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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal spirit, You are our strength and song. Who is like You, majestic in holiness and wondrous in mighty deeds? Give our Senators this day understanding minds to legislate responsibly. As they seek to govern in a way worthy of Your goodness, guide them by the light of Your truth. Infuse them with Your perfect peace as they keep their minds focused on You. May they overcome cynicism with civility in their relationships and work.

O Lord, we wait for You and acknowledge that You alone are sovereign. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

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

As most know, late last night we reached an agreement to move forward on the highway bill. Under the order that has been issued, I can schedule those votes anytime after consultation with the Republican leader, so we have some 30 votes to complete today. We will see how this works. I think we will have the first vote about 2:15 today and start working through these amendments.

There is not going to be a lot of debate, so if anybody wants to speak on these amendments they better come over after the morning business hour and start telling people how they feel about some amendments, because there is not going to be a lot of time during the voting on the amendments.

MEASURE PLACED ON THE CALENDAR—S. 2173

Mr. REID. Mr. President, I believe S. 2173 is at the desk and due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2173) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

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

RECOGNITION OF THE MINORITY LEADER

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

SURFACE TRANSPORTATION ACT

Mr. MCCONNELL. Mr. President, last night the two parties reached an agreement on amendments to the highway bill. As the majority leader will indicate shortly, or may already have before I came to the floor, we will be able to move forward on that later today.

I am also happy to report there are a number of strong, very strong, job-creating measures in the mix. One that stands out is Senator HOEVEN's amendment on the Keystone XL Pipeline, that massive private sector project that will create 20,000 jobs almost immediately.

Most Americans strongly support building the pipeline and, of course, the significant number of construction jobs that would come along with it. It is incomprehensible to me that the President of the United States, as I read, is actually lobbying against the Keystone Pipeline amendment. There is a report this morning that the President is personally making phone calls to Democratic Senators he thinks might vote for the amendment, asking them not to. Frankly, it is hard to comprehend how completely out of touch he is on this issue.

Think about it. At a moment when millions are out of work, gas prices are

literally skyrocketing, and the Middle East is in turmoil, we have a President who is up making phone calls trying to block a pipeline here at home. It is almost unbelievable. What we are seeing in Congress this week is a study in contrasts. On the one hand, you have a Republican-controlled House that is about to pass a bipartisan jobs bill that would help entrepreneurs and innovators by getting Washington out of the way, and today we have a Democratic-controlled Senate trying to line up votes against an amendment that would create jobs, and a Democratic President lobbying against the biggest private sector job creation project in our country.

We have an opportunity to work together to create jobs. We can do that with these amendments and we can do that by taking up the bipartisan jobs bill the House will pass later today.

Let me say a word about that. The bipartisan jobs bill the House will pass later today is supported by the President. It is ready to go. I hope that once it gets over to the Senate we will simply take it up and pass it. It is an example of a measure supported by Republicans and Democrats and the President that we believe will clear the House with a very large majority. I think the sooner we pass that here in the Senate and send it down to the President for signature, the better.

I yield the floor.

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

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, I was reminded this morning as I came to the floor about an old standard political joke. When I looked at my papers I had here, my outline of what I was going to say, I was missing a page. That is what the Republican leader and I were joking about here this morning. That is why he went first, because I didn't have my speech. The old political joke, as we have all heard many times—this politician was giving a speech and he is flipping through his pages and he is in the midst of giving it. After he gets wound up in his speech, he is going through the speech and he is waving his hands and shouting and he comes to the third or fourth page of his speech and it says: ''You are on your own, you SOB.'' His speechwriter had had enough of him.

But that is not what happened here today. Phoebe prepared the speech for me and I left a part of it in my office.

I am pleased to say Democrats and Republicans reached an agreement to advance the highway bill that has been before this body for a month. It is a bipartisan bill. As I have said here over this past month, this is a piece of legislation that was prepared the way legislation should be prepared. A very conservative Member, JIM INHOFE from Oklahoma, and a very liberal Member, BARBARA BOXER, managed this bill. They have worked very hard.

Just a little side note; as we were struggling, trying to come up with these amendments, I was happy to hear from BARBARA BOXER. She said to me privately: I have talked to Senator INHOFE and he thinks, as we are coming to this agreement, this is not what should be done.

That was important to me in reaching consensus on how we move forward on this bill. As I have said many times, not everything we do this year should be a big fight. We should be able to move things forward without waiting for a month to get things done. This bill is truly indicative of how we have to get these done and why I appreciate the cooperation of Senators BOXER and INHOFE.

We have a dilapidated system of highways. We have 70,000—I am not misspeaking, not 7,000—70,000 bridges in America that are in dire need of repair—or replacement even. Twenty percent, 1 out of every 5 miles of your roads in America are not up to safety standards. Thousands of pedestrians are killed because they relied on unsafe sidewalks or nonexisting sidewalks.

Every day millions of Americans—a disproportionate number who are low income, minority, disabled, or old—are forced to rely on overcrowded mass transit systems, straining to meet the demands of a growing ridership. America's crumbling infrastructure is a terrible drain on our economy.

A number of years ago when my wife and I took a few days off around Christmas in southern California, rather than fly back I thought why don't we drive back to Las Vegas. We did that. This was a couple of years ago. I hadn't done it in a long time. I–15, this famous road, was jammed. We came to complete stops on a number of occasions coming back from San Diego to Las Vegas. Think about that, a complete stop. There were trucks on that road. Drivers were being paid for their time on the road. The cargo they were hauling needed to get someplace. It is not only someone wanting to take a vacation, coming to Las Vegas; it is what it does to commerce to have these roads that are in a state of disrepair. So this crumbling infrastructure certainly is a drag on our economy.

But rebuilding this infrastructure will have the opposite effect. Investing in our transportation system will save or create almost 3 million jobs. This legislation has to be completed before the end of this month or we have no way of collecting the taxes; when you buy a gallon of gasoline, that funds what we need to do here to repair our roads, bridges, et cetera.

This is not some wild program invented in the last few months here in Washington. This is a program that was initiated by President Eisenhower. This week I received a letter from an organization called I Make America. It is a group of more than 850 businesses and 20,000 individuals who support this transportation bill. Many people across this country, some in this Chamber, would write off the rest of this Congress, but I am not going to do that. We have a lot more to do and we need to get it done. When we complete our work, we need to look back and say what has happened that is good.

''There is no single piece of legislation now before Congress that will do more to create American jobs and sharpen our global competitiveness'' than this legislation said Dennis Slater on behalf of I Make America, the program I just talked about.

We need to push this bill over the finish line and I think the finish line is now in sight. This is one of the most important pieces of legislation we can consider. I indicated earlier why. But even as I recognize the bipartisanship that made this progress possible, I will sound a note of caution. Eighty-five Senators voted to begin on this legislation. Only a handful—it wasn't 15, because we had absent Senators that day—said we should not begin voting on it. Yet it has taken a month to begin voting on the amendments. Republican leaders have wasted weeks of the Senate's time directing this valuable jobs bill to extract purely political votes on unrelated matters, completely unrelated matters. Weeks were wasted on this vital legislation with an iconic attack on women's health.

I suggest to the Republican leader who just left the floor, if it takes more than a month to pass a noncontroversial, bipartisan bill that is supported by almost 90 Senators, how can we ever expect to get anything more done?

We have to. We have much more to do. Americans are not satisfied with the glacial pace of this body and neither am I. Americans are tired of delay tactics and obstructions and so am I. People across the country and in this Chamber would write off this Congress and say we have done enough. I am not going to do that.

When we complete this legislation on the Transportation bill, we have other work to do. We have a score of judges who are waiting, some of whom have been waiting since last year. We have to do something about the post office. The Postal Service in America has changed. People don't pay their bills the way they used to; they don't send letters the way they used to. We have to reorganize the post office. We have to do that.

We had a demonstration in the classified briefing room to talk about what is going on in America and what could go on in America with bringing down our country. The demonstration last night dealt with electricity, but it could be banking. It could be our hospitals. We have to recognize that we now have new enemies in the world, not enemies who are flying airplanes and dropping bombs and shooting us with bullets, but they are prepared to do something that is so damaging to our economy, and we were given that illustration last night.

We have a cybersecurity bill we have to bring to the floor, which is another

bipartisan bill. Senator LIEBERMAN and Senator COLLINS, an Independent and Republican, have acknowledged they want to bring this bill forward, and they have it done, so we will bring it to the floor. We have all our Appropriations bills, and we have to do those. So we have a lot to do to accomplish even a fraction of our to-do list, and it is going to take more cooperation and less conflict. Not everything has to be a knock-down, drag-out fight as it was on this highway bill. To think we wasted 3 weeks on a matter dealing with the health of women in America, but we did. So we stand ready to work with our Republican colleagues.

The Republican leader mentioned the small business jobs bill. We have been trying to do one for a long time. We are going to do a small business jobs bill. The House bill is not perfect. We are glad it is moving forward, and we are going to try to do something here to match so we can get it to conference and get this done.

I am hopeful that when Democrats reach across the aisle, we will find willing partners on the other side for a change.

I thank the Chair. I ask that 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 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.

The Senator from Washington.

INTERNATIONAL WOMEN'S DAY

Mrs. MURRAY. Mr. President, I come to the floor to join my colleagues to mark International Women's Day. This day, which across the globe is celebrated in many different ways, is, at its core, a day to reflect on the achievements of women in politics, business, and society. It is a day to reflect on what a woman's role was in the not-so-distant past and to celebrate how far we have come. But, unfortunately, on this International Women's Day in the year 2012, we cannot celebrate the progress we have made without also acknowledging the unsettling truth that that progress is under threat.

Today a shadow has been cast over this day of celebration by efforts to turn back the clock in Washington, DC, and across the country, efforts we all must fight against. Only 1 week ago in the Senate, we had a debate on the ability for women across this country to access contraceptives. It is a debate most women believed was settled half a century ago and one we had all hoped was in the past. However, in a scene that was eerily reminiscent of half a century ago, last week one woman brave enough to come forward and give voice to the importance of birth control was targeted. First, her story of a friend's battle with ovarian cancer was purposely left out of a House hearing on women's health. Then, as we have all heard, she was scorned and ridiculed by a rightwing pundit.

It was a galvanizing and eye-opening moment for millions of women in our country. It was a reminder that some still see women as easy targets, and it awakened many women to the fact that the gains we are meant to celebrate on a day such as today could easily be lost to political strategy that preys on women.

For many of those who watched the last few weeks play out, it may have seemed an isolated incident. It could appear to some as a sudden and swift effort by some Republicans—who thankfully have been blocked for the time being—but that is not case. The truth is, women's access to care has rarely been at greater risk. From the moment they came into power, the Republicans in the House of Representatives have been waging a war on women's health.

If you don't believe me, look at the very first bills they introduced when they arrived. They campaigned across the country in the last election on a platform of jobs and the economy, but the first three bills they introduced when they got here were direct attacks on women's health. The very first one, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. The amendment also included defunding Planned Parenthood and cutting off support for the millions of women who count on it. Another one of their bills would have permanently codified the Hyde amendment and the DC abortion ban.

Finally, they introduced a bill that would have rolled back every single one of the gains we made for women in the health care reform bill. That Republican bill would have removed the caps on out-of-pocket expenses that literally protect women from losing their homes or their life savings if they get sick. It would have ended the ban on lifetime limits on coverage, which is so important to everyone. It would have allowed insurance companies to once again discriminate against women by charging them higher premiums than men or even denying women care because of so-called preexisting conditions they had, such as pregnancy. It would have rolled back the guarantee of insurance companies' coverage of contraceptives.

Republicans have shown they will go to just about any length to limit access to women's care, even shutting down the Federal Government. That may seem extreme to all, but that is exactly what happened 1 year ago when Republicans nearly shut down the Federal Government over a rider that was yet another attempt to go after title X and Planned Parenthood. I remember sitting in those meetings late at night, after months of negotiations over the numbers in the budget, astonished that Republicans were willing to throw all those negotiations away over one issue, and that was their attack on women's health.

The attack on women's rights is not just taking place in the Nation's Capital. In State after State across the country, legislators bent on putting politics between women and their health care are undoing years of important work. A recently enacted law in Texas not only strips women of their rights but of their dignity. It is a law about which Nicholas Kristof of the New York Times recently wrote a column.

I ask unanimous consent to have the article written by Nicholas Kristof, ''When States Abuse Women,'' printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. MURRAY. It is a law that all women across the country should be insulted by and outraged over. Today, nearly 40 years after Roe v. Wade was passed, a woman in Texas who seeks an abortion—one of the most difficult choices a woman and her family can face—is not met with compassion and care but with humiliation, and that is because they have passed a law by Republicans that she is now subjected, against her will, to a vaginal ultrasound. Then she is instructed to listen to a fetal heartbeat, watch the ultrasound and numerous other State-mandated hurdles and then she has to go home and wait 24 hours before she can access a health care procedure that was made a right for women four decades ago.

One would think that after 2 years spent railing against any government involvement in health care, Republicans would not want the State to dictate procedures a doctor must perform on a woman, whether she wants them or not, but then you would be confused because, clearly, when it comes to women and their health care choices, these Republicans are willing to do whatever it takes for them to call the shots—not the women, not their doctors, not their families. The sad part is other States across the country are now contemplating similar laws.

So the threats to women's health care are very real and they are growing. We saw it on a panel on contraceptives in the House that didn't include a woman on the panel. We saw it in a young woman being called horrible names for telling the stories of a friend

in need. We see it in Republican efforts to allow an employer to dictate whether a woman has access to contraceptives, and we are seeing it in State laws across the country aimed at stripping women of their rights and more.

So on this International Women's Day, we celebrate our gains with the clear understanding that they must always be defended, and we join with women everywhere to make sure that progress is not reversed.

EXHIBIT 1

[The New York Times, Mar. 3, 2012]

WHEN STATES ABUSE WOMEN

(By Nicholas D. Kristof)

Here's what a woman in Texas now faces if she seeks an abortion.

Under a new law that took effect three weeks ago with the strong backing of Gov. Rick Perry, she first must typically endure an ultrasound probe inserted into her vagina. Then she listens to the audio thumping of the fetal heartbeat and watches the fetus on an ultrasound screen.

She must listen to a doctor explain the body parts and internal organs of the fetus as they're shown on the monitor. She signs a document saying that she understands all this, and it is placed in her medical files. Finally, she goes home and must wait 24 hours before returning to get the abortion.

''It's state-sanctioned abuse,'' said Dr. Curtis Boyd, a Texas physician who provides abortions. ''It borders on a definition of rape. Many states describe rape as putting any object into an orifice against a person's will. Well, that's what this is. A woman is coerced to do this, just as I'm coerced.''

''The state of Texas is waging war on women and their families,'' Dr. Boyd added. ''The new law is demeaning and disrespectful to the women of Texas, and insulting to the doctors and nurses who care for them.''

That law is part of a war over women's health being fought around the country—and in much of the country, women are losing. State by state, legislatures are creating new obstacles to abortions and are treating women in ways that are patronizing and humiliating.

Twenty states now require abortion providers to conduct ultrasounds first in some situations, according to the Guttmacher Institute, a research organization. The new Texas law is the most extreme to take effect so far, but similar laws have been passed in North Carolina and Oklahoma and are on hold pending legal battles.

Alabama, Kentucky, Rhode Island and Mississippi are also considering Texas-style legislation bordering on state-sanctioned rape. And what else do you call it when states mandate invasive probes in women's bodies?

''If you look up the term rape, that's what it is: the penetration of the vagina without the woman's consent,'' said Linda Coleman, an Alabama state senator who is fighting the proposal in her state. ''As a woman, I am livid and outraged.''

States put in place a record number of new restrictions on abortions last year, Guttmacher says. It counts 92 new curbs in 24 states.

''It was a debacle,'' Elizabeth Nash, who manages state issues for Guttmacher, told me. ''It's been awful. Last year was unbelievable. We've never seen anything like it.''

Yes, there have been a few victories for women. The notorious Virginia proposal that would have required vaginal ultrasounds before an abortion was modified to require only abdominal ultrasounds.

Yet over all, the pattern has been retrograde: humiliating obstacles to abortions, cuts in family-planning programs, and limits on comprehensive sex education in schools.

If Texas legislators wanted to reduce abortions, the obvious approach would be to reduce unwanted pregnancies. The small proportion of women and girls who aren't using contraceptives account for half of all abortions in America, according to Guttmacher. Yet Texas has some of the weakest sex-education programs in the nation, and last year it cut spending for family planning by 66 percent.

The new Texas law was passed last year but was held up because of a lawsuit by the Center for Reproductive Rights. In a scathing opinion, Judge Sam Sparks of Federal District Court described the law as ''an attempt by the Texas legislature to discourage women from exercising their constitutional rights.'' In the end, the courts upheld the law, and it took effect last month.

It requires abortion providers to give women a list of crisis pregnancy centers where, in theory, they can get unbiased counseling and in some cases ultrasounds. In fact, these centers are often set up to ensnare pregnant women and shame them or hound them if they are considering abortions.

''They are traps for women, set up by the state of Texas,'' Dr. Boyd said.

The law then requires the physician to go over a politicized list of so-called dangers of abortion, like ''the risks of infection and hemorrhage'' and ''the possibility of increased risk of breast cancer.'' Then there is the mandated ultrasound, which in the first trimester normally means a vaginal ultrasound. Doctors sometimes seek vaginal ultrasounds before an abortion, with the patient's consent, but it's different when the state forces women to undergo the procedure.

The best formulation on this topic was Bill Clinton's, that abortion should be ''safe, legal and rare.'' Achieving that isn't easy, and there is no silver bullet to reduce unwanted pregnancies. But family planning and comprehensive sex education are a surer path than demeaning vulnerable women with state-sanctioned abuse and humiliation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator MURRAY for her comments, and I concur in her observations. What we have seen on women's health care issues in this body is how some are trying to turn the clock back on the progress we have made. I was listening to my colleague talk about ultrasounds. Virginia just enacted an ultrasound bill this week. The Governor signed it into law, so this is spreading to other States. We talk about big government, but the government mandating ultrasounds for pregnant women? This is outrageous and something that on International Women's Day, it is right that we bring this to the attention of our colleagues. We have seen the same type of action taken against family planning, contraceptives, those who want to repeal Roe v. Wade. We have to stand strong with women and women's health care issues as we in America lead the international community.

Around the world, International Women's Day is an occasion to honor and praise women for their accomplishments. On this International Women's Day, I stand with my colleagues to celebrate women who are making a difference both in America and around the world, in countries where they lead in the fight for justice, equality, and fairness for all women. All of us, women and men alike, can help by supporting women's efforts to claim their legal rights, live free from violence, earn a decent income, get an education, grow food for their families, and make their voices heard in their communities and beyond.

I believe in the power of women to change the world and to help them hasten that change. U.S. international assistance policies should address and remove barriers between women, women's rights, and economic empowerment. Empowering women is one of the most critical tools in our toolbox to fight poverty and injustice. Integrating the unique needs of women into our domestic and international policies is critical. As chairman of the Foreign Relations Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection, I can attest that this must be the bedrock of our foreign assistance programming if it is to be successful.

I defy anyone's assertion that women's empowerment should take a backseat to so-called more important priorities. Decades of research and experience prove that when women are able to be fully engaged in society and hold decisionmaking power, they are more likely to invest their income in food, clean water, education, and health care for their children. This creates a positive cycle change that lifts entire families and communities and nations out of poverty. Simply put, when women succeed, we all do.

Accordingly, I was very pleased by last week's release of the new USAID ''Policy on Gender Equality and Female Empowerment,'' which makes integrating gender and including women and girls central to all U.S. international assistance. This policy, which updates guidelines that were over 30 years old, recognizes that the integration of women and girls is basic to effective international assistance across all sectors such as food, security, health, climate change, science, technology, economic growth, democracy and governance and humanitarian assistance. It aims to increase the capacity of women and girls and decrease inequality between genders and also decrease gender-based violence. This new policy is as welcomed as it is necessary. As Secretary Clinton declared earlier this year:

> Achieving our objectives for global development will demand accelerated efforts to achieve gender equality and women's empowerment. Otherwise, peace and prosperity will have their own glass ceiling.

Unfortunately, as we know, there are still places this glass ceiling exists and there are major obstacles to women. Worldwide, one in three women will experience some form of violence in her

lifetime. Women and girls in emergencies, conflict settings, and natural disasters often face extreme violence, including being forced to exchange sex for food. The World Health Organization has reported that up to 70 percent of women in some countries describe having been victims of domestic violence at some stage in their lives.

The United States has the potential to be a true leader in preventing and responding to violence against women and girls—an issue that is inextricably linked to U.S. diplomacy, development, and national security goals.

What many people fail to realize is that violence against women and girls is both a major consequence and cause of poverty. Violence and poverty go hand in hand. Violence prevents women and girls from getting an education, going to work, and earning the income they need to lift their families out of poverty. We know that one in three women will be the victim of sexual abuse in her lifetime. But we also know that women have the potential to lift their families and communities out of poverty.

Violence against women and girls is an extreme human rights violation, a public health epidemic, and a barrier to solving severe challenges such as extreme poverty, HIV/AIDS, and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national and cultural barriers.

Today let's reaffirm our commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide, and to encourage the people of the United States to observe International Women's Day. On this day and every day, I am proud to stand in support of women across America and worldwide.

