2.8 million jobs across America. I will tell you, the House bill will not even get close to that on a good day. Our bill will save and create millions of jobs. It will build an infrastructure for our economy for years to come, and it passed with an overwhelming bipartisan vote. Over 70 Members of the Senate, Democrats and Republicans, voted for this bill. An extraordinary effort by

Senator BOXER of California and Senator INHOFE of Oklahoma and many others resulted in a bill that was well crafted, balanced, and will, in fact, fund our infrastructure needs in this country for the next 2 years.

The House has been at a loss to produce a similar bill, even though we are both facing a March 31 deadline for this trust fund that is used across America to maintain our infrastructure. The House has moved from one extreme to another. They have crafted bills which were way too partisan.

This used to be the easiest lift in Washington. Every 5 years, the Federal Transportation bill was an opportunity for both parties to work together. Oh, it is true, Members would put in projects for their districts and States. That is to be expected. But at the end of the day, a bill would emerge which ultimately had strong bipartisan support. I cannot think of a single instance in the time I have been in the House and the Senate that was not the case.

The House effort, however, to this date has failed. I hope they can use our bill as a starting point. They should. If they bring our bipartisan bill to the floor of the House of Representatives and open it to amendment, then we will be at a position where we can sit together in a conference committee and work this out, as we should, on a bipartisan basis. It is a good jobs bill. In fact, it is the biggest jobs bill the Congress will have considered in the last year.

Let's go back to the bill that passed the House, which the Republicans have characterized as a jobs bill. I think it is important that before we rush into this, taking a look at it, we take a careful look at it and ask: What does this bill do?

This bill is designed to change disclosure, accounting, and auditing standards, and to exempt many firms and corporations from the Securities and Exchange Commission's oversight. One part of the bill exempts newly public firms with less than $1 billion in revenue from certain disclosure, accounting, and auditing standards over a transition period of 5 years after they first go public. It exempts firms with less than $1 billion in revenue and less than $700 million in traded stock—what they characterize as ''emerging growth companies.'' They would be exempt from regulation for the most part. That would, in fact, exempt more than 90 percent of the companies going public in America.

These so-called emerging growth companies would be exempt from SOX 404(b), which requires a firm's auditor to attest to and report on internal controls. It would exempt firms from safeguards we adopted in this country after Enron.

There is little justification for rolling back the Dodd-Frank provisions on executive compensation. But firms would be exempt in many respects because of this bill. It is hard to imagine that a firm with $1 billion in revenue does not have the resources to disclose golden parachutes in executive compensation agreements.

Exempting firms from new accounting standards would create a two-tiered accounting system that is bound to be confusing. The Financial Accounting Standards Board, FASB, says provisions legislating accounting standards would ''undermine the rigorous, independent standard-setting process [already] undertaken. . . . '' One other part of this bill increases the amount of capital private companies may raise under a public offering from $5 million to $50 million annually and remain exempted from SEC oversight.

They want to take a lot of this capital formation and business formation off the grid. They do not want oversight and disclosure and transparency. That is what this bill does. It fails to include a multiyear cap on the amount firms may raise and allows firms to raise $50 million annually indefinitely while avoiding SEC registration and disclosures.

It goes on with something called crowdfunding. It allows firms to remain exempt from SEC registration and raise up to $1 million annually through crowdfunding. What does that mean? Large numbers of individuals contributing a small amount of money to a company. Retail and unsophisticated investors will be allowed to invest up to $10,000 through crowdfunding sites with few disclosure requirements.

There is another provision that allows private firms that sell more than $5 million in securities to generally solicit or advertise private offerings without being required to register with the SEC, provided the firm verifies all purchasers are accredited investors. The risk of fraud through cold calls and other sales tactics increases significantly with the elimination of the requirement that firms have a preexisting relationship with potential investors.

In the early 1990s, the SEC allowed general solicitation but again restricted general solicitation in 1999 because of widespread fraud. The accredited investor standard is so low as to include individuals whose net worth is $1 million or who have earned $200,000 annually. It allows banks to raise capital while avoiding SEC registration by increasing the shareholder threshold from 500 shareholders to 2,000 and from $1 million in assets to $10 million.

It is no surprise that when we look carefully at this bill, even though it received a large vote in the House—I do not dispute that—many organizations oppose it. They include the Consumer Federation of America, AARP, Americans for Tax Reform, AFL–CIO, the Coalition for Sensible Safeguards, U.S. PIRG, the National Education Association, the National Consumers League, and the National Association of Consumer Advocates. There are other organizations with serious concerns, which include the Council of Institutional Investors, FASB, and North American Securities Administrators Association.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times from March 11 entitled ''They Have Very Short Memories.''

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

THEY HAVE VERY SHORT MEMORIES

House Republicans, Senate Democrats and President Obama have found something they can all support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

Of course, supporters don't describe it that way. They say the JOBS Act—for Jumpstart Our Business Startups—would remove burdensome regulations that they claim have made it too difficult for companies to raise money from investors, impeding their ability to grow and hire.

Never mind that reams of Congressional testimony, market analysis and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been at the root of all recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

Unfortunately, election-year politics and powerful constituencies—rather than research and reason—are driving the JOBS legislation forward. It passed the House on Thursday, after the Obama administration endorsed it; the Senate leadership is expected to introduce a similar package this week.

Republicans love it because deregulation is at the core of their corporate-centered agenda. President Obama wants to burnish his pro-business credentials. Most Senate Democrats, keenly aware of big business's deep campaign contribution pockets, are eager to go along.

The centerpiece of the bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific disclosure, accounting and auditing standards before going public. The legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation's biggest new companies.

It would also let new public companies delay compliance with provisions of the Dodd-Frank law on executive compensation and shareholder ''say on pay.'' Another provision would permit ''crowd funding''—raising money from small investors through the Internet—without requiring those companies to provide meaningful disclosure and without adequate oversight by the Securities and Exchange Commission. John Coffee Jr., a securities law expert, has dubbed that the ''Boiler Room Legalization Act.''

Yet another provision, opposed by AARP and state regulators, would allow private companies to solicit investors, a move that could expose unsophisticated investors to offerings that they cannot properly evaluate.

Dozens of legal experts and advocates for investors and consumers have written to Senate leaders warning that extensive revisions must be made to the House legislation for it to be even minimally acceptable.

We know memories are short in Washington. But Enron was just 10 years ago. And the entire system almost imploded in 2008. There is no excuse.

Mr. DURBIN. This editorial states, in part:

House Republicans, Senate Democrats and the President have found something they can

all support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

Never mind that reams of Congressional testimony, market analysis and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been at the root of all of our recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

The centerpiece of this bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific disclosure, accounting and auditing standards before going public. The legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation's biggest new companies.

I have been down this path before. I have been in Congress long enough to remember some of these bubbles, remember the victims and the losers when it was all over, the exuberance of deregulation which led, sadly, in many instances, to an unregulated marketplace where greed triumphed.

After each financial crisis, the savings and loan crisis, Enron, the housing and economic crash of 2008, this body has investigated and attempted to learn from the lessons of the past. How many times on this floor have Senators debated measures to ensure that we do not face another Enron, where shareholders lost between $40 and $60 billion in investments and employees lost $2.1 billion in pension plans, not to mention their jobs. We promised that would never happen again. We established standards of regulation, which we are now proposing to waive in this so-called jobs act.

I worked with my colleagues in the wake of the 2008 economic slide to pass the Dodd-Frank Act, to close the loopholes that resulted in millions of families losing their homes and $17 trillion in lost household and personal wealth. We learned from the past and worked together to provide oversight where regulation was just too lax. We passed commonsense rules to ensure consumers and investors were protected.

Just a few years later, after that crisis brought our economy to its knees, it seems some have forgotten those lessons. It was not too much regulation that led to the financial crisis of 2008. We did not get into that mess because agencies such as the SEC had too much power. It was the other way around. It was deregulation of the 1990s and Federal agencies turning a blind eye to activities that precipitated the global financial meltdown.

Regulatory agencies were underfunded, overwhelmed, and often limited in their authority. That does not mean we should do nothing. There are things we can do to ease the burden on companies looking to raise capital and create jobs.

There are commonsense measures to help small businesses access capital. We can exempt employees from counting toward shareholder limits, so these companies can reward their employees with stock options. We can increase the amount of money startups can raise, while still being exempt from SEC registration. There are things we can do to help companies grow and create jobs, while still protecting investors.

But the bill passed by the House does not do that. The House-passed bill says that more than 90 percent of newly public firms do not have to comply with Federal disclosure, accounting, and auditing standards. This means that when an investor is making a decision about which newly public firms to put their hard-earned money in, they will not have access to basic vital information about those firms.

How can investors make good, sound decisions about where to invest their savings and their money when some firms, those that have recently gone public, will not have to comply with new and improved accounting standards but all other firms will? The House-passed bill does not have enough protection for everyday investors who are considered unsophisticated in the financial sector, those who may not fully understand the risks of investing through an online crowdfunding Web site.

At a recent Senate Banking hearing, Professor John Coffee, from the Colombia University Law School, said: The crowdfunding technique is especially open to fraud because the companies that use it are most likely brandnew entities that do not have any operating history and might not even have financial statements.

Professor Coffee said: Those firms would be flying on a wing and a prayer, selling more hope than substance. The House-passed bill would allow firms to advertise and sell their stock through cold calls and other sales tactics. That is an invitation for fraud.

In this situation, someone can promise investments with high return with little risk. The Center for Retirement Research at Boston College calls this ''the magician'' and reports that seniors are three times more likely to be the victims of this type of fraud.

There is room to improve this bill to allow small businesses to grow and create jobs, but we have to do it with an eye toward oversight, transparency, and rules of the road which protect the average investor.

This so-called jobs bill creates a job opportunity for any individual salesman to set up shop with a barstool and a laptop computer. They can be selling worthless stock for phantom companies. This bill invites them to fleece unsuspecting customers of up to $10,000, promising that they will own certain companies. It can turn out that these companies have no assets, no business model, and may not even exist.