Investing in and focusing on empowering women and girls is one of the most efficient uses of our foreign assistance dollars and one of the best ways to make the world more peaceful and prosperous. As Secretary of State Clinton pointed out more than 15 years ago, ''Women's rights are human rights''—and nothing is more fundamental, in my opinion.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am very pleased to join my colleagues Senator CARDIN and, earlier, Senator MURRAY this morning in commemorating International Women's Day. It is a day observed around the world, and it celebrates the economic, political, and social achievement of women—past, present, and future. It is a day that recognizes the obstacles women still face in the struggle for equal rights and equal opportunities.

One year ago today, I, along with a group of bipartisan Senators, introduced and passed a resolution in the Senate recognizing the significance of the 100th anniversary of International Women's Day. Today is the 101st anniversary and, as is the centennial milestone before it, it is a testament to the dedication and determination of women and men around the world to address gender inequality for the good of all people.

There are more than 3.3 billion women in the world today. Across the globe, women are participating in the political, social, and economic life of their communities in an unprecedented fashion, playing a critical role in providing and caring for their families, contributing substantially to the growth of economies, and advancing food security for their communities.

Yesterday I had the wonderful, humbling, and inspiring opportunity to recognize and celebrate the 10 recipients of the 2012 State Department International Women of Courage Award. This prestigious award, which is the only award in the State Department given only to women, annually recognizes women who have shown exceptional courage and leadership in advocating for women's rights and empowerment around the globe, often at significant risk to themselves. These award winners, including activists in the Sudan and Saudi Arabia, politicians in Turkey and Afghanistan, and representatives from six other countries, are truly remarkable and inspirational women.

I ask unanimous consent to have all of their names and brief bios printed in the RECORD so that they are properly recognized by the Senate.

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

AFGHANISTAN

Maryam Durani—Director, Khadija Kubra Women's Association for Culture, Kandahar Provincial Council Member.

Award Citation: ''For striving to give a voice to women through the power of the media, government, and civil society, despite innumerable security and societal challenges.''

Bio: Kandahar Province is among Afghanistan's most conservative and most dangerous—but that has not stopped Maryam Durani from speaking out for the rights of Afghan women and girls. As a member of Kandahar's Provincial Council, director of the non-profit Khadija Kubra Women's Association for Culture, and owner and manager of the only local, female-focused radio station, she is both a leader and a role model for women throughout Afghanistan. A true woman of courage, Ms. Durani has survived multiple attacks on her life, including a suicide attack in 2009 that resulted in serious injury. Although she continues to face regular threats, she is undeterred in her mission to promote basic civil rights for all Afghans.

BRAZIL

Major Pricilla de Oliveira Azevedo—General Coordinator for Strategic Programs, Rio de Janeiro State Secretariat of Public Security, and Major of Rio State Military Police.

Award Citation: ''For courageous and dedicated service to Rio State's innovative ''Favela Pacification Program'' as the first female commander of a Pacification Police Unit (community police station), and as coordinator of UPPs in the State Security Secretariat, where she is integrating previously marginalized populations into the larger Rio de Janeiro community.''

Bio: Pricilla de Oliveira Azevedo is a military police officer, currently working as General Coordinator of Strategic Programs for the ''Police Pacification Units'' (UPPs), Rio de Janeiro State Secretariat of Public Security's renowned ''favela'' (slum) pacification program. Major Azevedo joined the Rio de Janeiro Military police in 1998 and, following her graduation in 2000, started working in police battalions and street repression operations. In 2007, Major Azevedo demonstrated extreme courage and commitment to her duties by successfully arresting a gang of criminals who had kidnapped her.

As a result of her courage and success, the Rio de Janeiro State Secretary for Security invited her to head the first UPP in Rio de Janeiro, in the ''favela'' of Santa Marta, a position she occupied between 2008 to 2010. In this capacity, she commanded 125 military police officers in an area with 9,000 inhabitants and a very low human development index. During her two years in Santa Marta, Major Azevedo shut down drug dealing operations in the favela, established conflict mediation models, worked with state and local government institutions to improve garbage collection and health care, broadened education and technical training opportunities, and developed a successful community arts and crafts fair.

In 2009, Rio de Janeiro Mayor Eduardo Paes invited Major Pricilla to become a member of the Brazilian delegation in the 2016 Olympics Announcement in Copenhagen. In the same year she completed training on Koban community policing techniques, and participated in a citizen safety training in Israel. Major Azevedo is currently completing her law degree in Estácio de Sá University.

Major Azevedo is the most senior female officer in the UPP program, and the first woman to occupy a strategic position in the Rio de Janeiro State Secretariat of Security's Superintendence of Operational Planning. She has received honor awards from the city councils of Rio de Janeiro, Tanguá and Itaboraí. She is also a recipient of the United Nations Brazilian Force's 50th Anniversary Medal. In 2009, Veja Magazine gave Major Pricilla Azevedo the Rio de Janeiro Personality of the Year Award, with the title of ''Defender of the City''.

BURMA

Zin Mar Aung—Democracy Activist.

Award Citation: ''For championing democracy, strengthening civil society, and empowering individuals to contribute meaningfully to the political transformation of Burma.''

Bio: Zin Mar Aung is a former political prisoner, imprisoned for eleven years because of her political activism. She has dedicated her life to promdting democracy, women's empowerment, and conflict resolution in Burma. Following her involvement in the 1996 and 1998 pro-democracy student uprisings and subsequent imprisonment, Zin Mar Aung established a cultural impact studies group to promote the idea that democracy is compatible with Asian culture. She also created and leads a self-help association for female ex-political prisoners and a school of political science in Rangoon, all of which teach and empower others in Burma's changing but still challenging environment for civil society and democracy activists. She is co-founder of RAINFALL, a women's empowerment group; and is currently spearheading an organization to raise awareness of issues affecting ethnic minorities in conflict areas.

COLOMBIA

Jineth Bedoya Lima—Journalist and Spokeswoman of the ''Rape and Other Violence: Take my Body Out of the War'' Campaign.

Award Citation: ''For her unfailing courage, determination, and perseverance fighting for justice and speaking out on behalf of victims of sexual violence in Colombia.''

Bio: Throughout her 15-year career as an investigative journalist, Jineth Bedoya has consistently sought out tough assignments, despite knowing the risks it could entail. In 2000, she began to uncover an arms smuggling network between government security forces and imprisoned paramilitaries in a maximum security prison. On May 25, 2000, as she arrived at the prison to interview a key paramilitary member, unknown men grabbed Jineth, threw her into a vehicle, drugged her, and drove her to a farm several hours outside Bogota. There, the men repeatedly raped her, bound her, and left her in a garbage dump at the side of a road where a taxi driver discovered her later that evening. As the men raped her, they told her, ''Pay attention. We are sending a message to the press in Colombia.'' Since this horrifying incident nearly 12 years ago, Jineth has continued her work as an investigative journalist while pushing for justice in her own case and other unsolved cases of sexual violence. Jineth has become an inspiration not only for female journalists, but for all women who are demanding justice in their own cases. Since September 2009, she has served as spokeswoman of Oxfam's campaign, ''Rape and Other Violence: Take my Body out of the War.'' She now appears in TV ads denouncing sexual violence as part of the campaign and has used her journalistic influence to draw more attention to the issues of sexual violence and impunity.

LIBYA

Hana Elhebshi—Freelance Activist.

Award Citation: ''For courageous advancement of the cause of freedom of expression and promotion of women's rights during times of conflict and transition in Libya.''

Bio: Ms. Hana El Hebshi is a 26-year-old Libyan architect who, during the long months of the Libyan revolution, became a symbol of solidarity and a model of courage to many across the country. Working under the pseudonym ''Numidia,'' a reference to the ancient Berber kingdom and to her own Berber heritage, Hana contributed greatly to proper documentation of the violence and tumult of the revolution. She also became a symbol of hope to the Libyan people that the world was aware of the suffering they were enduring and that hope was on the way.

Thanks to her contribution to freedom of expression and advancing women's rights, she became a real symbol for the Libyan women's contribution to the revolution.

Post revolution, Hana, in addition to her work as an architect, will continue to play a leadership role in women's empowerment in Libya.

MALDIVES

Aneesa Ahmed—Founder Member and Chairperson, Hope for Women NGO.

Award Citation: ''For courageous advocacy for women's rights and protection from domestic violence.''

Bio: Aneesa Ahmed stands out as a staunch advocate for ending gender-based violence in Maldives. While serving as Deputy Minister of Women's Affairs, Ms. Ahmed raised the issue of domestic violence at a time when the subject was taboo in Maldives. As a member of the National Women's Council, she held focus group discussions and worked with a local NGO to produce a series of short documentary films on domestic violence that had a profound impact on altering public views of domestic violence. In 2009, Ms. Ahmed played an instrumental role in organizing a coalition of NGOs and individuals who are advocating pioneering legislation on domestic violence that is currently before the Maldivian parliament. After leaving government service, she founded the NGO ''Hope for Women'' and began conducting interactive sessions on gender-based violence with high school students, Maldives Police Services, and other frontline workers. When religious scholars began identifying female circumcision as a Sunnah in Islam on national radio, Ms. Ahmed asked the government to intervene, and gave an interview to a local news channel about the harmful effects of female circumcision. By openly discussing issues like domestic violence and female circumcision, and conducting awareness workshops through Hope for Women NGO, Ms. Ahmed plays a key role in bringing these issues into the public discourse and pressing the government to take action.

PAKISTAN

Shad Begum—Executive Director, Anjuman Behbood-e-Khawateen Talash.

Award Citation: ''For fearlessly championing Pakistani women's political and economic rights and empowering the disadvantaged and oppressed.''

Bio: Shad Begum is a courageous human rights activist and leader who has changed the political context for women in the extremely conservative district of Dir. Khyber Pakhtunkhwa. As founder and executive director of Anjuman Behbood-e-Khawateen Talash (the Union of Women's Welfare), Ms. Shad provides political training, microcredit, primary education, and health services to women in the most conservative areas of Pakistan. Ms. Shad not only empowered the women of Dir to vote and run for office, but she herself ran and won local District Councilor seats in the 2001 and 2005 elections, going against local conservatives who tried to ban female participation. Despite numerous direct threats to her life and her family, including recent calls for suicide attacks against her by local extremists, Ms. Shad continues to work out of Peshawar to improve the lives of women in the communities of Khyber Pakhtunkhwa.

SAUDI ARABIA

Samar Badawi—Human Rights Activist, Monitor of Human Rights in Saudi Arabia.

Award Citation: ''For demonstrating significant courage in her activism while becoming a champion in the struggle for women's suffrage and legal rights in Saudi Arabia.''

Bio: In one of the world's most restrictive environments for women, Samar Badawi is a powerful voice for two of the most significant issues facing Saudi women: women's suffrage and the guardianship system, under which women cannot marry, work, or travel outside the country without the permission of a guardian (male relative). In a landmark case, Badawi was the first woman to sue her guardian (her father) for abusing the legal system and preventing her from marrying the suitor of her choice. Badawi is also the first woman to file a lawsuit against the government demanding the right for women to vote and participate in municipal elections. She launched an online campaign to encourage other Saudi women to file similar suits. The efforts of activists like Badawi helped encourage a royal decree allowing women to vote and run for office in future municipal elections, and to be appointed to the Consultative Council.

SUDAN

Hawa Abdallah Mohammed Salih—Human Rights Activist.

Award Citation: ''For giving a voice to the women and children of Darfur and her fearless advocacy for the rights of all marginalized Darfuris.''

Bio: Hailing from North Darfur, Hawa and her family were forced to flee their home village in 2003 due to fighting between Darfuri rebels and gonrnwt forces. As a result, she spent much of her young adult life in Abu Shouk internally displaced persons (IDP) camp in El Fasher, North Darfur, where she emerged as a prominent human rights activist. After graduating from the University of El Fasher, she worked on issues of human rights, rule of law, and governance with the United Nations Development Program (UNDP) and assisted various NGOs working on human rights. Hawa became a voice for the IDPs, speaking out about human rights abuses and advocating for women's and children's rights in the IDP camps. For her advocacy, Hawa has been persecuted and detained on multiple occasions by the Government of Sudan. As a result, she was forced to flee Sudan in 2011. In spite of the personal harassment and political challenges that she has faced, Hawa hopes to return to her homeland to continue defending the rights of Darfuris, and in particular the rights of women and children.

TURKEY

Safak Pavey—Member of Parliament, Turkish General National Assembly.

Award Citation: ''For her personal dignity and courage not only in overcoming physical disabilities, but also emerging as an effective local and global champion of the rights of women, minority groups, refugees and disabled persons.''

Bio: Safak Pavey, the first disabled woman elected to the Turkish Parliament, has demonstrated great personal dignity in overcoming physical obstacles each and every day, while locally and globally championing the rights of vulnerable populations, including refugees and disabled persons. Whether working in extreme conditions for the United Nations High Commission on Refugees (UNHCR) in the Middle East, South Asia and Africa, or acting as a lightning rod to spark the UN Interagency Support Group for the Convention on the Rights of Persons with Disabilities, Pavey has sought to turn her disability into strength on a global level. Undaunted by her own challenges, she is also an agent of change at home. Pavey endeavored to foster acceptance for the Armenian community in Turkey, and is one of a small number of non-Armenians who wrote for the Armenian Turkish newspaper, Agos. After winning a seat in the Turkish parliament in June 2011, Pavey is continuing to empower and give voice to disabled persons, women, and minority populations.

Mrs. SHAHEEN. This morning I wish to pick just one of these amazing women and tell her story.

Shad Begum is the executive director of the Union of Women's Welfare in one of the most extremely conservative districts in all of Pakistan. As the founder and executive director of the program the Union of Women's Welfare, she provides political training, microcredit, primary education, and health services to women throughout her community. She not only encouraged others to run for office, she herself ran for a district counselor seat in 2001 and 2005, winning the seat against local conservatives who tried to ban

women from participating. Despite numerous threats to her life and her family, including calls for suicide attacks against her by local extremists, she continues to work to improve the lives of women throughout Pakistan.

Ms. Shad is one of 10 remarkable women the State Department honored this year. Every one of these 10 stories is inspirational, but they also represent literally millions of women around the globe who are out there fighting and suffering to be heard. There are countless women who don't receive the recognition they deserve and who continue to be silenced by persecution and harassment. Today we recognize, honor, and celebrate all of those nameless, faceless women around the world who are continuing the fight.

Far too many women remain excluded from full participation in society, to the detriment of their communities, their countries, and the world. Although strides have been made in recent decades, women across the globe continue to face significant obstacles in all aspects of their lives, including the denial of basic human rights, discrimination, and gender-based violence. According to the World Bank, women make up 70 percent of all individuals living in poverty. Women account for 64 percent of the adults worldwide who lack basic literacy skills. Women continue to remain vastly underrepresented in national and local governments around the world.

So there is no doubt that we have a lot of work to do, but all of society benefits when women are more fully integrated into their communities and their villages around the world. In the words of President Obama, ''Our common prosperity will be advanced by allowing all humanity—men and women—to reach their full potential.''

As we reflect on the past, present, and future achievements of women, I believe it is important to recognize the vital and untapped resource that women represent for our world. The ability of women to realize their full potential is critical to the ability of a nation to achieve strong and lasting economic growth, political and social stability, and enhanced security for all its people.

Thank you very much, Mr. President. I yield the floor and note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I would also like to ask the permission of the Chair to display this box during my remarks.

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

Mr. ISAKSON. Thank you, Mr. President.

100TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

Mr. ISAKSON. Mr. President, I am proud to stand here today on International Women's Day, the 8th day of March, 2012, to pay tribute to women around the world but also to acknowledge that women around the world, on Monday, March 12, will celebrate the 100th anniversary of the founding of the Girl Scouts of America, founded in Savannah, GA, a beautiful town, by a wonderful Georgia lady, Juliette Gordon Low. Girl Scouts around the world will be celebrating the founding of that great organization, which has had a positive effect on women around the world.

Each of us right now is well aware of the Girl Scouts because of boxes like this box the Acting President pro tempore gave me permission to display, which is what is left of a box of Thin Mints. The Girl Scouts sell boxes of cookies this time of year to raise money for their operations around the world. I eat far too many of them. They are good. They are good for me, they are good for America, and they are good for the Girl Scouts and the fundraising they do.

The Girl Scouts is an organization of leadership, developing women for the future. While only 17 percent of this body are women, almost all of them were Girl Scouts. Almost all women of business were Girl Scouts. And almost all women who were in Girl Scouts pay tribute to the Girl Scouts of America and the contribution they have made to their lives. There are 3.2 million active Girl Scouts in America today, and there are 50 million Girl Scout alumni in America. That has a tremendous impact on all that is right about America.

The Girl Scouts have been pacesetters. Dr. Martin Luther King, Jr., a native of my city of Atlanta and a native of our State that Juliette Low was from, cited the Girl Scouts of America as ''a force for desegregation'' during the troubled times of the 1950s and 1960s. The Girl Scouts were at the forefront of integration and leadership for youth.

The Girl Scouts of America also pledge themselves and they make a promise, which I would like to read.

On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout law.

Which reads:

I will do my best to be
honest and fair,
friendly and helpful,
considerate and caring,
courageous and strong, and
responsible for what I say and do,
and to respect myself and others,
respect authority,
use resources wisely,
make the world a better place, and
be a sister to every Girl Scout.

That is not a motto just for the Girl Scouts but one that would serve us all well in this body.

So on this International Women's Day on March 8, I would like to acknowledge that on Monday, when we are not here, around the world women will celebrate the founding of the Girl Scouts of America, and the 3.2 million Girl Scouts in America today will be building for the future the Acting President pro tempore and I work for today in this body, the U.S. Senate.

I yield back the remainder of my time 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.

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

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

SURFACE TRANSPORATION ACT

Mr. CORKER. Mr. President, later today I will be down on the floor to offer a budget point of order on the highway bill. I have been down here several times over the course of the last several days.

I think most in this body—a large majority of people in this body—have been a part of encouraging us to, in a very bipartisan way, solve the budget problems we have in this country. There were 64 of us—32 on each side of the aisle—who signed a letter to the President encouraging him to really adopt some of the principles that were laid out in Bowles-Simpson. After that, there was a very large number of Senators on both sides of the aisle who signed a letter to the supercommittee asking them to go big and really deal in a serious way with the budget issues, the deficit issues with which our country is dealing.

I have been down here multiple times talking about the various oddities in this bill. What is getting ready to happen in this bill is that we are actually, over the next 2 years, going to create a $10 billion to $11 billion deficit. Because of the various gimmickry we use, we are figuring out ways to get around that. One of the budget gimmicks we are using in the bill is that we are going to spend the money over a 2-year period but pay for it over a 10-year period—2 years worth of spending, 10 years worth of revenues.

I think the Acting President pro tempore was here during the period of time we had the health care debate in our Nation, and many of the folks on my side of the aisle, rightfully so, were concerned about the health care bill because there were 6 years' worth of costs and 10 years' worth of revenues, and a lot of people thought that was a budget gimmick. Candidly, many of my friends on the other side of the aisle, while they may have supported the

bill, were also concerned about those same types of gimmicks being used in the health care bill, and it caused them concern.

My point is, in a bipartisan way, we have tried to deal with our budget deficits in this country. I notice the Senator from Illinois just stepped on the floor. He has been a major player in those initiatives. What we did last year was we passed something called the Budget Control Act. We did so in order to raise the debt ceiling and to accomplish discipline in this body so that over the next 2 years we established overall caps on spending.

This bill, believe it or not—here we are in March, with a very popular bill, which speaks to the fact, to me, that it is the kind of bill that many of us would think, if you really want to pass a highway bill, you would prioritize it higher than other spending, that it is the kind of situation that, in a bipartisan way, we would come together and say: OK, we really want to see infrastructure spending in this country, so let's make this of higher priority than other spending.

That is not what we are doing. Believe it or not, this Senate—which has talked big about deficit spending, written lots of letters, had lots of meetings—what this Senate is getting ready to do with this bill is violate the Budget Control Act that we passed last year trying to show the American people we had at least a modicum of discipline.

Let me say it one more time. This highway bill, in March of this year—I think we passed the Budget Control Act last August, in the early part of August, to demonstrate to the American people that this Senate, this Congress had the discipline to put caps on spending over the next 2 years to begin the process of addressing deficit reduction. What we are going to do, if we pass this highway bill, as laid out, is violate that budget cap right now.

I want everybody in this body to know that I plan to offer a budget point of order. I hope at least all of those 64 Senators—32 on each side—would join me in opposing breaking the Budget Control Act we just put in place in an effort to demonstrate to the American people and, candidly, to the world that buys our Treasury bonds that we have the ability, the discipline to deal with the fiscal issues we have in our Nation.

Mr. President, I know we have the distinguished Senator from Texas in the Chamber, who was to speak exactly right now. I yield the floor and thank the Acting President pro tempore for the time.

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

Mr. CORNYN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The Senate is currently in morning business, with 20 minutes 16 seconds remaining on the Republican side.

Mr. CORNYN. I thank the Acting President pro tempore.

GASOLINE PRICES

Mr. CORNYN. Mr. President, I come to the floor to express my concerns on behalf of the 26 million constituents I have in Texas about the rising gas prices and the administration's failure to take reasonable and rational and practical steps to help ease the pain Americans are feeling at the gas pump.

Just think about it. We know unemployment is unacceptably high and intractable, notwithstanding our private sector economy's best efforts to grow and to create jobs. So we know people are out of work. We know many of them are unable to pay their mortgages and are literally losing their homes to foreclosure. Those who are fortunate enough to have jobs are experiencing higher prices when it comes to food, when it comes to health care, notwithstanding the passage of the Patient Protection and Affordable Care Act, of which the President said the average family would save $2,500 in health care premiums. Last year alone, there was almost a double-digit increase in the cost of health care for most American families.

Now, to add insult to injury, we have higher gas prices, which are crowding out other spending and lowering the standard of living for American families who are struggling with the slow economic recovery we are experiencing.

The average price of gasoline in the United States has more than doubled since the week of the inauguration of President Obama in January 2009. In January 2009 a gallon of regular gas was $1.89. Today it averages $3.79 a gallon. The Associated Press reports that the average American household spent $4,155 filling up at the pump in 2011. That is the annual cost of gasoline for a typical U.S. household.

I remember arguments—passionate arguments—about the payroll tax holiday and the President holding press conference after press conference saying, if we would just pass the payroll tax holiday, then families would have $40 more a month spending money in their pockets. Well, higher gas prices have wiped that out and more.

Gasoline costs now amount to 8.4 percent of the median household income—8.4 percent. I am not telling anybody something they do not already know and they have not already felt, that they have not already experienced. Everyone has experienced the higher prices. This is the highest price for gasoline since 1981 when costs soared because of another crisis in the Middle East.

Weeks ago President Obama said there is very little he could do about high gas prices in the short term. I tell you, it is good he made those comments in Miami, FL, and not Midland, TX, because Texans know that greater domestic energy production would help reduce oil prices and, therefore, reduce gasoline prices. Roughly 70 percent of the price of gasoline is the price of oil from which gasoline is refined. You know, sometimes I feel as though in Washington, DC, we are operating in a parallel universe that has very little in common with the rest of the country. And here it is—not to mix my metaphors—ships passing in the night. But the fact is, the laws of supply and demand cannot be suspended by the Congress or the President of the United States. President Obama used to agree with that.

Last March, for example, he said producing more oil in America would help lower oil prices. Well, lipservice will not produce lower oil prices, but, yes, producing more oil will because the greater the supply—we know the laws of economics say, demand being the same, greater supply will lower prices. The fact is, there is greater demand all around the world, not just in the United States, as economies are growing in China, in India, and Brazil and places such as that.

To add insult to injury, this administration has adopted policies that have directly conflicted with the goal of lowering oil and gasoline prices. I do not know how to reach any other conclusion but to say it appears to me that the administration has intentionally enacted policies that will raise gasoline prices. I know they will deny that. They will say it is not true. But I do not know any other explanation.

Let me provide the evidence that leads me to that conclusion and perhaps you will agree. Today we learned that President Obama has been busy calling Senators on the other side of the aisle and asking them to vote against an amendment being offered by Senator HOEVEN of North Dakota that would allow the Keystone XL Pipeline project to move forward—the President, on the phone calling Senators saying: Vote against the Keystone XL Pipeline amendment offered by Senator HOEVEN.

The President has previously said there is not a single morning he wakes up that he does not think about creating jobs. But, apparently, he woke up today thinking about how to lobby against jobs because the Keystone Pipeline, in addition to providing an additional supply of crude oil from the tar sands in Canada that would be transported to the United States, would be turned into gasoline in places such as Port Arthur, TX—apparently, the President got up and thought: How can I obstruct additional supply? How can I destroy the jobs that would be created, which is directly contrary to what he professed he does when he wakes up each morning thinking about how to create new jobs.

The Keystone XL Pipeline is a $7 billion private investment that will create 20,000 jobs in construction and manufacturing alone. It will add tens of thousands of additional jobs throughout the economy in other sectors that will support the pipeline construction.

This is kind of personal for me and my constituents in Texas because we

are an energy-producing State. We actually think that is good because it has created a lot of jobs. It has allowed us to weather this recession. People have voted with their feet, and they have moved from other parts of the country to Texas because that is where the jobs are so they can provide for their families and they can try to achieve the American dream.

Texas as a whole provides more than one-quarter of America's total refining capacity. Last month, when the subject of the Keystone Pipeline was very much in the news, I visited with a number of refinery workers in Port Arthur, TX, who expressed concern about the future of their livelihood. These constituents of mine in Port Arthur, TX, could care less about the politics in Washington, DC—who wins, who loses, the sort of stuff that seems to facilitate an obsession inside the beltway. But they were particularly upset—not just Republicans but Democrats, Independents, unaffiliated folks. They were particularly upset with the Obama administration's rejection of the permit for the Keystone XL Pipeline which, as I said, would terminate in the Port Arthur region and allow our State to refine an extra 700,000 barrels of oil each day and turn it into gasoline and other refined products that would increase the supply and thus, according to the laws of economics, have a tendency to bring prices down as we increase supply.

President Obama's behind-the-scenes maneuvers, this crusade, is the starkest reminder yet. He is the only thing standing between this country and more jobs and energy security. I regret to reach that conclusion, but I do not know of any other reasonable conclusion to raise.

Rather than asking Saudi Arabia and other OPEC countries to produce more oil in a region where our troops have been deployed for 10 years or more, is it any coincidence that in the oil-producing regions of the world that we depend upon for oil, where our American troops have fought and some have made the ultimate sacrifice to protect our country, to protect our economy, to protect our way of life, that there have been some in this Chamber who have suggested we ought to go, hat in hand, to Saudi Arabia, and say: Will you please open the spigot a little wider? Will you please supply us more oil so we do not have to do it in America? You can do it for us, and we can buy it from you.

Well, I believe this administration should work closely with our partners in Canada, a friendly country where we do not have to worry about a disruption of supply because if the Iranian threat to block the Strait of Hormuz comes to pass, 20 percent of the world's oil supply passes through the Strait of Hormuz. You know what that would do to prices, not to mention other consequences which are entirely negative.

Canada is a reliable and geographically secure trading partner. Their oil exports are insulated from the potential supply disruptions in the Middle East. Rather than demonizing oil and gas companies that employ millions of hard-working Americans, while wagering more taxpayer dollars on boondoggles such as Solyndra, the Obama administration should take its regulatory boot off the necks of our domestic energy producers.

As I said, this is personal for me and my constituents because Texans are proud that our State remains the leading U.S. producer of oil and gas. As I stated, it is what has helped us grow and create an awful lot of jobs for which people are grateful. We know for a scientific fact that America has just begun to tap the potential of its vast resources. According to the Congressional Research Service, our country has more recoverable energy resources than Canada, China, and Saudi Arabia combined.

As American Enterprise Institute scholar Kenneth Green has noted, the Outer Continental Shelf of the United States alone contains enough oil to fuel 85 million cars for 35 years. Yet more than 97 percent of that territory is not under lease as a result of Obama administration policies. Expanding access to Federal onshore and offshore lands, eliminating permit delays in the issuance of leases could help reduce polices and strengthen our energy security while creating jobs and boosting revenue to the local, State, and Federal Government that would help us close our budget gap.

Unfortunately, the Obama administration's proposed offshore oil and natural gas leasing plan for 2012 to 2017 eliminates—eliminates—50 percent of lease sales provided for in the previous plan and imposes a moratorium on developing energy from 14 billion barrels of oil and 55 trillion cubic feet of natural gas in the Atlantic and Pacific Oceans. The moratorium on the natural resource rich Gulf of Mexico and persistent delays in permits for shallow and deepwater leases could result in a 19-percent decrease in production in 2012—a 19-percent decrease in production.

So we are not only talking about keeping the production static, we are talking about actually decreasing supply as a result of Federal administration policies. Decreasing supply will have the inevitable effect of raising gasoline prices as that happens, and then there is the regulatory impact. Everywhere I go in my State, and as I talk to people around the country—they come to visit us in the Capitol. If they are in the private sector, they say the biggest threat to their ability to start a new business or grow existing businesses and create jobs is regulatory overreach.

We know during the last election the voters gave us divided government. They made it harder for the Obama administration to single-handedly pass policies such as the President's health care bill, such as the stimulus, such as Dodd-Frank on a partisan basis. So we got divided government. What we did not get is an ability to stop the regulatory overreach of executive branch agencies.

If the President is serious about looking for every single area that we can make an impact on gas prices, as he pledged in Miami, he must reverse the regulatory overreach of the last 3 years. The U.S. Chamber of Commerce reports that the Environmental Protection Agency alone is moving forward with 31 major economic rules and 172 major policy changes. That is not something Congress is legislating. That is what the EPA is doing on its own because they are an executive branch administrative agency. But they are going to have a negative impact on our energy supply. The Chamber of Commerce rightly calls this an unprecedented level of regulatory action. It has a chilling effect not only on energy production, it has a chilling effect on jobs, something we need more than anything else as our economy struggles to recover.

Even as gas prices have approached $4 a gallon, the Environmental Protection Agency has proposed a tier 3 rule to cut air emissions from fuels in light-duty vehicles. This rule alone would force refiners of oil to gasoline to make dramatic changes in the way they do business.

A recent study concluded the rule would increase the cost of manufacturing gasoline by 12 to 25 cents per gallon. So as high as they are now, once this rule goes into effect, the price we pay at the pump could go from 12 to 25 cents higher.

It could also inflate the refiners' operating costs by $5 billion to $13 billion annually and lead to a 7- to 14-percent reduction in gas supplies from U.S. refineries and force as many as seven U.S. refineries to shut down.

We have already seen recent reports of a number of refineries on the East Coast that produce gasoline in America shutting down because they cannot do business economically under this regulatory burden. Beyond the tier 3 rule, the American energy producers are deeply worried about the EPA's proposed greenhouse gas regulations which will serve as an energy tax on consumers. They are also worried, as if that wasn't enough, about the agency's new source performance standards and its boiler maximum achievable control technology rule.

I know a lot of this sounds arcane and is not something people talk about over the kitchen table. But each one of these cumulatively have had a negative impact on the gasoline prices that are directly harming American families in their pocketbooks, lowering their standard of living and making it harder to get by even as they struggle with the slow economic recovery.

Collectively, if we were to have a moratorium on these regulations at least until we begin to see unemployment come down and the economy

grow, gas prices come down—collectively, these regulations will put more U.S. refineries out of business and will lead to ever higher gasoline prices at the pump. Conversely, if we were to have a temporary moratorium, it would provide much needed relief to hard-working American families.

If that weren't enough, the U.S. Fish and Wildlife Service has been very active as well. I mentioned Midland, TX, which is part of the historic Permian Basin, which is a huge source of oil and gas production. Thanks to new technology and innovation, it is experiencing a second boom and creating lots of jobs and a lot of American energy. What a surprise it was when the U.S. Fish and Wildlife Service announced its intention to list the sand dune lizard—a 5-inch lizard in the Permian Basin—as an endangered species without adequate investigation of the science. It threatened the jobs of nearly 27,000 Texans in the Permian Basin, which is home to more than one-fifth of the top 100 oilfields in America.

Looking at all of the evidence on energy prices, it is hard to come to any conclusion other than that higher energy prices are part of President Obama's plan. He talks about green energy and green jobs. Those are great, but they only supply a low single-digit percentage of our energy needs. We have to produce American energy, our oil and gas reserves.

President Obama's policies have intentionally elevated the price of gasoline to the detriment of the American consumer. One of the things we can do is pass this Keystone XL Pipeline amendment. It will eventually provide 700,000 barrels a day of oil from Canada to be refined in America, creating jobs and creating more supply, which will have a beneficial impact on gasoline prices, notwithstanding the other policies I have mentioned this morning.

I hope my colleagues will support Senator HOEVEN's amendment. I certainly will. I would love to hear the contrary argument. Unfortunately, we hear nothing but crickets when we start talking about all of the beneficial effects of this policy.

I invite my colleagues who might not come from an energy-producing State to go on the Internet and Google or use Bing or whatever search engine they use and type in ''U.S. oil and gas pipelines'' and look at the picture that comes up. They will be astonished, perhaps, to see all of the pipelines that are operating safely, without the public knowing about it, providing the oil and gas and other refined products we need in order to keep our economy growing. This pipeline is not a threat to the environment because we have adequate safeguards in place, and have for a long time.

Mr. President, 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, which the clerk will report.

The legislative clerk read as follows:

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

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

Mr. WARNER. Mr. President, I will follow up on the comments of the Senator from Texas on an issue that we will be voting on this afternoon, I understand, regarding the construction of the so-called Keystone Pipeline.

I have been somewhat frustrated by the debate around this issue. Unfortunately, I think we are going to be confronted again with kind of a bifurcated choice that doesn't get to the possibility of us actually putting into place a comprehensive energy policy that will remove this Nation's dependence upon foreign oil and start to look at the ability over the longer haul to bring down the price at the pump and make sure we are truly a participant in the opportunities of a glowing, multifaceted energy policy going forward.

I support the construction of the Keystone Pipeline. I believe we need to have an energy policy that has an ''all-of-the-above'' approach. I do believe there are appropriate regulatory reviews that need to be made. I also, frankly, think any construction of the Keystone Pipeline should take into consideration the very serious environmental considerations that particularly affect the State of Nebraska, and there will need to be a route for this pipeline that would avoid that potential environmental damage.

However, because of the way this process is being laid out, I will not be voting for the Keystone amendment today because by making this a straight up-or-down issue, without taking advantage of the opportunity to put together the beginnings of an energy package, we are missing a great opportunity.

As I have mentioned, if we are truly serious about energy security, and if we are truly serious about reducing our dependence upon foreign oil, I believe we need an energy policy that has an ''all-of-the-above'' approach. Yes, that means more domestic oil and gas. But it means when we have an opportunity in an issue of controversy such as this regarding Keystone, we could have taken this opportunity to include a rational approach with appropriate environmental reviews to get to, I believe, a positive answer on Keystone but also link that with other energy policies that would make sense.

I know the Presiding Officer has in his State a number of wind facilities and solar facilities. Unfortunately, those areas that need, as well, to be part of our energy mix—the tax treatment that allows those projects to move forward have been put in limbo because of the failure of Congress to extend the so-called tax provisions, or tax extenders, on a going-forward basis. Wind projects all across the country—in fact, I was visiting with some folks right before coming to the floor, and they have a variety of wind projects that are stopped dead in their tracks because of the uncertainty regarding whether Congress will act.

The ability to get the Keystone Pipeline passed, in combination with passing, as well, the extension of these appropriate renewable energy tax credits could have built the kind of bipartisan consensus around energy policy that would be needed. I also believe the lowest hanging fruit in terms of how we save and can have a rational energy policy in this country means a much greater involvement with energy conservation. There is a very strong bipartisan energy conservation bill, the Shaheen-Portman bill, that could have been included in this package as well.

I think if we are going to get serious about reducing our dependence upon foreign oil, if we are going to make sure we give the American taxpayers a vision that in the future we are going to see the ability to reduce our dependence upon foreign oil that results in higher gas prices, we actually could have put together around this Keystone proposal a true compromise, a bipartisan consensus that would have included construction of Keystone, with the appropriate environmental reviews, with making sure those key areas of Nebraska are protected, with the inclusion of the energy tax cuts and provisions that we do on an annual basis, and that we continue to allow wind, solar, and other renewable energy production to continue, and a meaningful energy conservation bill—the Shaheen-Portman bill.

I believe those three policies linked together would have resulted in a vote that would have been overwhelmingly bipartisan and would have been a demonstration to the American people that we are going to get out of our respective fox holes and put the beginnings of a truly comprehensive energy policy in place.

Unfortunately, I don't think we are going to have that happen. We are going to have a straight up-or-down vote on Keystone that dismisses any of the appropriate review processes and doesn't bring in the issues around the so-called energy tax extenders or the conservation bipartisan legislation that was put together by Senator SHAHEEN and Senator PORTMAN. Instead of getting a more comprehensive vote this afternoon, which I believe would have passed overwhelmingly, we are going to end up with one more vote that will, for the most part, break down on partisan lines. I am disappointed in that.

I do believe we need construction of the Keystone Pipeline. I believe we need meaningful energy conservation legislation and meaningful tax policy that promotes renewable energy

around solar, wind, and biomass. Unfortunately, we are going to miss the opportunity today to send that strong signal of a comprehensive ''all-of-the-above'' energy policy that would actually move this Nation forward.

I know my friend, the Senator from Texas, is no longer here. I would have loved to have been able to support a comprehensive package that would have allowed the Keystone effort to move forward in conjunction with these other efforts. Unfortunately, that will not happen. Perhaps later in the year we will have the ability to cobble together something that includes more of an ''all-of-the-above'' energy policy and we can actually get about the business of making sure we have a national energy policy.

But there is no silver bullet. We were going to need to make sure we take advantage of all of the energy resources we have in this country—oil, gas, offshore oil, nuclear, and appropriate revenue sharing with States—such as my State of Virginia—and energy conservation and renewables as well. The sooner we get to that debate, the sooner we can build the bipartisan coalitions that will allow that kind of policy to move forward.

With that, 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.

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

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

AMENDMENT NO. 1535

Mr. VITTER. Mr. President, I call up my amendment No. 1535 which is at the desk, and I ask it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1535.

The amendment is as follows:

(Purpose: To provide for an extension of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015)

On page __, between lines __ and __, insert the following:

SEC. __. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in section (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Mr. VITTER. Mr. President, amendment No. 1535, the Vitter amendment, is very simple and straightforward, and it goes to an awfully important issue. It goes to the issue of the price of energy, particularly the price of gasoline at the pump. There will be a vote today on this amendment. In fact, it will be the first vote we take this afternoon.

The amendment is very simple. It would allow us to go back to the previous lease plan for the Outer Continental Shelf, replacing the current Obama administration lease plan which cuts that previous plan in half and moves us in the wrong direction in terms of producing our abundance of domestic energy, including oil and natural gas.

Everybody is concerned about the rising price of oil at the pump. It is on the rise again. It is significantly increasing. And that hits middle and lower class families right in their pocketbooks, right where it hurts, and it is particularly harmful in a down economy. We are struggling to get out of this recession, we are trying to mount a recovery, we are trying to make positive things happen, and these increasing prices at the pump are hitting at the worst possible time.

What can we do about it? Well, there are a lot of things we can do, but certainly increasing supply, including domestic supply, is one major, positive thing we can do. We know that 88 percent of the price of an average gallon of gasoline is attributable to the cost of crude oil and taxes—88 percent. That only leaves 12 percent that is refining, marketing, and distribution. And, by the way, that 12 percent also includes the compliance cost for a host of mandates required by statutes and regulations related to refining, marketing, and distribution. So again, the huge bulk of that price represents the price of crude oil as well as taxes.

I could argue forcefully and present a lot of data that taxes on oil and gas are actually too high, but I don't expect a majority of this Senate to listen. So what we are left with as a way to impact those rising prices at the pump is to find more, develop more, increase supply, and that brings the price down worldwide. And we can do that starting right here at home.

Most Americans don't realize it, because of Federal policy, but the United States is the most energy-rich country in the world, bar none. When you look at all of our energy resources, certainly including oil and gas, the United States is the most energy rich, and we are far richer, by a long shot, in terms of those total energy resources, than any Middle Eastern country, such as Saudi Arabia. The only other country that comes close is Russia, and they are well behind.

The problem is the United States is also the only country in the world that puts about 90 percent of those resources off limits and says no, under current Federal law, under the current Obama administration lease plan, to drilling off the east coast, no to drilling off the west coast, no to production of energy in the eastern gulf—at least as of now—no to most things offshore Alaska, no to ANWR—the Alaska National Wildlife Refuge—and increasingly this administration wants to say no and wants to put up hurdles and blockages on lands where a lot of energy production is happening because of enormous shale finds and relatively new technology.

One major thing we can do to affect the price at the pump in the right direction—which would be to lower it—is to say yes instead of no to developing more of our domestic energy. Unfortunately, in the last several years, under President Obama, we have been moving in the opposite direction. We have been moving away from that production.

An excellent example is the Outer Continental Shelf. This first chart I will put up is the last lease plan—prior to the Obama administration—that was actually beginning to say yes in a significant way. This was the result of the outcry from the public—the appropriate outcry after the summer of 2008—the last time prices at the pump spiked so significantly. People said, wait a minute. Why aren't we producing more at home? Washington finally responded to that, and through this lease plan we were saying yes more and more. We were saying yes—green light—on the east coast; yes, do more in the gulf; yes, green light off the west coast; yes, do more in offshore Alaska.

Unfortunately, that came to a screeching halt under the Obama administration. One of the first energy actions this administration took—President Obama and Secretary of the Interior Salazar—was to very quickly cancel this lease plan. Once they took office, they scrapped this. Then they studied it for quite a while, with no lease plan in sight. Finally, several months ago, they announced and put forward their own lease plan—the first under the Obama administration. And what a difference an election makes. What a difference a change in administration makes. All of a sudden the green lights became red lights again. We reverted to the old policy of moratoria on production again and the answer, again, was no, no, no, no. No, off the east coast; no, for now, in the eastern gulf; no, offshore Alaska; no, off the west coast—no, no, no, no.

This plan is only half as much as the prior 5-year lease plan. So instead of moving in a positive direction, accessing more of our energy, including in the Outer Continental Shelf, we are backing up, we are turning around, and we are turning our backs on the needs of the American people. Again, we are saying no, no, no, no.