In the name of deregulation, these fraudsters could even include those who have been banned for life from the securities industry. That was a point that was raised by Professor Coffee's testimony. This bill is written to allow new salesmen to come on the scene and does not put any provision in there to prohibit those who have been banned by the securities industry from sales of securities.

Why would we invite the thieves back into the marketplace? This half-boiled concoction of ill-conceived ideas skirts, evades, and nullifies investor protection and market transparency standards that were enacted in response to the dot-com crash, the Enron debacle, and the litany of bubbles and bursts that have cost legions of unsuspecting Americans their savings, their jobs, and their retirement.

I requote one paragraph from the New York Times editorial:

The centerpiece of the bill would curb investor protections in the Sarbanes-Oxley law that require companies to meet specific disclosure, accounting and auditing standards before going public. This legislation is promoted as applying only to small companies, but the parameters would encompass all but the nation's biggest new companies.

Literally, 90 percent of the new companies would be exempt under this provision. Exempting firms with less than $1 billion in revenue and less than $700 million in traded stock, so-called emerging growth companies, would exempt more than 90 percent of the companies going public, according to testimony before the Senate Banking Committee.

The delay in compliance with Dodd-Frank on executive compensation is particularly cheeky. Do you recall this? We sent billions of dollars to banking institutions as a result of the bailout to save them from their own stupidity and greed, and they turned around and gave executive compensation and bonus awards right and left to the very people who had engineered this disaster. We said when we passed Dodd-Frank, that was the end of that story. We were going to change it.

One of the Dodd-Frank provisions: In February 2009, Senator Christopher Dodd, a Connecticut Democrat who was chairman of the Senate Banking Committee, inserted a rule about pay at bailed-out banks into the economic stimulus. The rule did nothing to change the bonuses that had just been paid a few weeks earlier, but it required that bonuses paid in the future be paid in stock and not exceed one-third of total compensation. The idea was to create the right incentives, the incentives to be a larger owner of the company, into decisionmaking, not take the money and run.

Now comes this so-called jobs bill and exempts executive compensation standards. Firms with $1 billion in revenue certainly have the resources to disclose golden parachutes and insidious good old boy compensation packages.

I ask unanimous consent to have printed in the RECORD a stunning article from the New York Times this morning, written by Greg Smith, entitled, ''Why I Am Leaving Goldman Sachs.''

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

[From the New York Times, Mar. 14, 2012]

WHY I AM LEAVING GOLDMAN SACHS

(By Greg Smith)

Today is my last day at Goldman Sachs. After almost 12 years at the firm—first as a summer intern while at Stanford, then in New York for 10 years, and now in London—I believe I have worked here long enough to understand the trajectory of its culture, its people and its identity. And I can honestly say that the environment now is as toxic and destructive as I have ever seen it.

To put the problem in the simplest terms, the interests of the client continue to be sidelined in the way the firm operates and thinks about making money. Goldman Sachs is one of the world's largest and most important investment banks and it is too integral to global finance to continue to act this way. The firm has veered so far from the place I joined right out of college that I can no longer in good conscience say that I identify with what it stands for.

It might sound surprising to a skeptical public, but culture was always a vital part of Goldman Sachs's success. It revolved around teamwork, integrity, a spirit of humility, and always doing right by our clients. The culture was the secret sauce that made this place great and allowed us to earn our clients' trust for 143 years. It wasn't just about making money; this alone will not sustain a firm for so long. It had something to do with pride and belief in the organization. I am sad to say that I look around today and see virtually no trace of the culture that made me love working for this firm for many years. I no longer have the pride, or the belief.

But this was not always the case. For more than a decade I recruited and mentored candidates through our grueling interview process. I was selected as one of 10 people (out of a firm of more than 30,000) to appear on our recruiting video, which is played on every college campus we visit around the world. In 2006 I managed the summer intern program in sales and trading in New York for the 80 college students who made the cut, out of the thousands who applied.

I knew it was time to leave when I realized I could no longer look students in the eye and tell them what a great place this was to work.

When the history books are written about Goldman Sachs, they may reflect that the current chief executive officer, Lloyd C. Blankfein, and the president, Gary D. Cohn, lost hold of the firm's culture on their watch. I truly believe that this decline in the firm's moral fiber represents the single most serious threat to its long-run survival.

Over the course of my career I have had the privilege of advising two of the largest hedge funds on the planet, five of the largest asset managers in the United States, and three of the most prominent sovereign wealth funds in the Middle East and Asia. My clients have a total asset base of more than a trillion dollars. I have always taken a lot of pride in advising my clients to do what I believe is right for them, even if it means less money for the firm. This view is becoming increasingly unpopular at Goldman Sachs. Another sign that it was time to leave.

How did we get here? The firm changed the way it thought about leadership. Leadership used to be about ideas, setting an example and doing the right thing. Today, if you make enough money for the firm (and are not currently an ax murderer) you will be promoted into a position of influence.

What are three quick ways to become a leader? a) Execute on the firm's ''axes,'' which is Goldman-speak for persuading your clients to invest in the stocks or other products that we are trying to get rid of because they are not seen as having a lot of potential profit. b) ''Hunt Elephants.'' In English: get your clients—some of whom are sophisticated, and some of whom aren't—to trade whatever will bring the biggest profit to Goldman. Call me old-fashioned, but I don't like selling my clients a product that is wrong for them. c) Find yourself sitting in a seat where your job is to trade any illiquid, opaque product with a three-letter acronym.

Today, many of these leaders display a Goldman Sachs culture quotient of exactly zero percent. I attend derivatives sales meetings where not one single minute is spent asking questions about how we can help clients. It's purely about how we can make the most possible money off of them. If you were an alien from Mars and sat in on one of these meetings, you would believe that a client's success or progress was not part of the thought process at all.

It makes me ill how callously people talk about ripping their clients off. Over the last 12 months I have seen five different managing directors refer to their own clients as ''muppets,'' sometimes over internal e-mail. Even after the S.E.C., Fabulous Fab, Abacus, God's work, Carl Levin, Vampire Squids? No humility? I mean, come on. Integrity? It is eroding. I don't know of any illegal behavior, but will people push the envelope and pitch lucrative and complicated products to clients even if they are not the simplest investments or the ones most directly aligned with the client's goals? Absolutely. Every day, in fact.

It astounds me how little senior management gets a basic truth: If clients don't trust you they will eventually stop doing business with you. It doesn't matter how smart you are.

These days, the most common question I get from junior analysts about derivatives is, ''How much money did we make off the client?'' It bothers me every time I hear it, because it is a clear reflection of what they are observing from their leaders about the way they should behave. Now project 10 years into the future: You don't have to be a rocket scientist to figure out that the junior analyst sitting quietly in the corner of the room hearing about ''muppets,'' ''ripping eyeballs out'' and ''getting paid'' doesn't exactly turn into a model citizen.

When I was a first-year analyst I didn't know where the bathroom was, or how to tie my shoelaces. I was taught to be concerned with learning the ropes, finding out what a derivative was, understanding finance, getting to know our clients and what motivated them, learning how they defined success and what we could do to help them get there.

My proudest moments in life—getting a full scholarship to go from South Africa to Stanford University, being selected as a Rhodes Scholar national finalist, winning a bronze medal for table tennis at the Maccabiah Games in Israel, known as the Jewish Olympics—have all come through hard work, with no shortcuts. Goldman Sachs today has become too much about shortcuts and not enough about achievement. It just doesn't feel right to me anymore.

I hope this can be a wake-up call to the board of directors. Make the client the focal point of your business again. Without clients you will not make money. In fact, you will not exist. Weed out the morally bankrupt people, no matter how much money they make for the firm. And get the culture right again, so people want to work here for the right reasons. People who care only about making money will not sustain this firm—or the trust of its clients—for very much longer.

Mr. DURBIN. I will tell my colleagues, read this article, read it and understand that there is a changing ethos and a changing standard at some of these major corporations; that the pursuit of profit has led this man who was one of the stars on the horizon in this industry to pick up and leave one of the largest firms in America.

It is also an indication of why we need to continue our vigilance over this industry to make certain that the right market forces prevail. Crowdfunding, where they try to get a lot of small investors in a hurry, brings organized fleecing to the Internet, letting the next generation of Ponzi players go viral.

Let's call this crowdfunding for what it is. It is Internet gambling, and the odds will never favor the investor. When these wired Willy Lomans are finished exploiting the unsuspecting investors out of their savings, their retirements and their homes, guess what will happen. Congress will be called on again to come in with a reform bill to clean up the mess and repeal this pitiful package until the next wave of deregulation is called for by those who are inspiring this piece of legislation.

I know who ends up holding the bag when the deregulators have their day. I know who ends up losing when we open the so-called market forces without oversight transparency. First, ordinary folks investing their savings in something that looks like a good idea, trying to recover from the beating they took in the market, trying to rebuild their retirement accounts, buying worthless stock in worthless companies that is being invited by many of the provisions in this bill.

Then, when it certainly goes to the bottom, when everyone is desperate, no one knows which way to turn, who will step in? Taxpayers and Congress. We will be called on to clean up this irrational exuberance that is supposedly going to create new jobs. I think we got it right. I think the standard we have now establishes the transparency and accountability which we need to demand of every aspect of the marketplace.

Certainly, we can change some of these laws. We can be mindful and sensitive to some aspects of it. But this bill goes entirely too far. There will be a substitute offered. I am working with several of my colleagues: Senator JACK REED, Senator CARL LEVIN, Senator JEFF MERKLEY, Senator MICHAEL BENNET, Senator MARY LANDRIEU, and others to put a provision forward, a substitute, which makes the changes to allow capital formation but does not take down the basic protective regimen we have established in the law for those who are in this industry.