The Vitter amendment, No. 1535, would reverse that. It would say yes. It would say, no, this plan isn't a good idea. Let's go back to the prior 5-year lease plan. Let's develop, explore, and produce U.S. energy in a responsible way. Again, we are the single most energy-rich country in the world, bar

none. We have enormous resources, including offshore, including oil and gas. But we are the only country in the world that says no, no, no, no, and that puts over 90 percent of those resources off limits.

This amendment will begin to change that. This amendment will reverse that mistaken policy. In so doing, it would significantly increase the supply of oil where we can control it most—right here at home. And when everything else stays the same—you increase supply, demand is the same—what happens? Price goes down. That is the first law of economics.

So let's say yes. Let's say yes to good, reliable U.S. energy, let's say yes to increased energy independence by doing more for ourselves right here at home, and let's say yes to great American jobs. Because that is also what this amendment would produce—jobs. And by definition these jobs can't be outsourced. You can't take good U.S. energy jobs and ship them to China or India. You can't do that, by definition.

Let's also say yes to this amendment because it would help with deficit and debt reduction. This increased activity would do what? It would produce significant Federal revenue. The Federal revenue or royalty on domestic energy production is the second biggest source of revenue to the Federal Government, second only to the Federal income tax.

Let's say yes. Let's do something about the rising price at the pump, and let's take control of our own destiny. Please support amendment No. 1535. As I said, I urge all of our colleagues to support this important amendment—Democrats and Republicans. It will be the first amendment vote we take this afternoon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to speak against the Vitter amendment because I think it is a huge danger to our economy, and I will explain why. It is a huge overreach by the Federal Government into the ability of States to determine if they want a recreation industry, if they want a fishing industry, if they want a tourist industry. So I will speak more about it.

Before I do that, I want to let people know where we are. Thanks to the extraordinary patience of our majority leader, HARRY REID, today, we finally have a path forward to the transportation bill. And normally I would name lots of other people—yes, we have all been involved—but Senator HARRY REID is extraordinary.

He sat in his office last night, 7, 8, 9, 10, I was calling him finding out what was happening. I was calling the great staff he has, working with my staff and Senator INHOFE's staff, whom I have grown to respect so much. Given all the issues that are facing us, we all knew that having a transportation bill is critical. We do debate very fiercely on lots of things, and we are going to see that this morning. But when it comes to infrastructure, we have found common ground with most of our Republican friends.

I do wish to say, those who tune in to this debate are going to be a bit confused because they are going to hear debates on amendments that are not about highways, bridges, roads. They are not going to hear too much about that for a while. Why is that? Because the Senate is the Senate is the Senate. We tried very hard to limit the debate to relevant amendments, but we were thwarted a couple times. We couldn't get the 60 votes, pretty much party line; colleagues wanted to have votes on very controversial amendments, which I do not think are going to pass, but we will find out. One of them is the amendment offered by Senator VITTER of Louisiana.

This amendment would essentially take the drilling plan that was released in the last few days of the Bush administration and would open for drilling entire new areas on the Atlantic, Pacific, the eastern Gulf of Mexico, and Bristol Bay. The fact is, since that plan was offered, we have to understand we are drilling more now than ever before. We have four times the number of rigs out there. We are now exporting oil.

Does everyone agree we want more oil? I want more oil. I want it to stay in America. But I don't want to endanger entire economies by saying to our friends in the States: Uncle Sam says to forget about their fishing industry, forget about their tourist industry, forget about all the restaurants and the hotels and everybody else who depends on it.

I can tell you, in my State, tourism is one of the biggest industries we have and the beauty of our State and the beauty of our coast is what draws so many people there. So this heavy-handed amendment says we don't care what you think, we are going to just open everything.

In 2006, this body passed the Gulf of Mexico Energy and Security Act. I know my friend from Florida is on the floor. That act offered 8.3 million acres for drilling in the central and eastern gulf planning areas in exchange for protecting Florida's coast until 2022. We will see, if this were to pass, lease sale No. 220 off the coast of Virginia go forward, despite concerns that this will interfere with the Navy's and NASA's activities in the region. The Vitter amendment requires drilling in Bristol Bay, one of the world's richest fishing grounds, which supports a commercial fishery worth $2 billion a year.

Let's be clear, America. We have 2 percent of the world's proven oil supplies and we use 20 percent of the world's energy. So we can't drill our way out of this. What one can do, if one votes for Vitter, is maybe feel they are doing something, but we are destroying whole areas of our Nation that are so dependent upon the beauty of our coastline.

On top of it all, this amendment would waive environmental review of this entire plan—no environmental review. So nobody in the country would know what lies ahead.

Look, we don't need any more giveaways to Big Oil. They are having raging profits even at the height of the recession, raging profits, billions of dollars. Here is the point. They are sitting on 50 million acres of onshore and offshore leases they have yet to drill upon.

Let me repeat that. Senator VITTER wants to open huge swaths of the coastline to Big Oil companies that are making record profits, the price of gas is soaring, and they are sitting on 50 million acres of land, onshore and offshore leases they have yet to drill upon. They have done nothing with more than 70 percent of the offshore acres and nearly 60 percent of the onshore acres in which they currently hold leases. When they had a chance to bid on more lease sales, they only bid on 5 to 6 percent of those offshore acres in 2009 and 2010. So they are not taking advantage of the leases they hold. But Senator VITTER wants to open huge swaths, waive all environmental review, put at risk how many jobs in California alone—400,000 fishing and recreation—400,000 jobs. That is larger than some of our tiny States—well, maybe a little bit smaller. I think one of our States has about 500,000. This is 400,000 jobs, folks. We have to defeat this.

It is a great bumper sticker. ''Drill, Baby, Drill'' is a great bumper sticker. But I could write another one that says, ''Keep the Oil Here in America,'' and they are exporting the oil. We are exporting oil. We are going to have more of that debate when we come to the Keystone Pipeline.

Here is the deal. The Vitter amendment is a giveaway to Big Oil. They made a combined $137 billion in profits last year. The American consumer doesn't see a dime of savings at the pump. It would do nothing to lower gas prices. It would encourage them to continue to sit on their assets, and that is what I think this is about. They list their assets in their yearly report to their shareholders, and those assets have value. So they just show them year after year and they never drill. In reward for that, we are going to give them even more assets they can brag about.

I am going to put again into facts what I said before: Domestic oil production under President Obama is up. There are 1,272 active oil rigs in the United States right now, more than four times the amount than in 2009. In 2010, for the first time in 13 years, imported oil accounted for less than 50 percent of the oil consumed in America.

Why is this happening? It is happening for many different reasons; one is we are drilling more and we are doing it in a sensible way, not destroying areas that need to be protected and jobs that need to be protected but in a wise way, in the regular order, in the

regular process. But also, we are driving more fuel-efficient vehicles. That is extremely important because I already told everyone, we can't drill our way out of this mess with only 2 percent of the supply, using 20 percent of the world's energy. It is a tilt. It is a mismatch. So we have to have more fuel-efficient cars. Of course, our President led the way on that, and Detroit has rebounded because of this President and those in this Senate and House who voted to assure they wouldn't go bankrupt.

The truth is, the Vitter amendment is dangerous. It is very dangerous. If he wanted to come here with an amendment that had any hope of passing, in my opinion, why doesn't he go after the speculators on Wall Street who are driving up prices? The CFTC Commissioner, Bart Chilton, has calculated that consumers pay an additional $7 to $15 on each tank of gas due to oil speculation. So if one wants to come and do something we could all support, come with an amendment that says the oil companies should drill on the lands they already have leases on; that we are very willing to open more acres that make sense, with the understanding that oil will stay here. We will work to stop the speculation on Wall Street that is driving up prices. Frankly, I think if we see this continued upswing in prices, my belief is we should go to the Strategic Petroleum Reserve, which has been done time and time again under Republican and Democratic Presidents, and we have seen the salutary impact on gas prices. They go down at least one time was 10 cents—I remember 10 cents a gallon right away. One time they stabilized the prices. So we have seen it happen before. That is why we have a Strategic Petroleum Reserve.

So one wants to come with a balanced plan and talk about how the oil companies have to drill on lands they have, how we support drilling where it makes sense and doesn't put people out of work who are in the recreation and tourism and fishing industry, go after the speculation on Wall Street, and tap the Strategic Petroleum Reserve, which is 97 percent full, if it looks like we can't get a handle on these prices. That is a plan, in addition to which we should continue to give tax credits and tax writeoffs to those people who buy fuel-efficient vehicles. I would love to see an added benefit for those made in America.

Vitter should be defeated. It is very controversial. It doesn't help us at all, and it would only pad the paychecks of the oil companies.

Mr. NELSON of Florida. Mr. President, will the Senator from California yield.

Mrs. BOXER. Yes, I would.

The PRESIDING OFFICER. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. I just wish to underscore the statement of the Senator from California with regard to the Outer Continental Shelf and point out that the Vitter amendment would allow drilling in the one place on the Outer Continental Shelf that is off-limits in law; that is, the Gulf of Mexico off Florida.

There are several reasons that was passed in a bipartisan way with my colleague Senator Mel Martinez back in 2005. In the first place, there is no oil out there of any appreciable amount. The Senator has already pointed out there are 50 million acres under lease that are not drilled. Well, 30 million of those acres under lease that have not been drilled are in the Gulf of Mexico, where the oil is, in the central and western gulf. There is very little oil and gas in the eastern Gulf of Mexico. Why? Because Mother Nature had those sediments coming for millions of years down the Mississippi River, and then the Earth's crust compacted for millions of years and made that oil and the oil is where the sediments were.

It is not out there and the oil companies know that and that is why they have 37 million acres under lease and only 7 million in the Gulf of Mexico are drilled, are producing of the 37 million acres.

That ought to be prima facie evidence of why we don't need to go in the Gulf of Mexico off Florida. But there is more. Didn't we have some lessons from the BP oilspill 2 years ago of what happens to tourism when oil comes up on the beach? It came very little on the Florida beaches, thank the good Lord, but the tourists thought the beaches were covered. So that tourist season on our gulf coast beaches was a bust from the Alabama-Florida line all the way down the west coast of Florida. We get down to Clearwater Beach, St. Petersburg Beach, lo and behold, they had a devastating dropoff of tourists who didn't come to those hotels and those restaurants and all those ancillary businesses. Part of what we have been doing with the BP money is trying to make people whole for all the income they lost. That ought to be reason enough. But there is another reason, and this is where people often are so surprised when I tell them.

The Gulf of Mexico off Florida is the largest testing and training area for the U.S. military in the world. This Senator from Florida has two letters from two successive Secretaries of State—by the way, both Republican—Secretary Rumsfeld and Secretary Gates, that say we can't put oil drilling and oil-related activities in the Gulf of Mexico off Florida in the test and training range, which in effect is the Gulf of Mexico off Florida.

I just wanted to bolster the Senator's statements about why we have to vote down this Vitter amendment.

Mrs. BOXER. I was just going to suggest that Senator NELSON continue with the time because I do not need any more time at this point. So please continue.

AMENDMENT NO. 1822

(Purpose: To provide for the restoration of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States and to provide funding for the Land and Water Conservation Fund)

Mr. NELSON of Florida. Mr. President, if I may be recognized, I want to point out that later on today we are going to have an amendment that is bipartisan. It is an amendment that, of its original filing with 10 Senators, 3 of them are Democrat and seven of them are Republican. It is called the RESTORE Act. What it does is when the fine is determined on BP because of the 5 million barrels of oil they spilled—the fine allocated according to the Water Pollution Act, which says that a fine will be levied upon anyone who spills a barrel of oil in public waters, and, of course, because of the enormous amount of oil that was spilled, this could be a very substantial fine, 5 million barrels of oil—once that fine is determined, then the question is how is it going to be allocated.

If nothing is done, only about $1.5 billion would go into the Oil Spill Liability Trust Fund. The rest of it is undeclared. Naturally, what the Gulf Coast Senators wanted to do was to have some of that money come back to restore the gulf—the critters, the water, and the people who are the ones who suffered as a result of the BP oilspill.

What we have worked out is a formula, that 20 percent of whatever the fine is would go back to the Oil Spill Liability Trust Fund and the remaining 80 percent would be allocated according to a formula devised by the National Gulf Restoration Council, appointed by the States and the Federal Government. It would go to make the environment of the gulf whole. It would go to help the economic development along the gulf that had suffered. And, very critically to this Senator, it would go to help research the long-term health effects on the gulf because there is no telling the effects. With all that oil sloshing around out there, we are already seeing enormous effects and we are going to be seeing that for years and years.

For example, there are two professors down at LSU with whom I visited who have been doing research on a little fish that roots around in the marshes to get its food. This little fish, called killifish—it is about the size of a silver dollar—they took that little fish and took slices of its gills, put them under a microscope, and have shown dramatic results in fish that live in the marshes where the oil penetrated, such as Barataria Bay, where it is all mixed up down into the sediment, and then taking samples of the killifish that came from marshes where not much oil hit. The dramatic result shows that these little fish do not reproduce. The ones that are there are stunted in their growth. They have all kinds of aberrations in their actual biological make-up. This spells bad news for the future of the gulf.

It is one of the amendments to the transportation bill. It is about five down on the list. Hopefully we will vote on it this afternoon. With seven Republican Senators being the sponsors of the original legislation, we are going to have this up. I plead with Senators, if you are concerned that you do not want all this money that is being fined as a result of the spill in the gulf—if you want it to go elsewhere in the country, I plead for you to recognize if you were in our shoes what you would want. But acknowledging that you want some of the money—because we had to get a pay-for, and the pay-for is not controversial, yet it produces about $1.5 billion additional—that can go to the Land and Water Conservation Fund. The pay-for is something that the Senate has extended every year, a portion that was passed back in 2004 having to do with the World Trade Organization.

It is a very complicated thing. Each year the Senate has put that in abeyance for another year. That is our pay-for, to put it in abeyance for the ninth year of the 10 years that this provision is to be in effect. What it does is it produces about $1.5 billion for the Land and Water Conservation Fund so that it will have an effect for those concerned outside of the area of the Gulf of Mexico.

As you know, the Deepwater Horizon oilspill was right at 5 million barrels. It coated the beaches. It seeped into the wetlands. It kept fishermen at the dock during one of the busiest fishing seasons. It killed wildlife. It kept the tourists away from the gulf. The long-term impacts are not known because there is still a lot of oil out there at 5,000 feet, on the floor of the Gulf of Mexico. The fish and the wildlife that were not immediately killed are showing the signs of damage, as I have indicated with the killifish.

The gulf residents and the communities continue to suffer. In the Senate today, we have a chance to take a step to make the gulf coast whole again. As a sign of solidarity for the gulf, of the five Gulf Coast States that collectively have two Democratic Senators and eight Republican Senators, all but one Senator of those five States signed as a sponsor of the bill. It is bipartisan. This commonsense legislation is supported by so many people who looked at this: National Environmental Policy Act groups, sportsmen, chambers of commerce, academic institutions, local governments, the business community. Today's vote is going to be a huge step toward making sure that the fine that is going to be imposed upon BP, however much it is, ends up in the local communities that were harmed by BP's oilspill; otherwise, the money is going to end up in the Federal Treasury, and there is no telling, then, where it is going to be spent.

The RESTORE Act amendment provides funding to each Gulf State for ecosystem restoration and economic recovery. It also creates a Federal-State council responsible for developing and executing a holistic plan to increase the resiliency of the gulf ecosystem. Why were baby dolphins dying in record numbers? We don't know. We have to find out. We have to test these results for years to come.

The amendment is also going to ensure that each Gulf State would come up with a State plan that is consistent with the Federal-State council plan.

Finally, this bill sets aside funding for science, specifically dedicating funding for data collection for our fisheries, for our wildlife, for long-term observation and monitoring, and sets up centers of excellence to carry out research on the gulf for years to come.

But there is also a national component in this bill. It creates a set-aside funding for an endowment for the oceans, an endowment for the Great Lakes, so in addition to restoring the gulf where the harm occurred, we can better protect all of our coasts from environmental harm. It provides substantial investments in the Land and Water Conservation Fund, which I mentioned, which protects and conserves land in each and every State in this Union.

I believe our people, the whole of America, deserve a healthy and productive gulf too, and the civil fines that are going to be assessed to BP can ensure that.

I wish to share with my colleagues a vision for a restored Gulf of Mexico. One of the lessons we learned—and we learned it too late—is that we do not have sufficient understanding of the gulf ecosystem. We know that one-third of our domestic seafood comes from the gulf waters but we did not have a clear picture on the biological status of two-thirds of the federally managed fish stocks that call the gulf home, so it is important that some of these fines go toward dedicated, long-term science about the gulf ecosystem.

That was one of the main things I wanted to get into the RESTORE Act, because of the obvious implications for the long term. A restored gulf is one in which clean water that is free from algae blooms and free from tar mats, is home to oyster reefs and fish habitat and sea grass beds, where charters ferry tourists from hotels to pristine beaches and then on out to the productive fishing spots. An integral part of the restoration is to shore up the coastal communities that were hardest hit by the economic impacts of the oilspill. It is going to take a substantial investment to achieve those goals.

The gulf cannot wait. The rigid partisanship that has sometimes gridlocked this body has given way to a spirit of strong collaboration and bipartisanship in this Senate when it comes to the RESTORE Act.

I thank all the cosponsors of the amendment and the cosponsors of the RESTORE Act, and I urge and plead with our colleagues to support this amendment. It is right for the gulf. It is right for the country.

I call up my amendment, No. 1822, which is at the desk, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] for himself, Mr. SHELBY, and Ms. LANDRIEU, proposes an amendment numbered 1822.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. NELSON of Florida. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1660

(Purpose: To provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators)

Ms. COLLINS. Mr. President, I call up my amendment numbered 1660, which is at the desk, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ALEXANDER, and Mr. TOOMEY, proposes an amendment numbered 1660.

(The text of the amendment is printed in the RECORD of Wednesday, February 15, 2012, under ''Text of Amendments.'')

Ms. COLLINS. Mr. President, I rise today to offer amendment No. 1660, the EPA Regulatory Relief Act, to the highway reauthorization bill. I am very pleased to have Senator ALEXANDER, Senator PRYOR, Senator TOOMEY, Senator LANDRIEU, and Senator MCCASKILL joining me as cosponsors of this amendment.

Last year I introduced the EPA Regulatory Relief Act (S. 1392) to provide the Environmental Protection Agency with the time the Agency itself said it needed to rewrite the proposed Boiler MACT rules to better serve the public interest and to protect vulnerable manufacturing jobs. That legislation had the support of 41 of my colleagues on both sides of the aisle, and a nearly identical bill passed the House of Representatives with bipartisan support this fall.

The EPA Regulatory Relief Act is straightforward. It will help ensure that the final Boiler MACT regulations will be achievable and affordable and that manufacturers will have adequate time to bring their facilities into compliance, thus preserving jobs. We hear over and over again that the top priority of the Senate should be to create an environment where jobs are created and preserved. Well, this amendment is all about saving jobs.

Since the EPA proposed these new Boiler MACT regulations in April of 2010, there has been widespread bipartisan concern over the cost of the implementation and potential job losses.

It has been our shared goal to ensure that the final rules crafted by the EPA protect public health and the environment, while preventing the loss of thousands of jobs we can ill afford to lose. Enactment of this legislation is necessary to protect and to grow America's manufacturing workforce. This is all about jobs.

We have urged the EPA to set emission standards based on real-world capabilities of the best performing boilers currently available. After all, that is what Boiler MACT is supposed to be all about. Unfortunately, the EPA did not begin its rulemaking with that goal in mind, and the consequences are so serious. The forest products industry is the lifeblood of many small, rural communities in my State of Maine and many others; therefore, I am alarmed by a study commissioned by the American Forest and Paper Association which found that implementing the EPA rules as originally drafted could cause 36 pulp and paper mills around the country to close, putting more than 20,000 Americans out of work. That is 18 percent of the workforce in just this one manufacturing sector.

Mr. President, you may have heard that the EPA has revised its rules, and it has. But despite these revisions, the Boiler MACT rules remain an issue of great concern to manufacturers across the country and to many of my constituents. With the reconsideration process, the EPA has taken some initial steps, but they are not even close to sufficient. The Agency's reproposed rules still do not address the serious and real threat to factories and mills that will be most directly affected. The revised rules are still estimated to cost billions of dollars and thousands of jobs. Regions across this Nation already struggling with the decline in manufacturing would be the hardest hit. Furthermore, a recent court ruling has created even more uncertainty and confusion, and it has increased the pressure on EPA to just rush through these rules without careful consideration.

Legislative action is needed to ensure achievable and affordable rules, to allow adequate compliance time, and to reduce the risk to industries posed by the pending litigation, which has created so much uncertainty that manufacturers are telling me they are putting any job expansions on hold. Enactment of the EPA Regulatory Relief Act remains the best way to provide the time the EPA says it needs to develop and implement Boiler MACT rules that will deliver the intended benefits to public health and our environment without devastating our economy. There is no need for a choice—it is not the environment versus jobs. With carefully crafted regulations, we can protect the environment and preserve jobs.

There are several factors that reinforce the continuing need for this legislation.

First, the overall capital cost to manufacturers of the Boiler MACT rules remains a staggering $14 billion and threatens more than 200,000 critically needed, good jobs. Think about that. The revised rules have an estimated cost of $14 billion, and 200,000 jobs would be lost.

Second, following the January 9 court decision that overturned the EPA's stay of the March 2011 rules—and this was a stay that the EPA, to its credit, requested but unfortunately was denied—businesses are facing serious and ongoing legal and regulatory uncertainty.

Third, the revised rules still do not allow companies adequate time to comply with the new standards and install the required equipment.

Fourth, important biomass materials are still not listed as fuels. That makes no sense at all. We are trying to reduce the use of fossil fuels. We should be encouraging the use of biomass in boilers. In fact, the Department of Energy is doing just that while the EPA is doing the opposite through these rules. It makes no sense to force mills to use fossil fuels while landfilling renewable biomass material. That makes no sense whatsoever.

Finally, the EPA's current schedule for finalizing the rules is inadequate for fully analyzing the comments and data that will be received during the comment period. The EPA recognizes that, and that is why it asked for this stay.

So I would ask of my colleagues, do not be deceived by the EPA's hollow promises that somehow, some way, everything will be fixed and that we don't need this legislation. The fact is that the EPA regulations are a moving target. Who knows what they ultimately will propose? Some of the materials of the biomass boilers are still being considered as solid waste and treated as an incinerator with far more costly and onerous regulations, but then again, this is the same EPA that initially proposed that we no longer treat biomass and wood as carbon neutral, overturning years of treating wood as carbon neutral. That makes no sense either. Under tremendous pressure, the EPA finally backed off on that for 3 years, but we don't know what is going to happen.

Let me say that the EPA does perform some vital functions in helping to protect public health by ensuring that the air we breathe is clean and the water we drink is safe. I have opposed many attempts to delay or overturn EPA regulations, but we need to make sure that as EPA issues new regulations, it does not create so many roadblocks to economic growth that it discourages private investment, which is the key to maintaining and creating jobs. We need to make sure the EPA both protects the environment and protects our economy and does not impose billions of dollars of new costs on manufacturers, leading to an estimated loss of hundreds of thousands of jobs in manufacturing at a time when our economy can least afford it and when there are alternatives.

I am not saying there should not be Boiler MACT regulations. I am saying we need more time for the EPA to get it right, to work with the industry, to get real-life emission standards. I am saying we need more time for compliance so that we are not imposing these huge costs at a time when our manufacturers are struggling and thus jeopardizing jobs.

A coalition of 380 companies and organizations—I don't think I have ever offered an amendment with more support. And this has so many companies so upset about what this is going to do to the much needed jobs they are providing. There are 380 companies and organizations, including the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Forest and Paper Association, and those are just a few of the 380 companies and organizations that have called for passage of my amendment. The members of this coalition are committed to working with the EPA, to being good stewards and supporting the development and implementation of achievable Boiler MACT rules, not rules that don't classify biomass, that force people to use fossil fuels instead of biomass. How is that good for our environment? It is essential that the EPA produce final rules that are guided by the same commitment.

The EPA is making progress in reducing the costs and coming up with a more practical approach to the Boiler MACT rules, but we have no idea where they are going to end up. They are a moving target, and we have had promises not fulfilled by the EPA before.

I believe we can achieve the health benefits we all desire. And I know we are going to hear on the floor that somehow I am trying to harm children or delay health benefits, and that is not true. I am trying to allow the time the EPA says it needs to get this right. We can achieve health benefits we desire without putting thousands of people out of work and stifling the economic recovery. The bipartisan dilemma that is before us will help ensure that result, and I urge my colleagues to join me in supporting this commonsense amendment to preserve jobs and strengthen our environmental protections.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, just for the people who are watching this debate, we are talking about the Transportation bill. We are talking about preserving the jobs that go with that, 1.8 million jobs, and an additional 1 million that will be created. But we are hearing a debate about whether we should roll back a proposed rule that controls the following poisons: mercury, arsenic, lead, chromium, benzene, and toxic soot, just to name a few.

If anyone believes all this legislation is about is delay, then they don't know because this amendment, which has been called the EPA Regulatory Relief Act, would forever change the current standards allowed for mercury, arsenic, lead, chromium, benzene, toxic soot, and other dangerous pollutants. So it not only delays a rule that is critical—and I will tell my colleagues the numbers of lives that will be saved because of it—but it changes the standards for these toxins forever.

I don't know about the Senator from Maine, but I have never had one constituent come up to me and say: Senator BOXER, there is one thing you can do for me. I beg you. Increase the arsenic in the air. I need more mercury. Oh, I am desperately in need of more benzene, chromium, and lead.

I have never heard one say: I am willing to risk the fact that my grandchild, who is going to be born in a few months—I am willing to risk the fact that they may have brain damage. Oh, repeal the Clean Air Act. Repeal the rules.

I hope we will vote down this amendment. This amendment is described as being nothing but a delay when it actually changes the standards for the most poisonous pollution known to humankind. Instead of the EPA Regulatory Relief Act, I would call it the Increased Poisonous Pollution in America Act.

My friend read names supporting her amendment. Let me tell my colleagues who opposes it—people from her own State: the National Association of County and City Health Officials; the American Lung Association; the American Public Health Association; the American Thoracic Society; and the Asthma and Algae Foundation of America. That is just a partial list.

We need to vote this down. My friend makes a number of points about biomass—and we have the great Senator from Oregon here who actually took this issue on in the beginning, and he is going to have some time to talk about it—and resolved a lot of our problems with this. He is to be credited for a compromise with EPA that will work.

I just want to say—and everything I say is fact; it is peer-reviewed fact—these toxins cause cancer, heart disease, and premature death.

The Senator from Maine said all this amendment does is give EPA another year because they are not ready anyway.

I ask unanimous consent to have printed in the RECORD a letter from the EPA saying they are ready by spring.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 5, 2012.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your continuing interest in the air toxics standards for boilers. We are currently in the process of developing final standards and responding to additional, useful information we received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize the standards this spring. In the proposal, EPA proposed to ''reset'' the three year compliance clock to give entities the full amount of time available under the Clean Air Act upon finalization of the rule, and, subject to the formal rulemaking process, expects to do so in the final rule. The Act also gives state and local permitting authorities the ability to provide up to a one-year extension of that deadline, on a case-by-case basis, as necessary, for the installation of controls.

While EPA believes facilities can meet compliance requirements within the four years described above, I commit to you that EPA will handle each situation on a case-by-case basis, and work with facilities to determine the appropriate response and resolution. We have authority available to us to resolve concerns that might arise at individual facilities as long as appropriate and timely steps are being taken towards compliance.

Additionally, as required by the Clean Air Act, we proposed and will finalize air toxic standards for boilers based on real-life data that industry has provided to us about the level of emissions from their facilities. As EPA reviews the public comments and data as we finalize these standards, we will pay close attention to their achievability. We intend to set standards that can be met by plants operating in the real world.

Again, thank you for your continued attention to this matter. It is important to ensure that we achieve these key public health standards in a way that is sensitive to legitimate needs of business interests. If you have additional questions, please feel free to contact me or have your staff contact Arvin Ganesan, Associate Administrator for Congressional and Intergovernmental Relations at (202) 564–5200.

Sincerely,

LISA P. JACKSON.

Mrs. BOXER. My friend says EPA needs more time. They have had 20 years—20 years—on this in terms of regulating these pollutants.

Senator CARPER from Delaware, who is a very moderate Member of this body, has stood in front of our caucus and made a passionate plea: We don't need any more delays. We need action, and we need wise action. EPA has said they will work with our States, State by State; they will work with the polluters, polluter by polluter. Because of the leadership of the Senator from Oregon, they have written letters to many of us who are concerned saying they will work on this.

I am not going to talk too long because I want to leave time for my friend, but I must put in the RECORD the following facts: If we vote for the Collins amendment and if it were to become the law, A, it doesn't belong on a transportation bill. We should be debating the Clean Air Act for weeks on end if we are going to start repealing standards for these pollutants. So just on that issue alone we should vote against it. If it were to pass, which I don't believe it will, 300,000 newborns each year may well have increased risk of learning disabilities from toxic mercury exposure in the womb.

We know because of peer-reviewed science, if this were to pass and we would not have this rule go into effect, for every year it is delayed we would see 8,100 premature deaths, 5,100 heart attacks per year, and 52,000 cases of aggravated asthma. I wish to show my colleagues a picture of what it looks like when a child has asthma. What does it look like when a child has asthma and they are gasping for air? Too many of our children have asthma. I don't know about my colleagues, but when I go to the schools I ask the kids: How many of you have asthma or know someone who has asthma? About 50 percent of the kids raise their hands. I suggest my colleagues do that.

This is our legacy—these kids. They are who we live for. They are why we are here, to make life better for them.

People say we are going to save jobs. First of all, let me tell my colleagues something: If you had a heart attack that you didn't need to have, you are not going to be working. I think there are also 400,000 lost workdays per year—scientifically peer-reviewed. If this is delayed, for every year—and it has been 20 years in the making, control of these pollutants—400,000 lost workdays per year.

Here is another fact: We talk about the cost. Yes, it will cost $1.5 billion per year to clean up this poison. The annual benefits are $67 billion. I would say to my friends, that is a heck of a good ratio—a good ratio.

I ask unanimous consent to have printed in the RECORD a letter from the American Boiler Manufacturers Association.

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

ABMA,
Vienna, VA, January 27, 2012.

Re Manufacturer Opposition to the EPA Regulatory Relief Act of 2011.

TO MEMBERS OF THE UNITED STATES SENATE: In the considered technical judgment of the American Boiler Manufacturers Association (ABMA), and contrary to popular talking points distributed by those less interested in their technical practicality and more interested in killing them outright, the Industrial Boiler MACT Reconsideration Rules proposed by EPA in December 2011 are technically achievable by real-world boilers—the only kind of boiler and combustion equipment the ABMA membership designs and makes.

Compliance can be achieved using existing, state-of-the-art, technologically-advanced and fuel-flexible products along with innovatively-designed and engineered application solutions to meet the exigent needs of a host of varied individual boiler facilities.

And, contrary to what some too-frequently-cited, yet flawed and discredited [Congressional Research Service, 7–5700, www.crs.gov, R41459], studies would have you believe, these proposed rules are not job-killers—in fact, for the boiler, combustion, pollution-control and for other compliance-related industries, they will be job generators; clearly lob generators for those small businesses on main streets across this country that install, repair and tune-up boilers and boiler systems.

As for compliance resources, please be confident that the U.S. boiler and combustion equipment industry—with decades of experience and expertise in meeting tough, state,

local, regional and national air-quality codes, standards and regulations with innovative, and real-world design solutions—stands ready and able right now to help those affected by these rules to comply with them in a timely and affordable manner. Arguments that there are insufficient resources available for use in compliance within the time period specified by the rules are specious and uninformed in the extreme. In fact, delay in rule finalization, as envisioned by the EPA Regulatory Relief Act of 2011, will only exacerbate future compliance issues and costs; labor and materials costs and availability are currently stable and domestic boiler and combustion equipment manufacturing capacity is available now to service the full range of compliance options available under the new, more flexible rules as proposed by EPA in December. My manufacturer and supplier members make things and they make them here in the United States—providing high-wage jobs and contributing to tax bases across this country—in states like California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin—and they are prepared to meet any compliance challenge that these or any other air quality rules might generate (alone or in tandem)—affordably, and well within any arbitrary compliance time frame.

Any small number of remaining technical issues can be well addressed and resolved by stakeholders and EPA during the new, currently on-going 60-day public review and comment period provided by EPA's December 2011 Reconsideration proposals. At this point in time and after more than a decade of information gathering, proposal, and debate, there is no reason for Congressional intervention or for Congressionally-mandated delay in the existing, on-going rulemaking process. Besides fostering continued unreasonable uncertainty, additional delay at this point will only serve as a disincentive to stakeholders to promptly address remaining issues.

Therefore, with over 100 small-business domestic manufacturer and supplier members, the American Boiler Manufacturers Association (ABMA)—the companies that actually design, manufacture and supply the commercial, institutional, industrial boilers and combustion equipment in question—strongly urges you to oppose S. 1392 and H.R. 2250, the EPA Regulatory Relief Act of 2011—or any similar legislation—and to resist adding the language of either as part of any payroll tax holiday extension, tax-extender or as part of any appropriations bills coming before the Senate this year We encourage you to let the existing rulemaking process within EPA as envisioned by the December-proposed Reconsideration Rules go forward without Congressional interference.

Further delays in the rulemaking process—as mandated by S. 1392 and H.R. 2250—will not result in improved rules or insulate the rules from future litigation; further delay of 15 or more months only means continued uncertainty and will yield no new jobs, no economic growth, no cleaner air or any more affordable ultimate compliance options than are now feasible and readily available from existing sources.

The types of clean, efficient, fuel-flexible, affordable and technologically-advanced products and equipment that can be supplied by the U.S. boiler manufacturing industry are critically important for long-term public health, environmental quality and business stability.

Don't let the Preoccupation by some with the inadequacies of past rulemaking efforts lead you into delaying the current December initiated rulemaking process—propsals and a process that provide a flexible, affordable, and achievable pathway to air quality, greater efficiency and the types of long-term boiler room upgrades and modernizations that will lead to sustainable competiveness and bottom line stability.

[For a list of the membership of the American Boiler Manufacturers Association and their respective products and services, go to http://boilermactfacts.com, and for questions, please contact me directly via email at randy@abma.com or at 703/356–7172.]

Sincerely,

W. RANDALL RAWSON,
President/Chief Executive Officer.

Mrs. BOXER. The letter from ABMA strongly says the following: ''We urge Senators to oppose the EPA Regulatory Relief Act.''

This is business. This is American business, made in America. The American Boiler Manufacturers Association: ''We encourage Senators to vote it down.''

I have that letter, and that is what they say. My friend from Maine said it is not technically feasible to clean up these poisons. They said anyone who tells you it is not technically achievable by real world boilers ''doesn't know what they are talking about.'' This is not me speaking. I didn't say that. This is what the American Boiler Manufacturers Association said.

So everywhere we look, when it comes to this vote, it says: Vote no, vote no, vote no. At a minimum, we should do no harm to our people's health. We have it in our hands now to stop a permanent rollback not just of the rule—that is a delay—but a permanent rollback of standards for the most poisonous pollutants there are: chromium, arsenic, mercury, lead, benzene, toxic soot. I would say all the arguments we have heard do not hold water.

In closing, let me say this: The polls on this are as clear as they can be. The people want us to get out of the way and allow the Environmental Protection Agency to do its work. Lisa Jackson is not a radical person. She is one of the most—how can I say—she is a coalition-building type of person. She is someone who reaches out. When Senator WYDEN called her and said he was very upset about the way this rule was going, she sat down with him and, I think, rose to the occasion. When other Senators met with her—and I was in the room with several—she said: We can deal with your problems.

So let's vote no. This rollback of the Clean Air Act standards for the most poisonous pollutants doesn't belong on this bill. There is no way it belongs on this bill. That is No. 1.

No. 2, it is opposed by every health entity we know. It is opposed by our local county health officials and city health officials. I would say to my colleagues, when we look at the polls, it is opposed by 70 percent of the American people. That is the last poll I saw. They want to be able to breathe clean air. They know their people suffer when the air is filled with soot, and particularly toxic soot, which results in devastation for our families in very, very, very large numbers.

Thank you very much, Mr. President. I hope we will vote no on the Collins amendment.

Ms. MIKULSKI. Mr. President, I come to the floor today to fight for a paper company in western Maryland called Luke Mill. I am fighting for the jobs it creates in western Maryland, and I am fighting to make sure its workers have a government on their side.

I have worked with the leadership at Luke Mill for decades. It is one of the last large employers in western Maryland. These jobs provide good wages and good benefits for Maryland workers and their families. When it was owned by the Luke family, I was in frequent contact with John Luke about challenges the company was facing. We talked about ways the Federal Government could help his business and where it should just stay out of the way.

When unfair trade practices of China were threatening the viability of Luke Mill and the jobs of its workers, I was on the side of Luke Mill. I contacted the Department of Commerce and represented Luke Mill before the International Trade Commission to make sure China and other countries had to play by the rules in trade. As a result, we saved the jobs of American workers who were threatened by an uneven trade playing field.

When the management at Luke Mill called me about EPA's Boiler MACT rule, I took their concerns to the highest levels of EPA. Luke Mill told me that the regulations were too expensive to implement companies needed more time to comply and EPA needed to use accurate data to set emissions standards.

I heard these concerns and took them directly to EPA Administrator Lisa Jackson. Here is what we accomplished: No. 1, EPA produced more targeted emissions limits under the regulation; No. 2, EPA reduced the cost of compliance for businesses by 50 percent; and No. 3, companies could have as much as 4 years to comply.

EPA's compromise rule is not perfect, but it is significantly better than the first draft. From the day I heard about EPA's Boiler MACT rule, my priorities have been the same. I am fighting to protect the jobs in western Maryland, and I am working with EPA to reach a compromise that gives flexibility to businesses to comply without abandoning my environmental principles. But I also will not abandon western Maryland or the jobs that depend on Luke Mill's viability.

I will continue to fight for American jobs and the viability of American business.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oklahoma.

AMENDMENT NO. 1738

Mr. COBURN. Madam President, I ask that the pending amendment be set aside to call up amendment No. 1738.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1738.

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

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

The amendment is as follows:

(Purpose: To prevent the creation of duplicative and overlapping Federal programs)

At the appropriate place, insert the following:

SEC. ___. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law and not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–12–342SP);

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the—

(A) March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP); and

(B) February 2012 Government Accountability Office report to Congress entitled ''2012 Annual Report: Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–12–342SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts and apply the savings towards deficit reduction the amount greater of—

(A) $10,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

Mr. COBURN. Madam President, the CBO just announced this morning that February was the largest deficit month in this country. We have run $690 billion worth of deficits through the first 4½ months of this fiscal year. We will have a $1.6 trillion deficit.

This amendment the Senate has voted on before passed with 64 votes the last time it was voted on. It is a very simple, straightforward amendment.

Before I get into the details of this amendment—we need a highway bill. Everybody agrees with that. This is the Senate, and the right to offer amendments has been secured, finally, after 2 weeks of negotiation.

Where are we as a country? I think it is interesting to look back from fiscal years 2011 to 2001. In 2001 the total bill for the Federal Government was $1.86 trillion. It is now almost $3.61 trillion. In 2001 we had a surplus. Now we have a $1.3 trillion to $1.6 trillion deficit coming into this year. I think the American people would like to see us do something about that. Yet, at every turn, on every occasion, we have not risen to the challenge of creating an environment where jobs can flourish. One of the reasons is the Federal Government is squeezing the jobs out of the economy by taking such a large segment of them.

This amendment is very straightforward and very simple. The GAO, through two reports now—one released just this last month and a second in a series of three which will become annual—has told Congress where the problems are. The problems are in continuing to do the same thing in multiple programs and multiple agencies. They have outlined billions, hundreds of billions—I can calculate at least $100 billion worth of duplication that they have outlined and said we didn't do anything about it last year when they gave us the first report. Now they are giving us another report that has probably another $30 billion or $40 billion worth of savings for the American people because of duplication.

So this amendment asks—it is very straightforward—it asks OMB to look at the GAO reports and give recommendations to us on what they would recommend that allows the executive branch to participate in terms of $10 billion worth of savings this year on duplication.

Why is that possible? Here is why it is possible. And this is just a small sample of what GAO has told us. We have 209 different programs spending $4 billion through eight different agencies to encourage science, technology, engineering, and math education in the United States. Can anybody in this body defend the fact that we have 209 different programs? No. Nobody will even stand and defend it.

So we ought to be able to—there is nothing wrong with us wanting to encourage that, incentivize that, help create that, because we know that is for a higher powered workforce in the future. But 209 programs? Why wouldn't we streamline it?

We have 200 separate crime prevention programs. As a matter of fact, the GAO said you have enough duplication just in the Department of Justice programs—they spent $30 billion over the last 9½ years—that if you would eliminate that duplication, you would find billions to save.

How do you get rid of a $1.6 trillion deficit? The way you get rid of it is a million here, a billion there, $10 billion here, $15 billion there, a billion here. What this amendment would do is save us $10 billion this year through smart government. It does not question the motivation. It does not even question whether it is our authority. But it says: Let's do this.

The Senate voted 64 to 36 when this was brought up in April of last year—the same amendment. They thought it was a good idea. The reason they voted for it was because it was fresh on their minds, what the GAO had told us.

Let's take some others.

The Surface Transportation Program. Here we have the highway bill. They did, thankfully, eliminate a few programs. We still are going to have 100 programs involved in surface transportation even when this highway bill is completed. We did not do what we needed to do. We can do better and we can save money. Even if the same amount of money gets out to the American public, the administrative cost will shrink dramatically.

Private sector green buildings. We have 94 separate programs, 16 different agencies to incentivize green buildings, and not one of them has ever been tested to see if it has an effect, whether it is positive, whether it is efficient, whether it is effective—not one. Never. Why would we have 94 separate programs for green buildings?