We make a serious mistake and we ignore history if we turn our backs on 80 years of this government stepping up to make sure the marketplace in America was safe for investors, to make certain the person selling a stock was actually a well-qualified person,

registered so they knew what they were doing and were held accountable for any wrongdoing, to make certain that companies we buy stock in actually exist, and to make certain those who are the most vulnerable in America do not lose everything because this Congress decided to look the other way because someone wants to take a profit out of an idea.

This is an important measure. Every day, the Republican leaders came to the floor and said: Call it immediately. Let's go. Let's get it done. We need to at least take the time to reflect on it, to offer an alternative to it, and to do something which is exceedingly rare on the floor of the Senate, have a debate. How about that? The Chair was engaged in debate in his youth. He knows that perhaps good ideas can be exchanged in that process.

The closest we have to debates now is 2 minutes, equally divided. That does not cut it, not for the Senate and not for a bill of this importance. I urge my colleagues, before they rush to judgment, that because it passed the House with a big measure, that it certainly has to be a good bill, take the time to read it.

Many people, including myself, who years ago were lured into the repeal of Glass-Steagall because of the notion of letting 1,000 flowers bloom, realized what happened. When it was all over, there were no flowers. Unfortunately, what was left was the rubble of the recent recession. It is time for us to vow not to make that mistake again.

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. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

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

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

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

JUDICIAL NOMINEES

Mr. REID. Madam President, I am pleased that my friend Senator MCCONNELL and I have been able to reach an agreement to approve a number of judicial nominations in the coming weeks. The senior Senator from Vermont, Chairman LEAHY, has kindly added his wisdom to make this a better agreement, and for that I am very grateful. This is a victory for our Nation's justice system.

While I still believe the Senate should confirm all these nominations this afternoon to address the judicial vacancy crisis we face in this country, the step forward is one we should all feel good about. The Senate will hold up-or-down votes on seven district court judges before the end of this work period. We will vote on another five district court and two circuit court nominations by Monday, May 7.

Among the 14 judges, the Senate will consider Miranda Du. Miranda Du is a very well known lawyer in Nevada, but the interesting thing about this good woman is that she is representative of the true American success story.

She was born in Vietnam. At the end of the war in Vietnam, people who were of Vietnamese ancestry could not leave if they were fullblooded Vietnamese. If they weren't, as Miranda was, they let them go, and she left Vietnam with her family in a boat when she was just 8 years old. She was in refugee camps and finally, when she was 9 years old, wound up in Alabama—not, of course, speaking any English—with her family. She speaks—not that it matters—without a single trace of any accent.

She is such a good lawyer, and I was so happy when I introduced her before the Judiciary Committee at a hearing. Her parents were there, her family was there. It was a wonderful opportunity to see what America is all about.

As I have indicated, she has extensive litigation experience and an enormous love and appreciation for Nevada. I look forward to confirming this woman who has such a tremendous dedication to public service.

Approving 14 new judges speaks to the progress we can make when we here in the Senate work together. More work remains to fill all the Nation's vacant judicial seats and ease the backlog of cases in our courts. We can't jeopardize the right to a fair and speedy trial for 160 million Americans who now live in districts with judicial vacancies. Some of them even have judicial vacancies that are emergencies. It is crucial that bipartisan cooperation continue and the pace of confirmations move forward. With 1 in 10 Federal judgeships vacant in our country, more delays would circumvent the will of the people.

The American Bar Association says that shortage of judges and the backup in our courts is ''bad for business, it's unfair to individuals, and it . . . ultimately costs taxpayers money.''

This shortage of judges is also unnecessary.

Again, I am pleased there has been agreement to confirm these 14 judges without wasting any more of the Senate's time.

I think we can all agree, regardless of political party, that we must act quickly on the small business jobs bill that was passed overwhelmingly by the House. Democrats are eager to move this bill forward, which will improve innovators' access to capital and streamline how companies sell stock.

Democrats will also introduce bipartisan legislation to reauthorize the Export-Import Bank—referred to as the Ex-Im Bank—which will create 300,000 jobs and generate more than $1 billion of new revenue for our country. The minority leader has supported the Export-Import Bank in the past. This legislation also has the total support of the national chamber of commerce. So it will build on the important work we have done this week to help create jobs. It isn't a 2.8 million job creator as is our highway bill, but it is an important piece of legislation to allow capital formation to be made much more rapidly.

Today the Senate passed this Transportation jobs bill which is such a job creator that it is one of the rare occasions we have here in Senate where we can really look to creating, with one vote, millions of jobs. Today we also, of course, as I have just indicated, reached a bipartisan agreement to ease the delays in our Nation's courts. Passing a small business jobs bill that helps companies expand and export their products would be yet another bipartisan accomplishment of which the Senate can be proud. To that, I refer the Ex-Im Bank.

I appreciate my friend from Iowa being patient. It seems that there are times when he wants to really speak, and sometimes I don't know he is coming, but it seems I show up at about the same time.

The PRESIDING OFFICER. The Senator from Iowa.

JUDICIAL NOMINATIONS

Mr. GRASSLEY. Before I ask permission to speak as if in morning business. I don't disagree with anything the majority leader said, but I would like to bring these facts out about judicial vacancies.

There are 83 judicial vacancies, and some of those are emergencies. And in the case of the total of 83 vacancies, the President has only sent up 44 nominees for those 83 vacancies. So I want to make it very clear—and it is something that is quite obvious—that the U.S. Senate or any of its leaders can't be expected to act upon vacancies where the President hasn't submitted nominees.

I think it is intended to make Republicans look bad when they use those vacancies as a statistic without making it clear that the President of the United States is the one who is dragging his feet as far as filling those vacancies.

Madam President, I ask unanimous consent to speak for 25 minutes as if in morning business.

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

DOD AUDITS

Mr. GRASSLEY. Madam President, one or two times a year, out of the many speeches I give on the floor of the Senate, I report to my colleagues on a crusade I have to wake up the Department of Defense to give more respect to audit reports coming out of the Office of Inspector General.

In the last 2 years I have been very critical, and I am somewhat critical now, but there has been vast improvement by the Department of Defense in responding to their use and the quality of their audits.

So I am coming to the floor once again to report on the latest results of my ongoing audit oversight and review. I will refer to some figures, but to kind of give you an overview, each year for the last 3 years we have roughly reviewed in my office between 100 and 120 audit reports.

You have all those reports that have recommendations in them, and we have seen a reluctance to move ahead to carry out the results of those audits, and in so many instances we would save so much money if the audit reports were carried out. When you spend $100 million every year in the Office of Inspector General of the Department of Defense, you would expect that you ought to get some results from that $100 million expenditure, and we are seeing some improvement.

Our work examines audits issued by the Office of Inspector General of the Department of Defense. After receiving anonymous letters in early 2009 alleging mismanagement of audit resources, I and my staff initiated an in-depth oversight review. This is my third report in that series. The goal of the report is to assess audit quality in 2011 and make recommendations for improvements.

I am doing this work for one important reason. Like investigations, audits are a primary oversight tool. In fact, audits may be the most important tool, and that is because the auditor's core mission is to watchdog how the taxpayers' money is being spent in the Department of Defense. That puts them on the money trail 24/7. If fraud is occurring, that is where it will happen. That is where they need to be, and hopefully the auditors will find it.

These audits cost the taxpayers, as I said before, roughly $100 million a year. Are the auditors getting the job done? Are they rooting out waste and fraud, and as a result are they attempting to save the taxpayers money?

My first report was published on September 7, 2010, and clearly indicated that the audit oversight capabilities in the Office of Inspector General were seriously degraded. The inspector general at that time, Gordon Heddell, responded to my first report in a very constructive way: he promptly approved a transformation plan designed to improve audit quality.

In order to assess progress on reforms, I issued a second report on January 1, last year. I called this one a report card. It evaluated and graded 113 reports issued during fiscal year 2010. I awarded those 113 reports a grade of D-minus. The low overall score was driven by the very same deficiencies pinpointed in my very first report. Instead of being hard-core, fraud-busting audits, most reports were policy and compliance reviews. There was little or no attempt to even verify the exact dollar impact of the misguided policies examined. Such reports offered zero benefit to the taxpayer, though many of these reports were mandated by the Congress of the United States.

Out of those 113 reports, I identified 27 good reports that involved commendable and credible—and in some cases nitty-gritty—audit work. Were it not for their long completion times, all of those 27 reports would have earned very top scores.

At the conclusion of the second audit report, my staff presented a list of the ''Top Nine Audit Roadblocks'' standing in the way of reform. After the second report was issued, Inspector General Heddell issued a sharp rebuttal, disagreeing with me very much. He complained that I did not give sufficient credit for 18 audits that identified $4.2 billion in potential monetary benefits.

I addressed Inspector General Heddell's criticism on the floor of this Senate on two separate occasions, July 5 and July 28 of last year. At that time I admitted he had a legitimate gripe about my report. My staff reviewed the matter and upped the score on 12 of the 18 reports, but those adjustments did not move the overall score of the 113 reports out of that D range.

Today I am issuing my third audit oversight report. This one examines the latest batch of reports, the 121 reports issued between October 1, 2010, and September 30, 2011. They are known as the fiscal year 2011 audits. I am giving those reports an overall score of 3.51 or C-plus.

As my report indicates, there was an across-the-board improvement in every category except one, timeliness. I am very happy to report to my colleagues that audit quality appears to be improving. The best possible indicator of improvement is the doubling of top-rated reports. Those numbers jumped from 27 reports, or 25 percent of the total in 2010, to 70 reports or 58 percent of the total production last year. That is better than a twofold increase. The auditors have achieved a breakthrough. The apparent progress is promising.

The most important area of improvement in audit quality was in the strength of the recommendations. There was a surge in this key area. It was propelled by calls for accountability and recovery of wasted money. Although modest and limited in number, these initiatives had force. Recommendations are the business end of an audit, and these recommendations were based on rock-solid findings.