We have 88 different economic development programs. Why? Nobody can answer the question ''Why?'' As a matter of fact, 2 months ago, I offered an amendment on this floor that asked of us to have the CRS tell us before we pass a new bill whether we are adding another duplicative program. Because that was a rule change, it required 67 votes, and 40 of my colleagues on the other side of the aisle said: We do not want to know whether we are creating another duplicative program, so it only got 60 votes. It required 67 and, therefore, we are not doing it.

So we are going to ignore the brains, we are going to ignore the knowledge, and we are going to continue to produce and create duplicate programs.

Teacher quality. This is one of my favorites. We have 82 separate teacher training programs run by the Federal Government, not for Federal teachers, for State teachers.

Eighty-two separate programs, and not one of them has been tested to see if it is effective or efficient, whether it has value, whether we actually get anything out of it, whether there is some teacher improvement coming out of it—and that is run from seven different agencies.

First of all, why would you have any teacher programs other than at the Department of Education? Yet we have 82. Nobody can tell me why. Nobody will stand on the floor and defend the fact that we have 82. Because they realize it is the height of stupidity. It is stupid to do multiple programs in multiple directions and waste the overhead. We are not talking about not sending money.

We have 47 job training programs. We are in the midst of releasing a report on all the job training programs as to

how they affect Oklahoma, and I will tell you it is not a pretty picture.

There is so much waste, so much ineffectiveness through those 47 different job training programs. We are spending $19 billion of Americans' money every year and we are not getting a billion dollars' worth of benefit out of it. But nobody wants to do the hard work, nobody wants to stand and defend those 47 job training programs, but nobody wants to eliminate them either.

We have a real problem. This is a first step, a first amendment, where we can make this bill—by the way, we are having trouble paying for the highway bill. We are going to pay for it—2 years' worth of highway spending—with 10 years' worth of reductions. This amendment alone, if we pass it, will pay for the highway bill differential between the trust fund and what the EPW Committee says we ought to be spending on highways—this amendment alone.

So when somebody comes down and says they are not going to vote for us to eliminate duplication, you have to ask why. Why is it we would not want to eliminate duplication? Why is it we would not want to become efficient and effective in terms of how we spend not our money but our children's money? Because 40 cents—38 cents this year—of every $1 we spend we are tacking on to a decreased standard of living for our children in everything we do.

So tell me why somebody would not want to get rid of some of the duplication, would not want to do the commonsense thing that every one of the rest of us in our own personal lives does, all our State governments do, all our personal businesses and all our public companies are doing: doing more with less every year? The easiest way to do that is to consolidate and eliminate duplication.

So when you see the vote today, if it does not get 60 votes, what should the American people learn from that? Here is what they should learn: It is not about gridlock. It is not about partisanship. It is about incompetence and a lack of thoughtful consideration for the people who will follow us. This is easy stuff to do. We have hard stuff we have to do in our country. We are going to be making tons of hard decisions over the next 2 or 3 years. Everyone in this body knows it. They will keep kicking the can down the road, hoping they do not have to be involved with the very tough decisions we are going to have to make. This is the easy one. This is easy.

I would ask my colleagues to consider this. If you voted for it in April of 2011, I would appreciate your vote again. If you do not vote for it, I would ask you to reconsider why you are here. Are you here to perpetuate waste? Are you here to perpetuate incompetence? Are you here to protect some constituency's little small program that does not work yet wastes your children's future? This is an easy amendment to vote for.

Mr. MCCAIN. Madam President, today I come to the floor to speak in support of Coburn amendment, No. 1738, which I cosponsor. This common sense amendment would require the Office of Management and Budget—OMB—and the executive branch agencies to reduce at least $10 billion by eliminating, consolidating, or streamlining government programs and agencies with duplicative and overlapping missions.

Thankfully, the Government Accountability Office—GAO—has given Congress and the administration a blueprint to reduce duplication and eliminate failing programs by releasing two detailed reports that highlight 132 areas within the Federal Government that are duplicative and if consolidated could save billions. With our Nation facing a $15.4 trillion debt, eliminating inefficiency and waste in the Federal Government to save taxpayer dollars is absolutely imperative and the American people expect us to do so.

In the most recent report issued by GAO on February 28, 2012, they identified 32 areas of duplication, overlap and fragmentation throughout the Federal Government, as well as 19 additional areas of cost-saving and revenue-enhancement opportunities in Federal programs, agencies, offices and initiatives. Of the 32 areas highlighted in the report, GAO identifies 10 dealing specifically with the Department of Defense, which include Electronic Warfare programs, Unmanned Aircraft Systems, Counter-Improvised Explosive Device Efforts, Defense Language and Culture Training, Stabilization, Reconstruction, and Humanitarian Assistance Efforts, Health Research Funding, Military and Veterans Health Care, Information Technology Investment Management, Space Launch Contract Costs, and Science, Technology, Engineering, and Mathematics Education—STEM.

In addition to the 10 defense areas mentioned above, GAO also highlights 6 areas where the Defense Department could reduce its operating costs or increase revenue collections for the Treasury.

With new, emerging threats to national security arising every day, the funding needed to support major defense priorities is declining. For this reason, in my view, the Department must implement each of GAO's recommendations in this report. Also, implementing these recommendations may reduce the need for ''catastrophic'' defense cuts required under ''sequestration''—precipitated by Congress' failure to enact $1.2 trillion in deficit reduction under the Budget Control Act of 2011.

I intend to send a letter to Secretary of Defense Panetta asking him to tell me how the Department plans to address these vitally important recommendations. I will continue to monitor the Department's implementation efforts and will take necessary steps, including legislative action where appropriate, to ensure their implementation.

The Federal Government wastes billions a year on programs with duplicative and overlapping missions. Congress and the administration must ensure that the findings in the two GAO reports do not go to waste. Congress should insist that they are implemented to reduce spending and eliminate duplicative and failing programs. I urge my colleagues to support the Coburn's amendment No. 1738.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1660

Mr. WYDEN. Madam President, we had a discussion, a very important discussion—I know the Presiding Officer cares a great deal about this topic, as well as Senator COLLINS and also Senator BOXER—on this issue about boilers. I want to be clear about what is at issue in this debate.

The debate about boilers stems from the fact that the EPA did not originally get the boiler rules right. The agency admitted they did not get them right, and the agency said they needed 15 months to fix the boiler rules. But the courts said the agency could not have the time. They said that EPA could have 30 days to fix the rules.

As colleagues have said, this debate has gone on for so long there is no way it is going to be turned around in 30 days. So I joined in the legislation to give the EPA 15 months to rewrite the rules so as to protect good-paying jobs and communities that are affected by the boiler rules, while ensuring the health of our people and the protection of our environment.

That was 15 months ago. EPA got the time it said it needed to rewrite the rules, and the new final rules will be out within 90 days. I wish to outline for the Senate what the new rules will do.

First, the new rules, as proposed in the legislation, change what constitutes solid waste so that boiler fuels, for example, that are wood waste can be used for fuels such as biomass; and waste from steel mills, as another example, can be used as a fuel, as they are today, rather than to be regulated out of existence as a fuel source.

Second, as proposed in the legislation, the new rules will create an open-to-the-public list of what can and cannot be burned in a boiler. This is going to provide important predictability and certainty to American industry, and it will provide new accountability to our communities. All across the United States, folks are going to be able to know, as a result of these new rules, what can and cannot be actually burned in a boiler.

Third, again, just like the legislation, the rules address the fact that because EPA was unable to get the rules right at the outset, more time is needed for compliance.

I know the distinguished Presiding Officer has been interested in this issue as well: the question of compliance and

the time that would be provided for industries to meet the standards.

In the final rule, the compliance clock is reset with a rule providing additional time for industry to comply. This is like what was in the original legislation. So industry will have 4 years to comply, and Administrator Jackson stated in writing that she will assist any hard-hit community, any company facing extra duress in terms of complying. Administrator Jackson has indicated on a case-by-case basis she will provide additional time to help those communities and to help those companies.

Madam President, I ask unanimous consent that the Administrator's letter to me be printed in the RECORD.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 5, 2012.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for your continuing interest in the air toxics standards for boilers. We are currently in the process of developing final standards and responding to additional, useful information we received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize the standards this spring. In the proposal, EPA proposed to ''reset'' the three year compliance clock to give entities the full amount of time available under the Clean Air Act upon finalization of the rule, and, subject to the formal rulemaking process, expects to do so in the final rule. The Act also gives state and local permitting authorities the ability to provide up to a one-year extension of that deadline, on a case-by-case basis, as necessary, for the installation of controls.

While EPA believes facilities can meet compliance requirements within the four years described above, I commit to you that EPA will handle each situation on a case-by-case basis, and work with facilities to determine the appropriate response and resolution. We have authority available to us to resolve concerns that might arise at individual facilities as long as appropriate and timely steps are being taken towards compliance.

Additionally, as required by the Clean Air Act, we proposed and will finalize air toxic standards for boilers based on real-life data that industry has provided to us about the level of emissions from their facilities. As EPA reviews the public comments and data as we finalize these standards, we will pay close attention to their achievability. We intend to set standards that can be met by plants operating in the real world.

Again, thank you for your continued attention to this matter. It is important to ensure that we achieve these key public health standards in a way that is sensitive to legitimate needs of business interests. If you have additional questions, please feel free to contact me or have your staff contact Arvin Ganesan, Associate Administrator for Congressional and Intergovernmental Relations at (202) 564–5200.

Sincerely,

LISA P. JACKSON.

Mr. WYDEN. I want to address the discussion we heard from our colleagues, particularly Senator COLLINS and Senator BOXER, on the key point.

The changes I have described—the fact that we have made the rules changes so that so many of these materials will be treated as fuels, which is important in timber country that I and the distinguished Presiding Officer represent; the fact that we have this new process that provides predictability and certainty about what can be burned in a boiler; the fact that there is the additional time—all of this, in my view, has been spurred by the legislation introduced by the Senator from Maine, Ms. COLLINS. We ought to make no mistake about it. The important rules changes I have outlined this morning that I think are going to provide certainty and predictability to our businesses—while at the same time protecting the health of our people, the environment of our country—have been spurred because Senator COLLINS was willing to pick up the challenge and address this issue.

These new rules are going to finally take effect in less than 90 days. But the question I would ask Senators is, who knows what will happen to these important rules that are just about ready for implementation if, in effect, we say, as the amendment does, let's go back to the beginning and talk about addressing this again over 15 months?

If the amendment passes, and the EPA is told—as I have been advised under the text of the amendment—to take another 15 months, in my view, what would happen is, the agency would go back to spending this additional time working to try to get to the point where we are today.

That, in my view, just does not add up. It does not add up for the industries that have been concerned about this. It does not add up for the communities. It does not add up for the health of our people and the protection of our environment.

Let me close with this. Having been involved in the legislation, No. 1, having tried to make clear this afternoon that these important rules, in my view, have been spurred by the legislation Senator COLLINS has talked about, I wished to state that I intend, and I know others in the Senate will do as well, to watchdog the rules that will be out shortly every step of the way to ensure that they are fully implemented, to hold the Environmental Protection Agency to the commitments that have been made in these rules that are forthcoming, and to ensure that all our communities—all our communities—can see that finally this issue is being addressed and it is being addressed in a way that makes sense for the jobs we are going to need in our communities and to the public health and the environment.

I hope colleagues will look finally at the letter Administrator Jackson has sent me. I think it addresses, in particular, the timetable so many Senators have been concerned about. I have tried to outline some of the other issues that I think are critical, particularly the fact that we have the changes in the definition of solid waste that is so important. A whole host of materials have been added to that list of fuels. That means we can protect the jobs that stem from countries that use—the products that use these materials and at the same time protect the environment.

So this makes sense from the standpoint of a realistic rule on what constitutes a fuel, openness and transparency, because the American people will see what actually can be burned in a boiler. To me—and Senator BOXER has touched on this question of the years that have already gone into this effort—Administrator Jackson, in my view, has gone to substantial lengths to address this timetable that industry has been so concerned about.

In fact, I think it is fair to say that when I add what she has committed to, it is almost the same timetable as in her original legislation. So why in the world would we want to set aside those rules and go back again to the period of starting a new 15-month clock, only to see, in my view, that after those additional 15 months, we would be back to the place we are today, in terms of the rules that will be shortly implemented.

I urge the Senate to reject the amendment. We are going to continue to watchdog this issue until these rules are fully implemented.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am very happy to see we are making progress. I still continue to believe that these controversial amendments did not have to be on this bill. But having said that, we have our agreement. So our understanding is, I want for all Senators to say our hope is to begin voting sometime around the 2 to 2:30 timeframe and to do a great number of votes at that time, maybe as many as 8, 9, 10 votes.

We are waiting for people to come to the floor to speak on different amendments. We expect that Senator HOEVEN will be here shortly to call up amendment No. 1537. We urge him to do that.

Senator MERKLEY wants to speak on the underlying bill. Senator CORKER wants to speak for 10 minutes at approximately 12:45. Senator INOUYE would like to address us for 10 minutes about one. Senator LAUTENBERG wants to speak about the environmental amendments about 1:15, and Senator LANDRIEU wants to talk about a number of things but particularly the RESTORE Act, I would assume, at 1:15. Senator SANDERS wants to speak on the issue of Keystone. Senator DURBIN also has some comments he wanted to make.

So I would urge colleagues, if you wish to speak before we start voting, now would be a very good time. We hope you will come over here. We are making progress. This has been a very convoluted process, a very difficult process to satisfy everyone. Of course, we cannot satisfy everyone. But Senator INHOFE and I, when we wrote the

bill originally, knew he would not get everything he wanted and I certainly would not get what I wanted. We had to find those sweet spots where we could come together. That is what happened. The other committees did a wonderful job in doing the same: The Banking Committee, unanimous in their part of this bill; Commerce had some bumps, but they resolved those bumps in the road and now they are bipartisan; Finance Committee, that is a tough one. They had to raise funds to put into the trust fund. The trust fund needs some more dollars in it.

I see Senator HOEVEN is here. I am so delighted that he is here to lay down his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1537

Mr. HOEVEN. Madam President, I am waiting for my associate who has some charts, but I certainly can proceed at this point. I am here to speak in regard to my amendment No. 1537, which is at the desk. I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. HOEVEN], for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, and Mr. HATCH, proposes an amendment numbered 1537.

The amendment is as follows:

(Purpose: To approve the Keystone XL pipeline project and provide for environmental protection and government oversight)

On page 469, after line 22, add the following:

SEC. ___. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

Mr. HOEVEN. This is an amendment that would provide for approval of the Keystone Pipeline project. Congress has, under the commerce clause of the Constitution, express authority to regulate commerce with foreign countries. That provides the very clear constitutional authority for Congress to approve the Keystone Pipeline project. That is something we absolutely need to do.

Today there will be a very clear choice. There will be a very clear choice for the Members of the Senate. Make no mistake, I do not want to leave any doubt. This is a clear choice. My amendment provides that the Keystone Pipeline project will move forward, authorized by Congress. It is very clear that all the protections, all the environmental protections are incorporated, as has been provided over 3½ years—3½ years this project has been under review by the EPA, by the Department of State, by this administration. They have gone through not one but two environmental impact statement processes.

They have met all the environmental requirements. Our legislation incorporates all that and in addition provides whatever time is necessary for rerouting the pipeline through the State of Nebraska. Here is a schematic of the project. The one issue in terms of the

routing was through the State of Nebraska. This legislation provides whatever time is necessary for the Nebraska Department of Environmental Quality to work with State, to work with EPA, and reroute the pipeline through the State of Nebraska.

So my point is, we incorporate all necessary environmental safeguards into the project. But it authorizes that the project, after 3½ years, can go forward. So I would like to talk for just a minute about why that is so important. Because there is another amendment, an alternative that has been presented by Senator WYDEN. That amendment—let me be clear. That amendment will block this project. That amendment will block this project. Let there be no confusion.

The Hoeven-Lugar-Vitter amendment will advance the project. The amendment that is being put forward by my esteemed colleague Senator WYDEN as a Democratic alternative, that will block the project. This is a clear choice. Nobody should be confused.

Gas prices. This chart is a few days old. So it is a little bit behind the curve. But since this administration took office, gas prices have gone from $1.85 a gallon—more than doubled—to $3.70 a gallon. This is a little bit old, so the national average is actually higher. The last time I checked it was $3.76 a gallon, going up. So it is probably higher than that today. That is from AAA.

The projections are that gasoline prices will be $4 a gallon by Memorial Day and possibly more than $5 a gallon later this summer. That means every American is paying that at the pump. They are paying that at the pump. That is affecting our American consumers. That is affecting our businesses. That is affecting our economy.

What is the administration doing about it? What is Congress doing about it? The Obama administration has said, when it comes to energy, we are going to have an all-of-the-above strategy. I agree with that. We should have an all-of-the-above strategy. But the point is, we cannot just say it. We have to do it. We cannot just say it. We have to do it. The administration, at this point, not only are they just saying it and not doing it, they are, in fact, blocking it. I am giving you as clear an example as I can think of. I do not know how it could be any clearer that they are blocking energy development in our country.

This pipeline project would bring 830,000 barrels a day of crude oil to our country. That is more than 700,000 barrels a day from Canada. That is more than 100,000 barrels a day from my home State of North Dakota and our sister State Montana—830,000 barrels a day of product coming to our refineries.

The administration has said no to this project. They continue to say no to the project. They have approved this portion of it. That does not bring one single drop of product to our country. So I do not know. They are kind of confused about exactly what they are doing, but they continue to block this project. So that means 830,000 barrels a day that we have to get from the Middle East. Everybody knows what is going on in the Middle East. They have incredible turmoil. They have incredible tension in the Middle East. Iran may close the Strait of Hormuz; they have threatened to do that. As a result, crude oil prices continue to go up and consumers continue to pay more at the pump.

So in the face of all that, in the face of real hardship to working Americans, the administration is saying no to this project. They are saying no to my home State of North Dakota. They are saying no to Montana. They are saying, no, we are not going to allow them to build this project that gets that product to market and no to Canada, saying we are not going to allow them to bring that oil into the United States, instead they are going to have to send it to China and we are going to get oil from the Middle East and our consumers are going to continue to pay higher prices.

Again, make no mistake. This choice today is a choice. It is a choice whether we vote for an amendment to move forward with this project or whether we vote for an amendment to block the project. Again, there should be no confusion about that.

Why would the administration hold up this project? Why in the world, with gas prices we know going to $4, maybe $5 a gallon, why in the world would anyone oppose the project? The opponents have put forward three arguments. So let's go through them. Let's go through them and see if they hold water. Let's see if they pass muster. Let's see if they make sense.

The first argument is that somehow this pipeline is going to leak.

Now here is the route. Somehow we will build this pipeline that is going to leak. But we built a sister project that is working just fine. There have been no underground leaks in that project. While building it, there were minimal leaks as they put it together, and that was in the normal course of construction. But there have been no other ground leaks from this sister pipeline. It is working fine. So why would this one be a big concern about leaking? It doesn't make much sense.

If you don't buy that, just look at this chart and the network of pipelines in this country that carries oil and gas. There are thousands of pipelines, millions of miles of pipeline right now operating in this country right through the very region through which the Keystone XL Pipeline would pass. But somehow this one is a problem and these thousands are not? That is a reason to say no, after 3½ years? Come on. That doesn't pass anybody's test, and it doesn't make any sense.

The second argument that has been put forward is that the crude oil will come from Canada, and it will be then exported to China; we won't use it in the United States; and it won't help with gas prices. For starters, let's use some common sense on that one. I am pretty sure if we don't build the pipeline, it is for sure going to China. That is just flat-out common sense, for starters.

Even beyond that, the Department of Energy for this administration did a study in June of last year. In that study, they said the oil will be used in this country, and it will—not ''may'' but ''will''—lower gas prices on the east coast, the gulf coast, and in the Midwest. I had Secretary Chu in front of me at one of our hearings, and he acknowledged that, in fact, that is what the Department of Energy of this administration provided—that the product will be used here, that we are going to need more crude, and it will lower gas prices. Of course, that just stands to reason, doesn't it? If we are importing 30 percent of our oil from the Middle East today, obviously, we are going to continue to need crude from outside our borders.

Let's go to the third argument I have heard against the pipeline project, which is that Canada should not produce oil in the Canadian oil sands. The reason: Greenhouse gas emissions are 6 percent higher than conventional, and that the excavating process has a negative impact on the boreal forest.

Let's deal with the real situation, the current situation. The current situation is that 80 percent of the development in the Canadian oil sands is in situ—80 percent. What does that mean? That means drilling—not excavating but drilling—like we do in the United States. So you have about the same footprint in gas emissions as conventional drilling. Those arguments don't hold muster.

Here we are faced with a very clear choice. Do we go ahead and get oil from our closest friends and trading partner, Canada, or say no to them and have them send it to China? Do we reduce our dependence on Middle Eastern oil and reduce the price of gas for hard-working American consumers? How about national security? Would you rather rely on oil from the Middle East or from Canada? Would you rather have oil produced here, in North Dakota, Montana, and in Canada, or would you rather get it from the Middle East?

I know how Americans will answer that question. I am looking forward to seeing how the Senate answers that question and how the administration answers that question.

Again, this is a clear choice. These amendments are clear. They are not similar. One is for the project; the other is against the project. The amendment that my esteemed colleague has put forward, the Democrat alternative, will block the project. It says after 3½ years of study, start over. After 3½ years of studying this project, start over.

What does that mean? Another 3½ years before we build it or another 5

years? How long do we have to study vital infrastructure projects before we can build them?

Do you think that might be one of the problems with our economy? Do you think that might be one of the problems with energy development? That is where it starts, by saying: TransCanada, start over, after 3½ years.

Then it adds additional impediments. What are they? Well, it says, for starters, none of the crude and none of the refined product can be exported from this country—not one drop. We cannot export any of it. The reality is there are refined products that we don't even use in this country. You can't. They are some of the coking products, and so on and so forth. There isn't demand or we cannot use them. If the refineries cannot sell them, they have to recoup that revenue stream. How? When they sell gasoline and diesel in our country. That pushes gasoline prices higher when they are already going higher by the day. Does that make sense to anybody? I don't think so.

Another impediment in the legislation is that not one penny of the inputs can come from outside the United States, even though 75 percent of the steel and 90 percent of all of the other materials in this multibillion-dollar project, paid for by private enterprise—75 percent of the steel and 90 percent of the other inputs come from North America. But that is not good enough. We are going to say every single penny of the inputs has to be bought in the United States. Of course, the companies cannot do that because they have already bought a lot of the steel and other materials. It is just a way to block the project.

Think about that absurd level of protectionism. Are we really going to grow our economy, create a lot of good jobs with that kind of protectionism? We cannot import anything and we cannot export anything, we are going to grow and expand and diversify this American economy and put people to work, and we are going to raise income with that approach? I don't think so.

Again, I go back to where I started. We have a clear choice to make, a very clear choice. We can stand with the people of America, stand with the workers, with the families, with the small business, and we can work to grow our economy and create jobs, and we can work to strengthen our national security or we can choose to say: No, we are going to continue to rely on oil from the Middle East. We are not going to increase supply, and we are not only going to turn down Canada, we are going to turn down our States such as North Dakota and Montana and say we would rather get that oil from the Middle East.

Today we have a clear choice about building a better energy future for our country, more jobs, and more security. I ask my colleagues to vote for the amendment I have put forward, to move the Keystone Pipeline project authority forward so they can advance the project, and vote against the amendment offered as a Democratic alternative, which will block the project.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1817

Mr. WYDEN. Madam President, I have filed an alternative to the amendment offered by my friend from North Dakota. I ask unanimous consent to call up amendment No. 1817.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 1817.

The amendment is as follows:

(Purpose: To ensure the expeditious processing of Keystone XL permit applications consistent with current law, prohibit the export of crude oil produced in Canada and transported by the Keystone XL pipeline and related facilities unless the prohibition is waived by the President, and require the use of United States iron, steel, and manufactured goods in the construction of the Keystone XL pipeline and related facilities with certain exceptions)

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

SEC. ___. KEYSTONE XL PIPELINE.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any applicable Federal requirements in connection with the Keystone XL pipeline (including facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana).

(2) EXPEDITIOUS ANALYSES AND PERMIT DECISIONS.—In evaluating any new permit applications that may be submitted related to the Keystone XL pipeline and facilities described in paragraph (1) or in carrying out the activities described in this section, the President or a designee of the President shall—

(A) act as expeditiously as practicable and, to the maximum extent practicable and consistent with current law, use existing analyses relating to those pipeline and facilities, including the environmental impact statement issued by the Department of State regarding the Keystone XL pipeline on August 26, 2011; and

(B) issue a decision on any permit application not later than 90 days after the date on which all analyses and other actions required by current law and applicable Executive Orders are completed.

(b) PROHIBITION ON EXPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), no crude oil produced in Canada and transported by the Keystone XL pipeline or facilities described in subsection (a)(1), or petroleum products derived from the crude oil, may be exported from the United States.

(2) WAIVERS.—The President may grant a waiver from the application of paragraph (1) if the President—

(A) determines that the waiver is necessary as the result of—

(i) national security; or

(ii) a natural or manmade disaster; or

(B) makes an express finding that the exports described in paragraph (1)—

(i) will not diminish the total quantity or quality of petroleum available in the United States; and

(ii) are in the national interest of the United States.

(c) USE OF UNITED STATES IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the construction, connection, operation, or maintenance of the Keystone XL pipeline and facilities described in subsection (a)(1) shall not be permitted unless all of the iron, steel, and manufactured goods used for the pipeline and facilities are produced in the United States.

(2) NONAPPLICATION.—Paragraph (1) shall not apply if the President or a delegate finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) iron, steel, and the applicable manufactured goods are not produced in the United States in sufficient and reasonably available quantities with a satisfactory quality; or

(C) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall pipeline and facilities by more than 25 percent.

(3) RATIONALE.—If the President or a delegate determines that it is necessary to waive the application of paragraph (1) based on a finding under paragraph (2), the President or delegate shall publish in the Federal Register a detailed written justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

Mr. WYDEN. Madam President, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I rise to speak about the highway bill. I want to start by first thanking the chairmen and ranking members of the EPW Committee, the Commerce Committee, and the Banking Committee, all of whom worked to put in place some reforms this bill reflects. There is a component of this bill, though, where work has not been done in a satisfactory manner, and that is actually paying for this bill.

The Senator from North Carolina, who is in the chair, has been involved in many discussions about deficit reduction. We have had, ad nauseam, meetings about how to get our spending under control. Last year, after Erskine Bowles, from her State, and Alan Simpson came together with the Bowles-Simpson report, there was a pretty big effort in this body to try to adopt the principles laid out therein. As a matter of fact, 32 Republicans and 32 Democrats sent a letter to the President asking him to embrace those principles.

Later on there was another effort by a supercommittee that was put in place. Numbers of people on both sides of the aisle wrote letters asking that this supercommittee do something outstanding for our country and reduce the deficit by $4 trillion, if possible.

My point is that there has been a lot of bipartisan effort toward reducing the deficit. Yet the only thing we have done thus far—the only thing that had any meat on it at all was the Budget Control Act, which was passed on August 2. The Budget Control Act was passed in a trade, if you will. At that time, the country's debt was beyond the debt ceiling that was allowed by law. So in order to raise the debt ceiling, there was an agreement reached by

this body to lower the amount of spending that was going to take place over the next 2 years by an equal amount.

We passed on August 2 of last year the Budget Control Act. That act laid out specifically what we were supposed to do to be responsible in reducing our spending. Again, this is something that was passed in a very bipartisan way.

As part of that process, because we have not passed a budget in some time, there was a budget resolution—there was a deeming process that was put into place as part of the Budget Control Act. Chairman CONRAD laid that down right after the fact, and we are governed by that deemed resolution in this body.

Unbelievably, we have this very popular program. The highway bill is something people on both sides of the aisle strongly support. I want to see a highway bill. I was the mayor of a city, and I understand and know how important highway infrastructure and transit spending is to this country. Unbelievably, with a very highly supported bill, what this body is doing is already violating the spending levels that were deemed by virtue of the Budget Control Act passing and a budget resolution that came thereafter.

What I say is that this body already—7 months after this Nation, and actually the world, watched as we wrestled with our debt ceiling—they watched us pass the Budget Control Act. They knew it had a deeming process that took place, where a budget resolution was deemed. We are already in violation of that.

All I am doing is asking the Members of this body—so many of us, in a bipartisan way, have risen and said we have to do these things to get our spending under control, to control deficits. So many of us took tremendous heat in voting for this debt ceiling that took place last August. Yet to this body, in passing a very popular bill that we would think would cause us to want to prioritize and say: OK, we do need to spend money on highways, so therefore let's spend less on something else, this is a very important piece of legislation. I thank the chairman of the EPW Committee for the reforms that have been put in place and the way their committee worked in a bipartisan way. These comments this morning have nothing to do with the work the EPW Committee did.

The fact is, we are not paying for this piece of legislation in the appropriate way, per the guidelines we laid down as a part of the process put in place by the Budget Control Act. To me, that is absolutely irresponsible, especially when you look at the spending levels that are above that deemed budget resolution. So at this time I want to offer a point of order. I know the chairman is back, and I have been filibustering slightly until she got here.

Madam President, the pending measure, S. 1813, as amended, will exceed the aggregate level of budget authority and outlays for fiscal year 2012 as set out in the most recent budget resolution deemed by the Budget Control Act of 2011; therefore, I raise a point of order under section 311(a)2(a) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from California.

Mrs. BOXER. Madam President, with great respect to my friend, and I appreciate his opinion on this, this bill is paid for. It is paid for through the highway trust fund, and it is paid for through bipartisan work in the Finance Committee, which has worked overtime to come up with a plan to ensure this trust fund has enough in it to support the work we need to do to fix our bridges and our highways and to support 1.8 million jobs and more than 11,000 businesses out there, as well as the real possibility of creating an additional 1 million jobs with an enhanced program we call TIFIA, which leverages Federal funds.

So, Madam President, with due respect but pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, 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 and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

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

The yeas and nays are ordered.

Mrs. BOXER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1785

Mr. INOUYE. Madam President, the amendment of the junior Senator from Tennessee would lower the nondefense discretionary cap established in the Budget Control Act by $20 billion in order to offset transfers from the general fund necessary to replenish the highway trust fund. This amendment is a clear violation of the Budget Control Act we agreed on less than a year ago. In simple terms, the amendment would impose a 4-percent cut to nondefense discretionary spending in order to pay for a shortfall in mandatory spending.

I wish to remind my colleagues that discretionary spending will rise at a rate less than the rate of inflation over the next decade, and that is according to CBO. Mandatory spending, on the other hand, is slated to rise at three times the rate of inflation. Clearly, if there is a desire to offset one area of mandatory spending, the place to find such an offset should be on the very same mandatory side of the spending ledger.

In an op-ed published in the Washington Post yesterday, Senator CORKER said that finding an offset for the highway trust fund was a small step toward fiscal responsibility and that we should all support this amendment. But in the opening portion of the editorial, the Senator noted the solid bipartisan support in the Senate for a balanced approach to real deficit reduction. This balanced approach would include revenues, mandatory spending, and discretionary spending.

I agree with the Senator that only a balanced approach would truly solve our long-term challenges. Yet, in this amendment, what do we find? Cuts. Nothing but cuts to nondefense discretionary spending. No revenues, no mandatory spending, just the same approach we have seen again and again from our Republican colleagues—cut discretionary now, and we will do other things at a time to be determined later. Even the Ryan budget did nothing to Social Security or Medicare for 10 years. But the cuts to discretionary spending and to Medicaid Programs that save the lives of hundreds of thousands of elderly and children living in poverty took effect immediately, not in 10 years. And that is the approach of this amendment.

Clearly, there was an opportunity here to present a balanced approach. The Senator could have proposed modest cuts to spending, with increased revenue and changes in the rules that would lead to a fully funded highway trust fund for years to come. But that would require hard work and compromise, and this amendment requires neither.

Across-the-board cuts to discretionary spending are easy. This amendment is one page. Change one number, and that is it—we can all go home and say what a great job we have done cutting down. But the truth is, when it comes time to implement these cuts, agencies will be forced to look at reductions in force, at deferring desperately needed maintenance and repairs, and if you were considering upgrading your technology to better serve the American people, you can forget about it. Four percent is no small matter, coming on top of flat budgets for the past 2 years and with no increase for inflation or population growth.

As with so many amendments we have seen this past year, nondefense spending is again targeted not because it is good policy but because it is an easy policy. As I have done on each of these past occasions, I once again urge my colleagues to reject these unreasonable and reckless cuts and to vote no on the Corker amendment.

Madam President, if I may, I would like to speak on another amendment.

AMENDMENT NO. 1738

Madam President, in September of 2011, this Senate rejected an amendment very similar to the one offered today by the junior Senator from Oklahoma. At that time, Members saw this amendment as a backdoor attempt to remove more from discretionary accounts than had been agreed through the deficit reduction deal. Nothing has changed in the intervening 6 months, and we should again reject this amendment for the same reason: It violates

the deficit reduction agreement reached last fall.

Senator COBURN claims that the purpose of this amendment is to reduce duplicative programs. In reality, the amendment would require a $10 billion reduction in existing discretionary caps regardless of whether there is actually $10 billion in discretionary savings from consolidating duplicative programs that can be identified only by the OMB. Further, the $10 billion figure is completely arbitrary and almost certainly will not be reached. In fact, there is no methodology or specificity that verifies that there is, in fact, $10 billion in discretionary savings to be found.

The Senator's amendment cites two reports from the Government Accountability Office—the GAO—on how programs that may be duplicative or somewhat duplicative could be streamlined or eliminated. What the Senator fails to mention is that the GAO, in its recent report, notes that on 81 issues it raised last year, the Congress or the executive branch has begun to respond to all but 17 of the issues raised. This amendment also ignores the fact that the majority of the items on which no action has been taken are unrelated to discretionary spending but cover revenues and mandatory spending.

Moreover, in reviewing the details of the tens of billions that GAO indicates might be saved by eliminating duplication, it is apparent in those areas in which GAO has provided somewhat auditable estimates that the bulk of the savings are in three categories. These categories are raising revenues, cutting mandatory spending, and cutting defense. For example, 18 recommendations in 2 reports would come by cutting defense programs, including military retirement, health care, and military compensation. Furthermore, $2.5 billion in annual savings would come from Social Security and at least $10 billion from eliminating tax expenditures or making other changes to the Tax Code.

Madam President, my colleagues on the other side have not demonstrated any zeal for cutting defense or raising revenues. Frankly, neither side has expressed much willingness to cut mandatory spending. Instead of targeting tax increases or mandatory spending, this amendment once again goes after the easy target, which is domestic discretionary spending—the same target that is attacked time after time even though it only represents 15 percent of Federal spending.

So we have once again an amendment offered by the Senator from Oklahoma which has become a familiar pattern in the Senate. On its face, the amendment might seem to have some value, but the details of the amendment show that the amendment is a Trojan horse—a disguise with a goal of indiscriminate cutting of discretionary spending without any real base or justification. In other words, this is simply another attempt to circumvent the deal we reached less than a year ago on spending cuts for fiscal year 2013. Understanding that Senator COBURN doesn't believe those cuts went deep enough into discretionary spending, I and many of my colleagues believe they went too far. But in the end, a deal is a deal. We must honor the agreement reached by leadership and signed into law by the President. Is it really in the best interests of the American people or this institution to force vote after vote on discretionary spending levels because one side did not get everything they wanted in the Budget Control Act?

Clearly, the duplicate programs targeted in this amendment are merely the frosting on the cake of spending cuts to any number of programs of which the Senator does not approve. But let's be clear—the objective here is not better government, it is cutting discretionary funding to programs that Congress supports, hiding under the guise of good government.

Setting aside the real intent of this amendment, the irony of the Coburn amendment is that the amendment itself is redundant and duplicative of existing rescission authority which has been in the law since 1974, the Congressional Budget and Impoundment Control Act of 1974. This act has been successful in addressing this very situation.

Setting aside this irony, the problem with this amendment is that by circumventing a well-thought-out process that recognizes the checks and balances between the executive branch and the legislative branch, it simply turns over all decisionmaking in terms of which programs are duplicative to the Office of Management and Budget with absolutely no deference to Congress and the programs authorized by Congress.

The Senator from Oklahoma is constant in his efforts to weaken Congress's power by shifting our responsibilities to the executive branch, and I will remain constant in pointing out to my colleagues why this is a bad idea. The power of the purse is the single most important check on the power of the executive branch. Every time we chip away at that power, we chip away at the Founding Fathers' vision of how our government should operate. In addition, we are also disregarding our accountability to the American public. The Congress should be held accountable for the tax dollars we appropriate and the tax dollars we rescind.

In closing, we should reject this amendment because it makes no sense to reinvent the wheel—and in this case, an inferior one—when we are trying to address duplication in government missions. And we should reject it because it violates the spirit, if not the letter, of the Budget Control Act which was signed into law just 8 months ago. Finally, we should oppose this amendment because it fails to attack the real culprits of our economic woes—revenues and mandatory spending. Therefore, I urge a ''no'' vote on the Coburn amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that there be 2 minutes equally divided prior to each vote; that all after the first vote be 10-minute votes; that the Baucus amendment relative to rural schools be listed as No. 1825; further, that if a budget point of order is raised against the underlying bill and a motion to waive the budget point of order is made, I ask unanimous consent that the vote on the motion to waive occur today within the sequence of votes this afternoon at a time to be determined by the majority leader after consultation with the Republican leader; that the time until 2 p.m. be equally divided between the two leaders or their designees; finally, that Senators on the majority side be permitted to speak for up to 5 minutes each, and they would be in this order: LAUTENBERG, LANDRIEU, WYDEN, STABENOW, and MERKLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Indiana is recognized.

INDIANA TORNADOES

Mr. LUGAR. Madam President, I rise today in support of American jobs and national security.

First, I would like to take a moment to express my condolences to families who have lost loved ones in the tornadoes that struck Indiana and other States on March 2.

Last weekend Senator COATS and I toured the damaged areas of southern Indiana and met with people who are dedicated to a full recovery from total devastation. I wish to pay special tribute to advanced preparedness by the schools and many others that prevented an even greater loss of life. Also, our gratitude goes out to the first responders who are doing amazing work, in some cases while facing their own devastating circumstances.

I am returning this weekend to encourage the continuing progress toward recovery, and I am working closely with Governor Daniels and other State officials to coordinate Federal assistance that is appropriate given the level of devastation.

AMENDMENT NO. 1537

Madam President, I rise in support of American jobs and national security in a very strong way and to encourage my colleagues to support the Keystone XL Pipeline amendment I have offered with Senators HOEVEN, VITTER, and others. The Hoeven-Lugar-Vitter amendment No. 1537 mirrors legislation that 46 Senators from both parties have cosponsored. Let me give special thanks to JOHN HOEVEN for his partnership and his leadership in this effort.

My own advocacy for the Keystone XL pipeline derives from its benefits for national security, job creation, and economic growth. Keystone XL will reduce our vulnerability to oil market

manipulation by unfriendly foreign regimes, thereby giving our military and diplomats more flexibility in addressing national security priorities such as stopping Iran's nuclear weapons capability. Keystone XL will create thousands of private sector American jobs almost immediately and without taxpayer subsidy. The more than 7 billion private sector dollars invested for Keystone XL will benefit American workers far beyond those installing the pipeline.

Moreover, analysis from the Department of Energy just last year found that oil supplies coming via Keystone XL would most likely lower gas prices.

President Obama's denial of the Keystone XL pipeline permit is not in the national interest. Americans are screaming for more affordable oil supplies. The irony is that Democratic Senate leadership is calling for more oil from Saudi Arabia even as they continue to oppose oil from Canada.

The Obama Administration's failure to approve Keystone XL detrimentally impacts Americans today. If the State Department had conducted its review in a timely manner of 18 to 24 months, the southern half of Keystone XL would already have been in operation, relieving the bottleneck currently keeping more affordable U.S. oil away from consumers. The remainder of Keystone XL would have been in operation any day now, so today's markets, tighter from supply reductions in Iran and Sudan, would have had reliable sources online soon. We should not delay needed market liquidity any longer.

The Democratic alternative to our legislation would add more delay to American jobs, enable a large government overreach into private industry decisions, and jeopardize the jobs of American refinery workers.

It is not the normal course of events that Congress would be acting on a single private sector project. As ranking member of the Senate Foreign Relations Committee, for months I encouraged timely evaluation of this the project on the merits, even while sharing my own support for its completion. Historically, pipeline applications have been treated in a technocratic matter by both Republican and Democratic administrations. For that reason, Congress has not generally been compelled to assert its constitutional authority over border crossings for oil pipelines as we have for bridges, ports, and immigration.

Regrettably, actions by the Obama Administration to first delay and then deny the Keystone XL application point to election year politics overwhelming the need for objective consideration of the national interest.

In that circumstance, last December 89 Senators voted to pass into law the Lugar-Hoeven-Vitter legislation, S. 1932, which required President Obama to conclude more than 3 years of analysis. In other words, we tried to give President Obama a chance to finish the job. Immediately upon passage, the White House complained that they did not have sufficient time to make a decision. In reality, the Obama Administration issued a Final Environmental Impact Statement on August 26, 2011, and pondered the Keystone XL application for 1,217 days before rejecting it in January.

The lengthy delay in permitting Keystone XL is incongruous with our country's dire need to diversify oil sources and promote job creation. The first Keystone pipeline's permit was granted in 693 days. The Obama Administration approved the Alberta Clipper permit after an 829 day review.

Incredibly, even after 1,217 days the Obama Administration still was unable to determine the national interest, even at this time when oil markets are the tightest they have been in years, gas prices are soaring, and unemployment remains at 8.3%.

The only reason that has been given for delay is that the Keystone XL route through Nebraska is being shifted to avoid some sensitive areas. Benefiting from the diligent efforts of Senator JOHANNS and his staff, the Hoeven-Lugar-Vitter amendment protects that state process, giving Nebraskans all the time they need while not unduly holding up construction in other states. The Federal government need not tell Nebraskans where to put the pipeline on their territory; our legislation trusts Nebraskans to do what is best for Nebraska.

Mr. President, it may surprise some colleagues to learn that it is not the Federal government's role to decide when an oil pipeline should be built or where it will be placed. The primary Federal role is to ensure safety and environmental standards are met. Our legislation contains safety and environmental requirements in excess of current law and already endorsed by 89 Senators in December. With our bill, Keystone XL would be perhaps the most advanced oil pipeline in the country.