At least 50 reports of the 121 arrived at findings that documented flagrant mismanagement, waste, negligence, fraud, and even potential theft. Sixteen of these reports recommended that responsible officials be considered for administrative review. A comparable number contained recommendations for the recovery of improper payments, and 10 reports, largely those on ''stimulus'' projects coming out of the $814 billion stimulus bill that was voted on in February of 2009, recommended—on those 10 reports—that wasteful projects be terminated.

These reports jumped out at me, as I hope they would you, if you read these. These are quite remarkable. But 50 reports with rock-solid findings should generate 50—not just 16—sets of hard-hitting recommendations. So I am sorting out 16 out of the 50 for special recognition. These 50 reports add up to a good beginning, but they do not confer world-class status on the inspector general's audit office. Within the grand totality of the 121 reports published in 2011, they are a drop in the bucket. The vast majority of the reports still offer weak recommendations. Most reports merely instruct audit targets to do what they already are required to do under law and regulation. In my opinion, that is a waste of ink and paper.

There are still four distinct trouble spots needing intense management attention. The biggest problem continues to be the number of unsatisfactory reports. While I can no longer say most reports were poor, at 40 percent the proportion of low-scoring reports remains unacceptably high. Those reports continue to suffer from the same deficiencies identified in a report commissioned by Inspector General Heddell in response to my first report 3 years ago. This report was produced by two independent consulting firms and dated October 7, 2010. It is known as the Quest Report.

Their conclusion, which matched by own, was as follows:

> We do not believe Audit is selecting the best audits to detect fraud, waste and abuse. The organization does not audit what truly needs to be done. Some audits hold little value in the end.

As I have said many times, far too many audits offer little or no benefit to the taxpayers. That was still true in 2011.

Long audit production times remain another big problem. Old reports offer stale information that weakens the power and relevance of audit reports. Between 2010 and 2011, the average time needed to complete reports jumped from 13 months to 16 months. As I understand it, those numbers do not tell the full story because they do not include the extra weeks or months reportedly needed for the planning and approval process that occurs before an audit even begins. Add those numbers

together and we are looking at probably 1½ years to publish a completed audit. Stale information reduces audit impact to zero over a period time.

The Quest Report previously referred to pinpointed the root cause of this problem: ''It is apparent that in the planning phase of audit selection, audits are written to fit a team as opposed to a team established to conduct the needed audit.''

Such organization inflexibility drives long completion times. It also leads to the publication of audits having objectives that are so narrow and limited in scope that they are virtually worthless. Audit teams need to be organized to support more challenging and relevant audit tasks. Mr. Blair indicated recently he was moving in that direction.

There are two other outstanding problems. Far too few reports—just the nine in all—verified actual payments using primary source accounting records. Failing to nail down exact dollar amounts of waste and mismanagement, including those resulting from misguided policies, ends up undermining the credibility and completeness of audit reports.

I will give you an example. Using invoices and contracts to estimate payments would not appear to meet the most stringent audit standards. A more acceptable procedure is essential because of the Defense Finance and Accounting Service's longstanding track record of making erroneous and unauthorized payments. In the face of such sloppy accounting practices, verification of payments should be mandatory.

Last, referral rates to the Defense Criminal Investigative Service, the DCIS, are still far too low. Only five reports generated potential criminal referrals, which appears to point to a lack of concern about fraud. Surely there was enough grist in the 50 reports which documented egregious waste and misconduct to warrant additional referrals to the Defense Criminal Investigative Service and/or the Justice Department.

A number of audits stand out as candidates for further review and possible prosecution. I have urged Secretary Panetta and the acting inspector general to reexamine some of these issues. Acting IG Halbrooks has put the public spotlight on disgraceful and scandalous waste and alleged misconduct that demands accountability. Unfortunately, unless the recommendations in those hard-hitting audits are somehow converted to concrete action, all this good work will amount to nothing more than a bunch of auditors ''howling in the wilderness.'' It will simply ''fall through the cracks.''

Converting tough recommendations into concrete action takes determination and it takes relentless followup. The key is making such agencies do what they agreed to do at the conclusion of an audit. However, all indications suggest that corrective actions proposed in 16 hard-hitting reports have run into some serious roadblocks in the Pentagon bureaucracy. Without high-level intervention—in other words, eliminating those roadblocks in the Pentagon bureaucracy—most if not all accountability and savings measures could be slowly and quietly quashed in the bureaucracy.

A recent report from the Navy surely indicates that this fate awaits at least 1 of those 16 reports, and probably all the others as well. In order to assist in the audit resolution process, I have asked Secretary Panetta to conduct a top-level review of all the allegations contained in those 16 most disturbing reports, out of the 121 that we looked at in this last year. I urge the Secretary to establish a reasonable path forward on all unresolved recommendations. Until there are meaningful consequences and real penalties for such gross waste and misconduct, the culture of the organizations involved will not change.

In other words, that culture is going to perpetuate a lack of concern and action on the recommendations of these auditors because in a bureaucracy, not just in the Department of Defense, if heads don't roll you are not going to see any change in the culture. Without accountability there will be no positive results. Good audit value will go down the drain. Unabated waste of the taxpayers' money will continue.

Clearly, significant progress was achieved between 2010 and 2011, but the inspector general's audit capabilities are not yet out of the woods. Much more work remains to be done. Management needs to build on the strengths exemplified by the 50 reports containing rock-solid findings and 16 sets of hard-hitting recommendations. Those reports could be used as models or building blocks for improving audit quality in the future.

In order to start producing more top-quality reports, management needs to consider the following suggestions, of which I have eight: Bring report recommendations into balance with the findings; increase calls for accountability and recovery of improper payments; verify all payments using primary source accounting records; organize audit teams to match more complex and challenging tasks; pick up the pace of fraud referrals to the Defense Criminal Investigative Service; develop a more effective audit followup strategy; and lastly, follow up to ensure that prosecutions occur where warranted or necessary.

These adjustments should be achieved using available resources. Correct these problems and top-quality reports will be the norm. All these goals are within easy reach. Once accomplished, audits will be fully aligned with the core mission of the inspector general.

In closing, I want all the auditors in the inspector general's office to know that I consider their oversight mission to be of the highest importance. There is nothing more important to the taxpayers than having an aggressive team of auditors watchdogging how the taxpayers' money is being spent. I know there has been a concerted effort over the past few years to improve the quality of their work. I deeply respect, deeply appreciate, and will support these efforts. They are starting to pay off. I can see the results of all the hard work.

I encourage all the auditors to keep moving ahead until the job is finished, and I urge Mr. Blair to unleash the auditors. I want them to be tigers. Encourage them to call waste what it is—waste. Let them follow their instincts and the guidance in their audit manuals that instructs them to: ''Think fraud and plan audits to provide a reasonable assurance of detecting fraud.''

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.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

SMALL BUSINESS LENDING ENHANCEMENT ACT

Mr. UDALL of Colorado. Madam President, I have come to the floor to speak about an opportunity to expand capital for small businesses by lifting the arbitrary limit on the credit unions ability to serve small businesses. I have done this on a number of occasions over the last couple of years so the President knows that this is a cause that is important to me. It is important to me because there is a phenomenon in our country where small businesses are starving for credit. Yet the Federal Government is still standing in their way.

I am talking about the smallest of small local businesses. These are the men and women who need $50,000, $100,000 or maybe $200,000 to move from their garage to a retail storefront, to renovate their sales floor or upgrade their equipment and expand. They are often too small to be worth a bank's time or they don't fit the lending guidelines of the bank's corporate headquarters. But these small business owners know credit unions in their community have money to lend and these credit unions truly want to help. They probably see each other at Little League games, church, play cards together—they socialize. Instead of being able to offer the bridge loans that the small local businesses need, the credit unions end up saying: Sorry, we want to help you but the Federal Government has set a limit on how many businesses we can loan funds to.

Now we are moving to the Jumpstart Our Business Startups Act, or the

JOBS Act, that the House passed last week. That bill is aimed at increasing the availability of credit to startup companies by expediting and easing the process of undergoing an IPO, or an initial public offering. I think that is a noble goal, especially as our economy still struggles to create jobs. But the problem is we are still leaving the little guys behind—the people in each and every one of our neighborhoods who want to expand their businesses and hire people as soon as possible.

Unfortunately, the JOBS Act is aimed at companies with revenue under $1 billion. Let me repeat that—billion with a B. These companies may well need help with IPOs, but I am talking about offering relief to traditional Main Street businesses.

I am still committed to allowing credit unions to increase the amount of money they can lend to small businesses. So I will, once again, introduce the bipartisan Small Business Lending Enhancement Act as an amendment which would open additional credit to small businesses without costing taxpayers a dime.

I know the Presiding Officer has many small, wonderful towns in her State where she sees many small businesses. I wish to talk about a couple small businesses in my State. Stacy Hamon is a Coloradan who owns the 1st Street Salon in Thornton. She was turned away by a bank because her loan was too small to be worth the risk. She went to her credit union. They wanted to help her. They helped her. She opened a larger business and she has created jobs in the process.

I am also talking about people such as Lisa Herman of Broomfield, CO. She is the co-owner of Happy Cakes Bakeshop in Denver's Highland Square, and she needed a loan to expand and cater more weddings. She was turned away by her bank. She went to her local credit union and that credit union was able to provide her with the loan she needed to continue to grow her successful business and hire more Coloradans.

Stacy and Lisa don't need a $1 billion IPO, they need a small bridge loan. We could be making an enormous difference in these local communities with mere pennies on the dollar, which is what the JOBS Act is focused on. Yet my amendment would be the only single piece of the JOBS Act that would actually help small businesses or directly create jobs.

Put simply, credit unions specialize in these small loans to small business. In fact, the average credit union small business loan is just $219,000. In contrast, the Federal Reserve has told us many banks have quit considering loans under $200,000 because they are not worth their time.

Credit unions know these small business owners and they have money to lend to them. Unfortunately, Federal law still limits the amount of small business loans a credit union can extend to 12 percent of their assets. Nearly 350 credit unions are facing this cap and over 500 are having to slow down or stop their business lending altogether. That is hard to believe; it seems such a missed opportunity. In effect, we in government are telling these financial institutions they cannot help create jobs in their local communities. That is why my amendment would double the amount of money credit unions can offer small businesses.

Let me turn to my friends in the banking sector. We have heard from banks over the years, and they say they think it is unfair that they have to compete with the credit unions. The fact is this isn't about banks or credit unions; it is about small business. These financial institutions, quite frankly, serve very different small business populations. Credit unions serve the smallest of small businesses that often must resort to relying on credit cards with comparatively high interest rates in order to invest in equipment to grow their businesses.

These are business owners who have been turned away or ignored by large banks. We are talking about new loans to new and growing small businesses. After over 100 years of lending to small businesses, credit unions only represent 5 to 6 percent of all small business loans. Even if increasing the limit on credit union lending were to double their market share, banks would still have 90 percent of the market to themselves.

I have also heard the banks say this proposal is unproven or somehow an unsound way of increasing small business loans. But the truth is credit unions have been making small business loans since their inception in the early 1900s. That is, by my math, over 100 years. It wasn't until 1998 that there were any limits whatsoever on how much they could lend.

The credit unions' own regulator, the National Credit Union Administration, has endorsed lifting or even eliminating the small business lending cap. The NCUA chairman testified before Congress that ''increased business lending is good not only for the credit union, but also for its members and the communities in which the credit union operates.''

I have to say I am frustrated. Why can we not agree on uninhibited small business support growth and job creation? Let's not let the squabbles between banks and credit unions keep these jobs from out-of-work Americans.

I will conclude by acknowledging that we passed earlier today a bipartisan transportation bill and, in so doing, we voted on amendments dealing with everything under the Sun, from contraception to privatizing rest stops. So I sure hope we can have an open amendment process during consideration of the JOBS Act and include this important amendment, this important legislation, which would help small business. After all, if we are going to tell the American people this bill is about increasing access to capital—we have heard that said over and over, that this is about access to capital—we sure better be willing to start with those small business owners on Main Street. Colorado common sense and New Hampshire common sense could prevail. We ought to at least have a chance to consider this important issue and to debate this idea on the floor of the Senate and, I hope, include it in the JOBS Act. Because access to capital is what is needed right now and the credit union sector is willing and able to do so.

Madam President, thank you for your attention. I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. BENNET. Madam President, I ask unanimous consent that the period for morning business be extended until 7 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

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

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 3606

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Thursday, March 15, the Senate proceed to the consideration of Calendar No. 334, H.R. 3606, the IPO bill.

The PRESIDING OFFICER. Is there objection? The Senator from Oregon.

Mr. MERKLEY. Mr. President, reserving the right to object, I am going to explain my concerns. Let me start by quoting George W. Bush. George W. Bush said, ''Free markets are not a jungle in which only the unscrupulous survive, or a financial free-for-all guided only by greed.''

He continued:

> Tricking an investor into taking a risk is theft by another name.

We are in the process of considering taking a health bill related to the production of capital for small and emerging businesses and considering it on the floor of the Senate without due

process by the Senate Banking Committee. We need that process because the House bill is full of problems for investors. It will create a marketplace where investors can be deeply damaged.

It is our responsibility in this body to make sure that as we produce a streamlined system for small companies and startup companies to access capital that we don't create, basically, a scheme for pump-and-dump operators seeking to defraud American citizens. That is why we need due consideration in committee.

I can't speak to the challenges with all the portions of the House bill, but I can speak to a specific section of the House bill called crowdfunding because I have been working with others, including the occupant of the chair, Senator BENNET from Colorado, and SCOTT BROWN from Massachusetts, to say let's utilize this crowdfunding tool but in an effective manner. Crowdfunding is saying let's take the power of the Internet, just as we have person-to-person lending facilitated by the Internet, let's take that and enable people who see small startup companies seeking capital investments and give them a chance to present their ideas and for folks to invest in those companies. So they might receive thousands of small investments enabling them to take their dream forward for the benefit of the investor and the company.

But what is wrong with the way the House drafted this bill? I will give short examples. It enables companies to raise up to $1 million by providing no financial information—no financial information. That is not an investment market; that is a scam.

Second, companies do not have to go through a registered intermediary. In other words, you or I, tomorrow, could start up a Web site and say: Companies, sign up; investors, sign up—with no sort of protocol for the registering of information and no system required for the protection of investors. That is a major mistake in this legislation.

Third, under the House bill, a person could say: Here are 10 stocks, 10 potential companies to put your money into. Through that action they could take 100 percent of your annual income in one fell swoop. So as we create this new, this particularly interesting marketplace, full of potential, we don't want it to be a place where no financial information occurs, no rules for the intermediaries, and people can be taken for their whole annual income in one fell glance. That is no way to build this wonderful potential marketplace.

To continue, the House bill lacks any advance public notice. So a company can provide notice to the SEC on the same day they offer the stock, and upon getting 60 percent of the amount they are seeking, the target amount, they can walk away with the investors' cash just like that. In other words, offer it, no chance for the SEC to look at it, collect their $1 million, walk away, and they didn't provide one ounce of financial information.

If you haven't seen the movie ''The Boiler Room,'' I encourage you to do so because you will see how scams actually not permitted by law were used to defraud honest American families. In this case, we are just paving the path to predatory investing schemes. So that is a problem.

The House bill allows anonymous stock promoters so that it encourages the opportunity for pump and dump. This is a reference to promoters saying how wonderful something is and not identifying themselves to having a connection to the company offering the stock. It doesn't address the issue of delusion.

If you had a chance to get in on the start of Starbucks, when they said they wanted to start up a coffee company, wouldn't that have been great to be in on the ground floor? You say: You bet—and you got 1 percent of Starbucks stock as a result. You would be very rich today.

But what about a company that proceeds to use a strategy of deluding the original investors so that your initial investment is worth nothing when the company actually gets traction as a successful entity? That certainly is an issue. These issues have all been wrestled with and addressed by the bill Senator BENNET, Senator BROWN, and I have put together.

The other sections of the House bill have similar problems. I will not speak to those problems because there are other folks who are much more knowledgeable about it. I will stick to my section and use it as an analogy of why this entire bill should go through the Banking Committee.

Let me read to you a letter from Motaavi. Their slogan is ''Investment for Everyone.'' Isn't that the perfect slogan for crowdfunding, ''Investment for Everyone''?

They address their letter:

> Dear Senators Reid and McConnell:
>
> We are a crowdfunding intermediary based in Durham, NC. We understand the Senate will take up the [House bill] shortly. We are very concerned about language in title III. While we appreciate the broad exemption written by the House, the language does not protect investors and puts the crowd funding industry at risk of significant fraud. However, more responsible language does exist.

Then it refers to the bill the Senate has been working on. Then they proceed to list many of the flaws I have just listed.

So here are folks out in the private sector who want to see a successful process, and they want to be an intermediary. They don't want to see this potential industry brought to a halt with a terrible reputation because it becomes a predatory industry.

I have another letter from Launcht:

> This latest bill, the CrowdFund Act [the Senate version] is important because unlike previous bills, for the first time we have a Senate bill with bipartisan sponsorship, a balance of oversight and Federal uniformity, industry standards, investor protection, workable funding caps.

It lays out what this work should be in this bill.

Finally, I want to note the perspective in the New York Times editorial, entitled, ''They Have Very Short Memories''. It is scathing in its critique of this process we are engaged in:

> House Republicans, Senate Democrats, and President Obama have found they support: a terrible package of bills that would undo essential investor protections, reduce market transparency and distort the efficient allocation of capital.

They go on:

> Of course, the supporters don't describe it that way. They say the JOBS Act—for Jumpstart our Business Startups—would remove burdensome regulations that they claim have made it too difficult for companies to raise money from investors.
>
> Never mind that reams of Congressional testimony, market analysis, and academic research have shown that regulation has not been an impediment to raising capital. In fact, too little regulation has been the root of all recent bubbles and bursts—the dot-com crash, Enron, the mortgage meltdown. Those free-for-alls created jobs and then imploded, causing mass joblessness.

Wouldn't it have been great if, when those deregulatory efforts that didn't deregulate in a positive way, cutting out unnecessary redtape but in negative ways, which created a Wild West marketplace with all kinds of predatory practices, would it not be nice if the Senate stood in and said we are the cooling saucer—I have heard that term ever since I came here, that we are the ''cooling saucer.''

We cooled our heels for 3 weeks with the Transportation bill on the floor, and we weren't able to consider one single amendment during that 3-week period. That is a deep freeze, not a cooling saucer. Now we have gone from deep freeze to bullet train. We need to slow this train down. We need to have due deliberations to recreate the sort of deregulation that is so important for the future growth of the United States and the future success of American families.

I am going to withdraw my objection, Mr. President, because I wanted to make a point now that, hopefully, will help guide our deliberations over the next couple of days. It is not that we should not be getting to this topic; we certainly should. But we need to do so in a manner that works for American businesses, small businesses, startups, and families, and the House bill doesn't do it.

I withdraw my objection.

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

Mr. REID. Mr. President, I appreciate the work done by the Presiding Officer and the junior Senator from Oregon on this most important piece of legislation, and especially the problems the two Senators I mentioned believe is evident with this legislation. I appreciate the opportunity I have had to work with the two of them today. We will continue to do that.

TRIBUTE TO MR. JIM BOOTH

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to someone

who has given so much back to the great Commonwealth of Kentucky—someone who has taken it upon himself to make an investment in the betterment of his community, county, and State for generations to come. I am speaking of Mr. Jim Booth of Inez, KY.

Mr. Booth has kept the town of Inez, located in Martin County, close to his heart his entire life. In this town he graduated from high school, met his wife, Linda, and paid his way through Morehead State University by working part-time in the region's coal mines. So many milestones in Jim Booth's life have taken place in this eastern Kentucky town, it is no surprise that he is so devoted to giving something back to the place that's given him and his family so much.

Jim Booth combined a business administration degree, love for his community and its residents, and hard work to stimulate the local economy across the board. It has been said that there isn't a single growth project in Martin County that doesn't have Jim and Linda Booth's fingerprints all over it. The couple manages a coal company, a Ford dealership, real-estate agencies, convenience stores, hotels, insurance agencies, and a building supply store.

With so many successful projects in so many industries, it may seem that Jim Booth has a lot to brag about. But Jim is a man of modesty and humility. He makes it a point not to boast about his own accomplishments, but the accomplishments others have made from the little push that he gave them. Jim has helped to bring over 2,000 jobs to the area, and he is grateful for the exceptional employees that he has been so blessed with.

Booth's story is one of success in the free market, and a testimony to what can happen when a small business is given room to take root and grow. Mr. Booth bought his first coal mine when he was just 25 years old. At the time, the tax rate was 70 percent, and he remembers having to borrow against his own income for the next year just to pay the business's taxes. ''Then, when Reagan became President and taxes went down—BOOM. We're the best story you'll find for how success comes from tax relief,'' says Jim.

Over the next few years, the business experienced tremendous growth and success. Jim went on to start a building supply company, and from this he put into effect his most important piece of business advice—be your own best customer. Mr. Booth made the necessary purchases from the building supply store to assist in building numerous hotels, convenience stores, and other various buildings and business over the years.

Mr. Booth has a vision of renovating and remodeling virtually the entire city of Inez's local infrastructure at some time or another. He is almost halfway through this process, as he has already made headway providing new facilities for the Martin County Board of Education and the Martin County Economic Development Board, of which he is the chairman.

The most prized accomplishment of Mr. Booth is the Roy F. Collier Community Center, named in honor of Jim's late friend and business partner who passed away in 2005. The facility houses a movie theater, indoor track, fitness center, arcade, and large meeting rooms available for reservation. The versatile community center provides entertainment to over 200,000 residents of Kentucky from across the state annually.

Along with all of these major improvements to his local community, Jim has also sponsored a local basketball tournament, provided the chance for anyone who is interested to become a certified coal miner, and headed up a campaign that helps combat youth obesity called ''Martin County on the Move'' with United States Representative HAL ROGERS. While it may seem like Jim has a lot to celebrate, he stays focused on what all of his hard work is really about.

''This is home, Linda and I decided to stay here; build here and improve our community for the next generation,'' Jim says. Jim is determined to providing as much inspiration and as many opportunities as he can to those individuals who share with him the same ''home'' of Martin County, KY.

Mr. President, at this time I would like to ask my Senate colleagues to join me in commemorating the accomplishments of this treasured citizen of the Commonwealth of Kentucky.

In 2011, an article was included in a publication released by the Southeast Kentucky Chamber of Commerce that featured the many accomplishments that Jim Booth has been able to generate throughout his life thus far. Mr. President, I ask unanimous consent to have printed in the RECORD that article.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Southeast Kentucky Chamber of Commerce, 2011]

JIM BOOTH

COMMITTED TO ECONOMIC DEVELOPMENT

There's an old adage that says ''Bloom where you are planted.'' It's apparent that Jim and Linda Booth have taken that saying to heart. Not only have their family and businesses prospered in Martin County, but they have worked to make the entire county ''bloom.'' You can hardly enter a building, walk a trail, or have a bite to eat in which the Booths weren't involved. A short list of businesses the Booths operate include coal mining, a Ford dealership, convenience stores, real estate, building supplies, hotels, and insurance, but the underlying theme is their dedication to cultural and economic development in their hometown.

''There's no question, we could have gone other places and it would have been easier, and maybe more profitable as far as the retail side goes,'' Jim explains, ''but I really know that someone had to be involved here in our community. There haven't been very many people willing to do that, but I can tell you, the team we've put together has been able to make our enterprises profitable. Mostly, it has allowed us to employ a lot of people. We employ about 800 in retail and we have around 1,400 coal miners. One way we have made our enterprises work is that we are one of the best customers of about every business we've started. That's given us a base for some sustainability.''

''One of the first businesses we started was a building supply, and the next one was a mine supply business, so we were, of course, good customers of both of them. When we built hotels, we used our building supply to furnish the materials. Then we put a team together to build the hotels. I entered into a partnership with my brother-in-law, Kevin Davis, who operates Fast Change Lube & Oil, a chain of Pennzoil Lube Centers. Kevin has done an excellent job in growing our stores, which today we have over 21 lube centers and six car washes. We're a good customer of our insurance companies and, of course, our convenience stores. Even the Ford dealership, we're probably one of the best customers of the dealership. It's not necessarily all been calculated in advance—sometimes opportunities just arise. We entered into the car dealership business in order to keep one here, then we lost the Chevrolet store when the government took over GM. But we still have Ford.''

Jim and Linda Booth both graduated from Warfield High School; Linda a year after Jim. Jim started college at Morehead State University and Linda began next year. In order to pay their way through school, Jim became a part-time coal miner. ''We drove here (Inez) on weekends,'' Jim remembers, ''and I worked in a service station for my brother. Then, during the day, I worked underground in the mine. Linda and I would drive back to Morehead in time for school. I had Monday through Thursday classes typically, so we could come home on Thursdays. When I graduated, I interviewed for a couple of personnel jobs—I have a business administration degree—and I realized I made more money working part-time as a coal miner than any other offer I was getting at the time.

I said to Linda, 'Let's go back and let me work a little while at the mine,'" Jim remembers. ''I had a hard time talking her into it but I convinced her,'' he smiles. ''Real quickly I got into management, and by the time I had completed three years' experience, I became a foreman. When I was 25 years old, I got the opportunity to start my own mine. Then, when I was 27, I incurred a hefty sum in income tax! That was when the tax rate was 70 percent. I had a hard time scraping up the money, and then there was no money left for us—it all went to the federal government and I was struggling. I had to borrow money from the next year's earnings to pay the taxes. Then, when Reagan became president and taxes went down—BOOM. We're the best story you'll find for how success comes from tax relief. We would not have survived if the taxes had stayed the same. We bought a brand new set of equipment for our mine. We'd been in business nine years and had not been able to afford new equipment. We had money to use to invest then, and we started growing. We had operated only contract mines until 1988, at which time we were able to get our own operation. We bought an Ashland coal operation in Johnson County, and we began cleaning and washing the coal at the prep plant, marketing the coal—the entire process.''

''During that time was when we started to diversify,'' Jim continues. ''We built our first development building—a building that we leased to the post office—it had apartments upstairs. That was the very first investment we completed. We bought the building supply in the early '80s and put the

group together that started using our supplies—we buy from ourselves when we build houses, apartments, hotels, and any other retail developments.''

Jim Booth has many things to be proud of—building an economic conglomerate from scratch, for one—but he is very modest when speaking of his business accomplishments. What he seems most proud of are the jobs and opportunities he's been able to bring to the local people.

''We started the convenience stores in '84. The first Fast Lane was in Lovely, KY. We have a really good team—James Mills manages Fast Lane, Fast Lane Tobacco Stores, and Mountain Petroleum, and he does a really good job. Fast Lane has been a great success—not just for Martin County but for the region. Locally, we do tremendous things for the school system. The Fast Lane Classic is second to none—I doubt there is a better preseason basketball tournament in the state of Kentucky. It's held at Sheldon Clark High School on the Saturday of Thanksgiving weekend, and some of the best teams in the tri-state participate. UK Wildcat Patrick Patterson participated in our tournament when he played at Huntington High.

''Through our businesses, we're able to help a lot of these kids get into the workforce,'' Jim continues. ''They'll tell me, 'I got to buy a car because of Taco Bell or KFC' because that's where they work. There wouldn't be those kinds of opportunities here for kids if we didn't have the retail jobs.

''On the coal mining sector, we've allowed anybody from the area who wants to be a miner and is qualified to train and become a certified coal miner. To be honest with you, we need coal miners right now. We have several vacancies in our mining operations. We could hire qualified people right now.''

After Fast Lane, knowing the area needed a hotel, Jim and his team built the Inez Super 8 Hotel. He chose the location because the site had the necessary infrastructure. From there, they moved out from Martin County and began what he refers to as the Interstate Hotels—located in Mt. Sterling, Catlettsburg, and two in Huntington—all on I–64. They're all doing well.

When asked to describe his business plan, Jim explains it very simply: ''We have mostly grown from within based on common synergies. Almost everyone in management has started on the ground floor and worked their way through the system. Most are local residents. We have a lot of families that every member of the family has worked for us. We try to provide all the opportunities this area can support.''

The companies have ventured out of Martin County. Jim's son-in-law, Jeff Fraley, operates the United States Achievement Academy in Lexington, which is similar to Who's Who. They do all the printing for the book and have about 100 employees. Two other businesses in Lexington are Southeast Mail, the largest bulk mailer in Lexington, and a Bluegrass branch of Elite Insurance.

Booth Enterprises has gone into Louisa with the new Yatesville Crossing shopping center, containing retail businesses such as Wal-Mart, Appalachian Wireless, and Radio Shack. Plans are to build a medical center on the lower level. As an offspring of the building supply in Lovely, a Surplus Home Center has been opened in Louisa. The company buys oversupply items from different places and ships them to the Center. The buyer is Martin County native Carolea Mills who is also a board member of the Roy F. Collier Community Center.

Jim Booth really lights up when describing the Collier Community Center and its programs. ''It is probably the most unique centralized facility Martin County has ever established, and it is highly utilized by the community,'' he says. ''Roy Collier was one of my business partners when I started out, and he passed in 2005. I donated the property, so I was allowed to name the building in honor of Roy. The Community Center has four digital 3–D cinemas with surround sound, an indoor walking track, a gift store, a Fun Zone Arcade, a fitness center, video conferencing, a computer lab, and large rooms for receptions or meetings. Over 125,000 people per year make use of it. It's a real drawing card—people come from surrounding counties—especially for the cinema.''

Jim was also instrumental in working with Morehead State University, where he has served as chairman of the Board of Regents, to bring the ''Martin County on the Move'' program to Martin County and the Collier Community Center. He and President Wayne Andrews of Morehead State University met with U.S. Representative Hal Rogers to discuss the problem of obesity in young people. The Congressman secured a year's grant to encourage Martin County kids to be more active and to select healthy food. Although the program is based at the Collier Community Center, the health directors work through the local school system. One year, Jim bought pedometers for all the kids in 6th grade! Started in Martin, the program will progress into other counties, with Lawrence County the next possible choice. ''Martin County on the Move'' has been hugely successful in creating new health and wellness initiatives in the community.

Jim's personal involvement throughout Inez is evident by his leadership as chairman of the Martin County Economic Development Board, which has oversight of the new Business Center. The Martin County Board of Education and the office of the Kentucky Health & Human Services were both in buildings that were falling apart around them. Now an open, light-filled, modern building with walls filled with art and the very best in technology stands as a beacon of progress in the community. It is home to both organizations and has additional leasable space as well. Built with coal severance tax money and the support of Judge Kelly Callaham, the county is allowed to keep the revenue to maintain the facility. Christi Brown, executive director of the Martin County Economic Development Authority, spearheaded development of the Business Center and presently manages the Center.

The Martin County Historical Society was also built on property Jim and Linda Booth donated. The Historical Society has a small privately owned gift shop, located on the first floor of an adjoining building, and the rent helps with operating expenses of the Society. Mike Duncan, president of Inez Deposit Bank, allows students from their summer intern program to volunteer at the Society. The students work at the bank, participate in cultural programs, hear business speakers (including Jim Booth), and work on their own family trees at the Historical Society.

Jim transitions seamlessly from recalling the past to looking toward the future. ''County Judge/Executive Kelly Callaham wants to build a new courthouse and continue to utilize the existing facility as a redesigned cultural center. We're also looking at doing some redevelopment on the east side of Inez's Main Street. We want to remodel or replace most of the buildings, and we hope to make retail space downstairs and office or living quarters upstairs. We're working with the Appalachian Regional Commission to develop a plan.''

It's safe to say that whatever Jim puts his efforts into will exceed expectations, will definitely be something to benefit both Martin County and southeastern Kentucky, and will be a source of pride and inspiration.

It's plain to see that Jim Booth is dedicated to making things happen in Martin County, buy why does he put such effort and heart into every project?

''This is home,'' he says. ''Linda and I decided to stay here; build here and improve our community for the next generation.'' That they have done, and they are to be commended for their efforts.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, yesterday I came to the floor to express my hope that Republicans would join together with Democrats to end the damaging filibusters of judicial nominations. With a judicial vacancies crisis that has lasted years, and nearly 1 in 10 judgeships across the Nation vacant, this is something the Senate needs to do. I hoped that we could work together to ensure that the Federal courts have the judges they need to provide justice for all Americans without needless delay.

Today there are 22 circuit and district court nominations ready for Senate consideration and a final confirmation vote. They were all reported favorably by the Judiciary Committee after thorough review. All but a handful are by any measure consensus nominations. There was never any good reason for the Senate not to proceed to votes on these nominations. It should not have taken cloture motions to get agreement to schedule votes on these qualified, consensus judicial nominations. A dozen of the nominations on which agreement has now been reached have been stalled for months and were reported last year.

These are qualified judicial nominees. They are nominees whose judicial philosophy is well within the mainstream. These are all nominees supported by their home State Senators, both Republican and Democratic. The consequence of these months of delays is borne by the nearly 160 million Americans who live in districts and circuits with vacancies that could be filled as soon as Senate Republicans agree to up-or-down votes on the 22 judicial nominations currently before the Senate awaiting a confirmation vote.

In light of the agreement reached between the leaders, the Senate will finally be allowed to consider the nomination of Judge Gina Groh of West Virginia. Her nomination has been stalled for more than 5 months. We will also finally be able to consider other long-stalled nominations like that of Michael Fitzgerald to fill a judicial emergency vacancy on the Central District of California, which has been ready for a vote for well over 4 months. The delays in confirmations mean justice delayed for millions of Americans.

I went back and checked my recollection of how we considered consensus Federal trial court nominees in President Bush's first term. Nearly 60 were confirmed within a week of being reported by the Senate Judiciary Committee. By contrast, there have only been two judicial nominees voted on so

promptly since President Obama took office. I said at the time we were able to vote on the Alabama nominee supported by Senator SESSIONS, who was at that time the committee's ranking Republican member, and on Judge Reiss of Vermont that I hoped they would become the model for regular order. Instead, they stand out as isolated exceptions to the months of delay Senate Republicans have insisted on before considering consensus Federal trial court nominees of this President.

I am glad that there is finally agreement to proceed, as well, with circuit nominees. Two delayed from last year are outstanding women: Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home State Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. court of appeals. Both were reported unanimously by the Judiciary Committee last year and both should be confirmed by the Senate without additional damaging delays.

I am pleased that the majority leader and the Republican leader have now come to an understanding and a path forward on these important judicial nominations. Their agreement not only helps work through the backlog of nominations stalled before the Senate, it paves the way for votes on 14 of the 22 current judicial nominations and provides a pattern for continuing to make progress beyond those 14 and beyond the current 22. There are another 8 judicial nominees who have had hearings and are working their way through the committee process. In addition, there are another 11 nominations on which the committee should be holding additional hearings during the next several weeks. By working steadily and by continuing the resumption of the regular consideration of judicial nominations, I hope the understanding between the leaders' signals we can have a positive impact and reduce judicial vacancies significantly before the end of the year. In 2004 and 2008, both Presidential election years, by working together we were able to reduce judicial vacancies to the lowest levels in decades.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

Never before in the Senate's history have I seen the confirmation of qualified, consensus district court nominees supported by their home State Senators and reported by the Judiciary Committee blocked for months. We remain 40 confirmations and 9 months behind the pace we set during 2001 through 2004, during President Bush's first term. The judicial vacancy rate remains nearly double what it was at this time during his first term.

We 100 Senators stand in the shoes of over 300 million Americans. It is good to see the Senate agreeing to end the partisan stalling and schedule votes on these long-delayed and much-needed judges.

150TH ANNIVERSARY OF ITALIAN UNIFICATION

Mr. KERRY. Mr. President, for the past year the people of Italy have been commemorating the 150th anniversary of Italian Unification with a series of events and exhibitions throughout Italy and the world.

In this country, the Italian Embassy hosted a series of concerts, museum exhibitions, and lectures, which were widely attended and have educated and entertained Americans about the stirring story of Italy and the beauty of its culture. The Ambassador of Italy who initiated this series of commemorative events, Giulio Terzi di Sant'Agata, deserves recognition for organizing this remarkable program for the American people. We wish Ambassador Terzi well in his new job as Foreign Minister, and we welcome his successor, Claudio Bisogniero, as the new Ambassador of the Italian Republic to the United States.

There were many outstanding moments on the road to Italian unification—most notably March 15, 1861, the day Victor Emmanuel II was proclaimed the King of a single Italian state. But several weeks earlier, on February 18, 1861, the future King of Italy convened the first Italian Parliament in Turin, establishing an Italian democratic tradition that has known both triumph and tragedy. Of course, Americans don't have to go to Italy or a cultural event to appreciate the Italian roots of our own democratic tradition. Not only did Roman history and conceptions of government inform and inspire the Founders of our own government, but the sons and daughters of Italy are all around us serving the cause of American democracy. It would be impossible to name more than a few, but even a partial list gives a sense of the magnitude of the Italian-American contribution to our democracy: John Pastore, the first Italian-American elected to this Senate; Fiorello LaGuardia, the legendary mayor of New York; Geraldine Ferraro, the first woman to be on a national ticket; NANCY PELOSI, the first female Speaker of the House; Supreme Court Justices Antonin Scalia and Samuel Alito; and Leon Panetta, our current Secretary of Defense.

This week the Senate adopted a resolution that I introduced commemorating this anniversary and the abiding relationship between our two countries. I am glad to be joined by my colleagues, Senators BARRASSO, CASEY, ENZI, GILLIBRAND, LUGAR, SCHUMER, and SHAHEEN, as original cosponsors.

This 150th anniversary year closes during challenging times for a new generation of Italians. It is worth pausing here in Washington to salute our ally, from whom we have drawn so much talent and inspiration. We wish the citizens of the Italian Republic our best, with knowledge that during the past 150 years their Republic has endured many challenges and confidence that they will rise even higher.

ADDITIONAL STATEMENTS

TRIBUTE TO XURON CORPORATION

• Ms. SNOWE. Mr. President, the American manufacturing sector is critical for economic expansion and job creation, employing nearly 12 million Americans across the country. Today, due to global economic downturns and increasing competition from abroad, American firms must adapt to compete in an international marketplace by incorporating creative and innovative designs. With this in mind, I rise to commend Xuron Corporation, located in Saco, ME, a shining example of an American company adapting and succeeding in an increasingly complex international economy.

Xuron, originally founded in Danbury, CT, began producing high-grade precision hand tools in 1971. In 1986, this small firm relocated to Maine to take advantage of expansion opportunities and the State's expert workforce. For over 40 years, this company has been an industry-leading developer, manufacturer, and seller of high-grade precision hand tools for multiple industries from aerospace to jewelry. With hundreds of distributors, Xuron tools can be found in factories and workshops around the world.

Just recently, the National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership, MEP, program recognized Xuron for ''Making it in America'' due to their innovative designs, access to foreign markets, and continually creating jobs for American workers. While the great recession drastically affected businesses across the United States, Xuron surmounted all obstacles by readjusting their operations to combat the economic downturn. For instance, the company began cross-training its employees to perform a multitude of tasks ranging from manufacturing to accounting. Furthermore, the company actively removed inefficiencies along

its shipping and receiving chain, enabling it to save jobs and eliminate waste in the process. These resourceful changes have created a sense of company-wide camaraderie and further enhanced Xuron's competitiveness overseas.

While Xuron's products can be found around the world, the company's success directly helps people in the United States. For example, after Hurricane Katrina ravaged the gulf coastline in 2005, Xuron generously gave employee and corporate donations to the Bush-Clinton Katrina Relief Fund to rebuild areas damaged by the catastrophic natural disaster. The company's donations helped Gulf State Americans rebuild after an unprecedented tragedy, demonstrating Xuron's selfless commitment to helping individuals across the country.

Throughout history, Americans have shown a unique ability to overcome and succeed through hard times. Xuron is a shining example of American resilience as employees have worked together, retrained, and excelled through tough and uncertain economic climates. Their inspiring story demonstrates the tenacity of American small businesses, and particularly illuminates the strength found within the American manufacturing sector. I am extremely proud of Xuron's ingenuity and sincerely wish the company continued success in the coming years.●

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2191. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

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–5335. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriofenone; Pesticide Tolerances'' (FRL No. 9336–6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5336. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36; Amendment to an Exemption from the Requirement of a Tolerance'' (FRL No. 9341–5) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5337. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC–5338. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing a 90 percent guarantee on a supply chain finance facility involving The Bank of Nova Scotia, located in Toronto, Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–5339. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing a 90 percent guarantee on a supply chain finance facility involving Royal Bank of Scotland plc, located in Stamford, CT; to the Committee on Banking, Housing, and Urban Affairs.

EC–5340. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–5341. A communication from the Acting Director of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Research and Development, received in the Office of the President of the Senate on March 12, 2012; to the Committee on Environment and Public Works.

EC–5342. 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 Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area; Withdrawal of Direct Final Rule'' (FRL No. 9645–6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC–5343. 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 Air Quality Implementation Plans; Rhode Island; Reasonably Available Control Technology (RACT) for the 1997 8-Hour Ozone Standard'' (FRL No. 9644–6) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC–5344. 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; Tennessee; 110(a) (1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards'' (FRL No. 9644–3) received during adjournment of the Senate in the Office of the President of the Senate on March 9, 2012; to the Committee on Environment and Public Works.

EC–5345. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Leakage Tests on Packages for Shipment of Radioactive Material'' (Regulatory Guide 7.4) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Environment and Public Works.

EC–5346. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of the Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-505, Revision 1, 'Provide Risk-Informed Extended Completion Times-RITSTF Initiative 4B' '' (NRC–2011–0277) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Environment and Public Works.

EC–5347. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares)'' and ''Regulations Governing Payment under Special Endorsement of United States Savings Bonds and United States Savings Notes (Freedom Shares)'' (31 CFR Parts 321, 330) received in the Office of the President of the Senate on March 13, 2012; to the Committee on Finance.

EC–5348. 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 ''Automatic Consent to Change to the Methods of Accounting Provided in the Tangible Property Temporary Regulations'' (Rev. Proc. 2012–19 and Rev. Proc. 2012–20) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC–5349. 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 ''2012 Calendar Year Resident Population Figures'' (Notice 2012–22) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC–5350. 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 ''Guidance Regarding the Repeal of Section 163(f) (2) (B)'' (Notice 2012–20) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

EC–5351. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards'' (RIN0938–AQ57) received in the Office of the President of the Senate on March 12, 2012; to the Committee on Finance.

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. DEMINT (for himself and Mr. GRAHAM):

S. 2191. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Ms. SNOWE, Mr. BROWN of Ohio, Mr. DURBIN, Mr. WICKER, Mr. TESTER, and Ms. AYOTTE):

S. Res. 396. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Florida (Mr. NELSON), the Senator from Massachusetts (Mr. BROWN), the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1598

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1598, a bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BLUNT), the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. MANCHIN), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2051

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2098

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2098, a bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S.J. RES. 36

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 396—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Mr. BROWN of Ohio, Mr. DURBIN, Mr. WICKER, Mr. TESTER, and Ms. AYOTTE) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,100,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 to 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively diagnoses a case of multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying the myelin and replacing the myelin with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that the disease is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and supports Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and supports Multiple Sclerosis Awareness Week during March of every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are—

(1) to invite people to join the movement to end multiple sclerosis;

(2) to encourage everyone to do something that demonstrates a commitment to moving toward a world free of multiple sclerosis; and

(3) to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2012, the week of March 12, 2012, through March 18, 2012, has been designated as Multiple Sclerosis Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the States, territories, possessions, and localities of the United States to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and to help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the United States to creating a world free of multiple sclerosis by—

(A) promoting awareness about people who are affected with multiple sclerosis; and

(B) promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) expresses gratitude to the family members and friends of those people in the United States living with multiple sclerosis who are a source of love and encouragement to those individuals; and

(7) salutes the health care professionals and medical researchers who provide assistance to those individuals affected with multiple sclerosis and continue to work to find ways to stop the progression of the disease, restore nerve function, and end multiple sclerosis forever.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1831. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1831. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—SMALL BUSINESS LENDING ENHANCEMENT

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Lending Enhancement Act of 2011''.

(b) DEFINITIONS.—In this title—

(1) the term ''Board'' means the National Credit Union Administration Board;

(2) the term ''insured credit union'' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term ''member business loan'' has the same meaning as in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term ''net worth'' has the same meaning as in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term ''well capitalized'' has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

SEC. 802. LIMITS ON MEMBER BUSINESS LOANS.

Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

''(a) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

''(A) 1.75 times the actual net worth of the credit union; or

''(B) 12.25 percent of the total assets of the credit union.

''(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

''(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

''(B) is well capitalized, as defined in section 216(c)(1)(A);

''(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

''(D) has the requisite policies and experience in managing member business loans; and

''(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

''(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized (as defined in section 216(c)(1)(A)), as reflected in a subsequent quarterly call report, and obtains the approval of the Board.''.

SEC. 803. IMPLEMENTATION.

(a) TIERED APPROVAL PROCESS.—The National Credit Union Administration Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this title). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(b) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under subsection (a). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by section 802 is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under section 802, and as defined by the rules issued by the Board under this subsection.

(c) CONSIDERATIONS.—In issuing rules required under this section, the Board shall consider—

(1) the experience level of the institutions, including a demonstrated history of sound member business lending;

(2) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this title; and

(3) such other factors as the Board determines necessary or appropriate.

SEC. 804. REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.

(a) REPORT OF THE BOARD.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(2) REPORT.—The report required under paragraph (1) shall include—

(A) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(B) the overall amount and average size of member business loans by each insured credit union;

(C) the ratio of member business loans by insured credit unions to total assets and net worth;

(D) the performance of the member business loans, including delinquencies and net charge offs;

(E) the effect of this title and the amendments made by this title on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this title;

(F) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2) of the Federal Credit Union Act, as amended by this title, including denials and approvals under the tiered approval process;

(G) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(H) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(A) trends in such lending;

(B) types and amounts of member business loans;

(C) the effectiveness of this section in enhancing small business lending;

(D) recommendations for legislative action, if any, with respect to such lending; and

(E) any other information that the Comptroller General considers relevant with respect to such lending.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 14, 2012, at 10 a.m., to hold a hearing entitled, ''Sudan and South Sudan: Independence and Insecurity.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 14, 2012, at 3 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. 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 March 14, 2012, at 10 a.m., to conduct a hearing entitled, ''Raising the Bar for Congress: Reform Proposals for the 21st Century.''

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 14, 2012, at 2:45 p.m., in room SC–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on March 14, 2012, to conduct a hearing entitled ''Ending Homelessness Among Veterans: VA's Progress on Its 5-Year Plan.''

The Committee will meet in 418 of the Senate Russell Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m., to conduct a hearing entitled ''Examining Issues in the Prepaid Card Market.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m., to conduct a hearing entitled, ''Managing Interagency Nuclear Nonproliferation Efforts: Are We Effectively Securing Nuclear Materials Around the World?''

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

SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2012, at 2 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 14, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Andy Hackbarth, be allowed privilege of the floor for the remainder of the day.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, March 15, 2012, at 1:45 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 408 and 461; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote, without intervening action or debate, on Calendar No. 408 and No. 461, in that order; that the motions 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 and the Senate then resume legislative session.

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

MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 396.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) supporting the goals and ideals of Multiple Sclerosis Awareness Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that Senator AYOTTE be added as a cosponsor of this legislation.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 396

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,100,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 to 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitively diagnoses a case of multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying the myelin and replacing the myelin with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that the disease is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and supports Multiple Sclerosis Awareness Week;

Whereas the mission of the Multiple Sclerosis Coalition is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and supports Multiple Sclerosis Awareness Week during March of every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are—

(1) to invite people to join the movement to end multiple sclerosis;

(2) to encourage everyone to do something that demonstrates a commitment to moving toward a world free of multiple sclerosis; and

(3) to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2012, the week of March 12, 2012, through March 18, 2012, has been designated as Multiple Sclerosis Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the States, territories, possessions, and localities of the United States to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and to help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the United States to creating a world free of multiple sclerosis by—

(A) promoting awareness about people who are affected with multiple sclerosis; and

(B) promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) expresses gratitude to the family members and friends of those people in the United States living with multiple sclerosis who are a source of love and encouragement to those individuals; and

(7) salutes the health care professionals and medical researchers who provide assistance to those individuals affected with multiple sclerosis and continue to work to find ways to stop the progression of the disease, restore nerve function, and end multiple sclerosis forever.

MEASURE READ THE 1ST TIME—S. 2191

Mr. REID. Mr. President, I am told 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. 2191) to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities.

Mr. REID. Mr. President, I now ask for a second reading and, for purposes of placing the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 15, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Thursday, March 15, at 9:30 a.m.; 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 proceed to 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 majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate proceed to consideration of H.R. 3606, the IPO bill we have spoken of previously and as indicated under the previous order.

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

PROGRAM

Mr. REID. Mr. President, at about 2 p.m. tomorrow, there will be two votes on confirmation of Groh and Fitzgerald to be trial judges in the Federal judiciary. Additional votes are possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, March 15, 2012, at 9:30 a.m.