It is only by virtue of crossing our international border with Canada that Keystone XL came into the unfortunate situation of requiring Presidential permission. Our legislation removes the need for an international border-crossing permit for Keystone XL, which currently is required only by Executive Order and not U.S. law. The pipeline could enter the United States at Phillips County, Montana, and nowhere else. In doing so, it recognizes not only that trade in reliable and affordable oil with our closest economic and strategic ally is in the national interest, it also recognizes that in large part the U.S. and Canadian energy systems are integrated to our mutual advantage.

The Hoeven-Lugar-Vitter bill resets evaluation and permitting for all portions of the pipeline to where it was before November 11, 2011, when the President announced he would delay a decision for more than a year until after the 2012 election. The Final Environmental Impact Statement issued by the State Department would be reinstated, along with associated Federal permissions. Keystone XL would still be required to go through regular order in receiving permits that it had not received prior to that date, including from the Army Corps of Engineers and Bureau of Land Management.

Importantly, our legislation recognizes the vital role of individual states in approving oil pipelines. Keystone XL must have all State permissions required by the States that it proposes to cross. That also applies to eminent domain, which is the jurisdiction of the States when it comes to oil pipelines.

I recognize that there is opposition to Keystone XL among certain segments of the environmental community. I take these concerns seriously. That is why our legislation contains perhaps the strongest environmental and safety safeguards for a pipeline ever put into U.S. law. It reflects work of the State Department, the Transportation Department, and other Agencies that identified expansive and specific requirements for pipeline construction and operation. TransCanada has pledged to follow those guidelines, which would have the force of law through our legislation.

In the course of debate we will likely hear a number of Democratic colleagues attest their support for pipelines and for Keystone XL in particular. Surely more will profess their concern for the thousands of workers that would earn incomes with Keystone XL, as well as for the numerous unions that support them. I have no doubt that many Senators, regardless of party affiliation, share those sentiments. Yet, sentiments mean little if in the next breath they oppose reasonable legislation we have offered to make it happen, namely the Hoeven-Lugar-Vitter bill.

I understand that there can be reasonable questions, even concerns on a project of this size. I, along with Senator HOEVEN and other cosponsors, have repeatedly offered to Democratic colleagues to hear any genuine concerns with our legislation and to negotiate changes that would earn their votes. Those offers have been refused. Instead, the Democratic leadership has offered a last minute side-by-side amendment that would add more delay, jeopardize the prospect of any Keystone XL jobs being created, and undermine the job prospects of American refinery workers.

I am hopeful that Democratic colleagues will join me in supporting jobs and energy security by voting in favor the Hoeven-Lugar-Vitter amendment. Voting against the Hoeven-Lugar-Vitter amendment while simultaneously refusing to negotiate is a vote against Keystone XL, against the private sector jobs it will produce, against the chance it brings for lower gasoline prices, and against the relief it can provide from our dangerous dependence on

oil from the Middle East and Venezuela.

Mr. President, in my judgment, there is no doubt that the Keystone XL pipeline would benefit United States national security, energy reliability, economic growth, and job creation. It would be the most advanced pipeline in the United States, thus minimizing environmental risks.

United States dependence on foreign oil is one of our foremost national security vulnerabilities. Iran's threat to shatter global economic recovery and splinter allied opposition to their nuclear weapons program by using their oil exports as leverage is just the most visible example today. The dollars we use to buy oil from autocratic regimes complicate our own national security policies by entrenching corruption, financing regional aggression and repression, and inflating Defense Department costs. Crude oil from Canada, North Dakota, and Montana delivered by Keystone XL will replace a substantial part of future imports of heavy oil from Venezuela and the Middle East.

The less we are directly dependent on oil from unstable and unfriendly regimes, the more flexibility we will have in diplomatic and defense options. Consider, for example, some of the flashpoints in oil-rich countries over the more than three years that the Obama Administration examined the Keystone XL pipeline application: Iran threats against Israel, the Strait of Hormuz, and the U.S. Navy; Venezuelan antagonism; war in Libya; hostilities in Iraq; a stalemate in Sudan; unrest in Russia; the Arab Spring; strained relations with Saudi Arabia; violence in Nigeria; and the ongoing threat of terrorism against energy infrastructure.

In contrast, the only uncertainty in oil trade with Canada has been the U.S. indecision over Keystone XL. This delay has caused the Canadian government to openly question whether the U.S. is a reliable market and whether it should devote new oil capacity to supplying China's voracious appetite for energy.

No single project or policy is a cure-all, but having more independence from unstable regimes will give more options to avoid being drawn into oil-driven conflicts and to diplomatically advance national security objectives. For example, among the most significant challenges to enforcing strong sanctions on Iranian oil is concern over high gas prices driven by a weakening global supply margin. More than 3 years of bureaucratic delay on Keystone XL means that the Obama Administration has prevented Keystone XL oil from helping Americans hit by high gas prices today. Approval now would send a strong signal to markets of coming supply, and with our legislation, Keystone XL would be in place to help address future emergencies.

Having built-in first access to Canadian crude via pipeline is a strategic and economic advantage when global oil markets are under threat of shortage, as powerfully illustrated by Iranian threats against 20 percent of world oil that traverses the Strait of Hormuz.

The global oil market has fundamentally changed. Booming demand by China, India, and other emerging economies is quickly absorbing new supplies. Old oil fields are running low and new ones are expensive and harder to find. World markets are likely to remain tight for the foreseeable future, which means that supply disruptions due to political, terrorist, or weather events can lead to shortages much more easily than in the past. Tight global oil markets will invite threats to supplies for years to come, whether by Iran or other hostile actors. Having oil flow to the United States, instead of to China, via Keystone XL would give Americans the benefits of first access in times of trouble.

In Indiana job creation is the number one priority. The situation is urgent for families struck by our 9 percent unemployment rate, and many more are underemployed. Having the private sector willing to inject more than $7 billion into the economy for the Keystone XL pipeline is a tremendous vehicle for putting people back to work, and it will have a multiplier effect for economic growth. Moreover, it is estimated that approximately 90 percent of the money Americans send to Canada for imports is returned to the United States, thereby encouraging more trade beyond the energy sector.

Keystone XL is perhaps the largest private infrastructure project available for construction almost immediately. It is expected to directly create 20,000 jobs, particularly in the hard-hit construction and manufacturing sectors. In addition, tens—if not hundreds—of thousands of other American workers will have their jobs bolstered through the supply chain. Many of these are small American businesses that manufacture specialty parts or provide services.

Already Hoosiers working at Koontz-Wagner in South Bend, IN, have benefited from some of the $800 million that has already been spent for Keystone XL supplies. As a subcontractor for Siemens, Koontz-Wagner last week finished the last of 78 equipment shelters for Keystone XL. The largest of the shelters measures 62 feet long, 14 feet wide, and weighs about 8,500 pounds. Manufacture of the 78 units for Keystone XL generated 140,000 ''man hours'' of work, allowing 50–60 new employees to be hired. It is the single largest contract for that company in South Bend. The people of Koontz-Wagner are fortunate that they are an early contractor. Meanwhile, thousands of additional workers are waiting for their chance.

Other Indiana firms stand to benefit from the Keystone XL pipeline. I visited Endress+Hauser in Greenwood where they already have manufactured $600,000 worth of flow and temperature devices, Caterpillar in Lafayette where they manufacture the engines for the heavy equipment developing the oil sands, and Fairfield Manufacturing in Lafayette where they manufacture large gears and other components of the Caterpillar machines, in addition to other industrial machinery.

More than 2,400 American companies in 49 States, including over 100 in Indiana, supply goods and services for oil sands development and transport, according to industry estimates. Virtually all of these American companies stand to benefit from robust trade with Canada, and stand to lose from Canada turning its trade preferences toward Asia.

An important testament to the job-creating opportunities of Keystone XL is the strong support of several unions, such as the AFL–CIO Building and Construction Trades Department, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the U.S. & Canada, International Union of Operating Engineers, Laborers' International Union of North America, International Brotherhood of Teamsters, and the International Brotherhood of Electrical Workers.

Private sector job creation must be our top domestic priority. Some argue that the estimate of 20,000 new jobs from Keystone XL construction is too high even while they admit that many thousands of new jobs will be created. Even a smaller number of new private sector jobs are important gains during this time of 8.3 percent unemployment nationally and 9 percent in Indiana. Whether it is a pipeline, a road, or a house, it is the nature of the construction industry that jobs created are temporary in the sense that once a single project finishes, another needs to take its place. A benefit of a project as large as Keystone XL is that the temporary employment is actually quite long and desperately needed by workers and their families.

Keystone XL is privately financed. No taxpayer money is needed to bring these jobs—all that is needed is for government to get out of the way.

In my judgment, further delaying these benefits is not in the national interest. With the firm go-ahead offered by our legislation, Americans can get to work almost immediately in manufacturing goods and in building the pipeline.

Kicking the can down the road is not simply a delay in construction. Delay opens more rounds of duplicative review with no definite conclusion that the pipeline will be built. Meanwhile, the Government of Canada is racing ahead with plans to export crude to China. Recent high-level agreements between Canada and China demonstrate no reluctance for oil trade through Puget Sound and across the Pacific.

The national imperative to reduce dependence on foreign oil from adversarial and unreliable regimes is not a partisan issue. Increased development

of domestic energy resources, including domestic oil, alternative liquid fuels from biomass and coal, and innovation for fuel efficiency and electrification are all needed. I have offered my Practical Energy Plan, REFRESH farm bill, and Open Fuels Standard with Senator CANTWELL to aid in those efforts. My legislation, if implemented, would reduce our need for foreign oil by 6.3 million barrels per day by 2030—more than two-thirds of current imports.

It is ultimately the expected resilience of higher average global oil prices and technological breakthroughs that will determine the success of alternatives, not the presence of oil pipelines. We must be realistic: Even with rapid improvement in alternatives and efficiency innovations, oil will continue to be an important part of our economy, and oil from domestic sources and reliable neighbors will be more affordable and secure than far-flung imports.

Even if we achieve domestic production and efficiency goals, we cannot afford to ignore the source of our foreign oil. Canada is our most reliable and safest oil trading partner. The Keystone XL Pipeline alone could virtually eliminate the need for oil from Venezuela. Even if in the future we do not ourselves consume all the Canadian oil imported, having that crude in the U.S. system would give us tremendous flexibility to deal with supply shortages caused by conflict, political manipulation, terrorism, or natural disaster.

But perversely, opponents of the pipeline have thrown up a series of canards against the project to distract from the overwhelming arguments in favor of it. One such canard is that Keystone XL is intended to use American soil to convey Canadian oil to markets abroad. The facts are otherwise. The United States is a huge net importer of crude oil about 9 million barrels every day. It is that reality that has perverted our national security policy for decades. Analysis from the Department of Energy finds the likelihood of crude exports from Keystone XL to be extremely low because U.S. refinery capacity for heavy oil is expected to exceed supply from Canada and because transport of oil via Keystone XL, then tanker would be considerably more expensive than domestic Canadian export options.

Overall U.S. exports of refined products are running at an unusually high 15 percent of total production because America's struggling economy has sapped domestic demand, and those export levels likely will shrink again as the economy gains steam. Simply put, we are keeping some of America's 108,000 refinery workers, including about 2,245 in Indiana, employed by selling at home and overseas.

Moreover, it is especially curious that the prospect of even a small amount of exports manufactured at U.S. refineries comes under scrutiny since President Obama has identified the doubling of U.S. exports as a goal. According to the Department of Commerce, the President already has the authority to prohibit petroleum exports if he deems it to be in the national interest.

In my view, exporting a small percentage of refined products to maintain refinery capacity is not a problem to be solved. In the event of a global energy crisis, exports from U.S. Gulf refineries could quickly be diverted back to American gas pumps, providing that their source is a secure supply from the U.S. or Canada, not overseas.

Even as Democrats seek to block the prospect of even a small amount of manufactured petroleum products from being exported, they are also arguing to block the import of products through ''domestic content'' mandates. The Keystone XL Pipeline is a private project and does not receive taxpayer subsidy. The Federal Government has no place in making procurement decisions of private companies. According to TransCanada, of the expected total procurement for Keystone XL, 98 percent is already under contract. In other words, a domestic content requirement may force it to violate existing contracts.

In the end, the most vigorous opposition to Keystone XL is not over the pipeline itself; it is against further development of the Canadian oil sands in an effort to stem greenhouse gas emissions. In considering this issue, it is important to understand that extensive investment in coking capacity at U.S. refineries means that oil from the oil sands will mostly replace other heavy oil, such as that from Venezuela.

But more to the point, there is no doubt that Canada will continue to develop the oil sands regardless of U.S. decisionmaking on Keystone XL. The Canadians have already spent billions of dollars developing this resource, which they see as an essential national asset and job producer. The value of this asset will increase over time as the growth in global populations and living standards increases the demand for oil. Shipping the oil to the Canadian Pacific or Arctic coasts and onward via tanker for sale to China would compound environmental risks, while denying our country the strategic and economic benefits associated with oil sands production.

The strong majority of American people agree with our support for the Keystone XL Pipeline. Polling by Rasmussen and United Technologies/National Journal clearly indicates that a majority of Americans support the Keystone XL Pipeline. The Pew Research Center released a poll on February 23, 2012, that found 66 percent of people who have heard about Keystone XL support its approval, while just 23 percent oppose. These findings are reinforced by the dozens of Hoosier citizens, mayors, and retired service personnel who have written in favor of Keystone XL and the Indiana State Senate that voted in unanimous support.

America's overdependence on oil imports from unstable and hostile regimes endangers our national security and puts our warfighters and civilian personnel at risk. It also worsens our national budget situation, as we spend billions of dollars to ensure safe passage of oil around the world. But today we have a dramatic opportunity to change that energy and national security equation by building the Keystone XL Pipeline to bring oil from Canada, our good friend, to North Dakota and Montana and then to the gulf refineries.

Better yet, building Keystone XL, a private sector project, will create thousands of American jobs now. Job creation is the No. 1 issue in our Nation. The Keystone XL Pipeline is the country's largest shovel-ready infrastructure project. President Obama had the opportunity to create thousands of new jobs right away, plus bolster job prospects for thousands more throughout the manufacturing supply chain, such as our Hoosiers firms Endress+Hauser, Koontz-Wagner, and Caterpillar. Allowing $7 billion of private economic activity should be a no-brainer.

Incredibly, even after reviewing Keystone XL for 1,217 days and in the midst of Iranian threats against global oil supplies and the U.S. Navy, President Obama caved to pressure from extreme environmentalists by rejecting Keystone XL jobs and security. The President ignored analysis from his own Department of Energy that said oil supplies coming via Keystone XL would most likely lower gas prices.

President Obama's rejection of Keystone XL implicitly says that the administration prefers to send billions of dollars to unfriendly regimes rather than expand trade with Canada. It says that Democratic leadership prefers going hat-in-hand seeking more oil from Saudi Arabia rather than taking control of our energy future. It is incomprehensible. No objective standard of U.S. national security interest could justify such a decision.

I recognize there is opposition to Keystone XL among certain segments of the environmental community, and I take those efforts and concerns seriously. That is why our legislation contains perhaps the strongest environmental and safety safeguards for a pipeline ever put into U.S. law. It ensures that the Federal Government will not interfere with individual property rights or tell Nebraskans what to do in their own State.

Opponents believe that by blocking the pipeline, they will stop development of the oil sands in Alberta. That is a false hope. There is no doubt that Canada will continue to develop the oil sands regardless of U.S. decisionmaking on Keystone XL. The Government of Canada is racing ahead with plans to export crude to China. Recent high-level agreements between Canada and China demonstrate no reluctance for oil trade through the Puget Sound and across the Pacific.

Others say we should encourage alternatives to oil, and greater fuel efficiency, and I agree with that, but even under the most optimistic scenarios, oil will continue to be an important part of our economy, and oil from domestic sources and reliable neighbors will be more affordable and secure than far-flung imports.

Crude oil from Keystone XL will replace heavy oil imports from Venezuela and the Middle East. The less we depend on oil from adversarial and unreliable regimes, the more protection Americans will have from price spikes and shortages and the more flexibility we will have in diplomatic and defense options in oil-rich lands.

Finally, let me say that Politico reports that President Obama is so anti-Keystone that he is personally calling Senators to oppose our bill. The Democratic alternative aligns with President Obama's rejection of Keystone XL and is a massive overreach into the private sector. Senator WYDEN's bill would ultimately hurt the workers it claims to help and would penalize America's 108,000 refinery workers directly.

In sum, the Keystone XL Pipeline will create thousands of private sector jobs, and it will help protect the national security interests of the United States. It comes at no taxpayer expense, and it will strengthen vital ties with our ally Canada. I urge my colleagues to support the Hoeven-Lugar-Vitter Keystone XL amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I rise to speak against three Republican amendments that pose a grave threat to our health, our children, and our environment.

The first seeks to delay and weaken new EPA standards that would reduce the pollution produced by industrial boilers. These boilers emit dozens of toxins, including lead, which reduces children's intelligence levels, and dioxins, which can cause birth defects. Boilers also release mercury, which is brain poison for children. And I ask my colleagues here to just think for a moment how lucky you are if all of your children are healthy and feeling good.

Under the Republican amendment, polluters will have at least 6 additional years to continue releasing life-threatening toxins into our air. We have already waited far too long to see the health benefits these standards would achieve. Back in 1990, both parties came together in Congress and told the EPA to set new pollution standards by the year 2000. If we delay these standards another 6 years, our country will suffer as many as 28,000 premature deaths. We will also see 17,000 heart attacks and more than 180,000 asthma attacks.

This amendment would also fundamentally weaken the Clean Air Act. It forces the EPA to set the least burdensome standards for industry. Imagine that. Instead of reducing toxins our children breathe, this amendment orders the EPA to reduce the burden on polluters. Under this amendment, children lose and polluters win, and that is inexcusable.

I also wish to express my strong opposition to Senator HOEVEN's Keystone XL amendment, which is nothing more than a rubberstamp for a project that poses serious risks to our environment and public safety.

The Keystone XL Pipeline will be one of the largest pipelines outside of Russia and China. It will be 1,700 miles long, cut through six States, and carry nearly 1 million barrels of tar sands oil each day. Make no mistake, the Keystone Pipeline is not ready for approval.

The fact is, the people have a right to know the facts about projects like this. This is one of the reasons I wrote the Pipeline Safety Act, which President Obama signed into law in January. This law requires the Transportation Secretary to determine whether we need better rules for the movement of tar sands oil, which is thicker and more corrosive than conventional oil.

Keep in mind, the existing Keystone Pipeline has had 12 oilspills in its first year of operation. So before we take a shot in the dark, let's get the facts about Keystone XL.

Finally, I want to express my strong opposition to a Vitter amendment to vastly expand offshore drilling in this country. I will not stand by while Republicans put New Jersey's coast in the hands of oil companies. Tourism, fishing, and other coastal activities generate $50 billion a year in New Jersey and support a half million jobs. Just like with the Keystone Pipeline, the oil industry is telling us don't worry about the risks posed by offshore drilling. They say: Trust us; everything will be fine. But we know how empty the oil industry's promises are.

In 1989, before the Valdez spill in Alaska, Exxon told us their oil tankers were safe. Two years ago, BP insisted it could handle an oilspill in the Gulf of Mexico. That is fresh in our memories. We should not forget it.

We do not need any more empty assurances from the industry. We need to defeat these amendments and pass a clean transportation bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1826

(Purpose: Of a perfecting nature)

Mr. ROBERTS. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1826.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 1826.

Mr. ROBERTS. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ROBERTS. Madam President, I rise today to ask for support for my amendment to promote progrowth energy and tax policy, and especially consistency for the remainder of this year.

My amendment addresses a significant tax policy concern. Within the Tax Code there is a long list of provisions simply known as tax extenders. Some might ask why I am offering an amendment on tax extenders to a bill dealing with the Federal highway program. In a nutshell, here is why: These provisions are used by millions of families, individuals, and business taxpayers. But these provisions expired over 2 months ago, causing utter chaos in regard to—well, really, what it caused was the lawyer-CPA full employment act. At present, the Senate leadership has no plans to consider these expired tax provisions. That is not right.

The base of this amendment includes most if not all of the expired energy tax incentives addressed in the amendment offered by my friends on the other side of the aisle. It is your amendment. In my amendment, however, we increase these energy production incentives. With spiking gas prices hammering families and businesses, this is precisely, it seems to me, the time to have a policy which will increase our supply of energy.

To begin with, addressing the oil supply issues, my amendment would cut redtape and open more Federal land for more oil and gas exploration and drilling. We are all painfully aware of the President's rejection of the Keystone XL Pipeline application. My amendment gives our Canadian neighbors the green light to send energy our way.

Let me now briefly describe the amendment. This amendment extends popular and much needed tax relief ranging from tax deductions for families sending kids to college to the adoption tax credit. By supporting my amendment today, we can provide much needed tax relief and certainty to millions of families and businesses for the remainder of this year.

I highlight this point because uncertainty in business and personal financial planning is something I think all of us hear about daily when we go back home and then come back here. Let's take a look at the deductibility of college tuition. This is a benefit for families who send their kids to college. By definition, this benefit goes to middle-income families. A lot of these folks are not low-income, so their kids do not qualify for Pell grants, but they are not high-income either. A lot of these folks are paying significant Federal, State, and local taxes and they get no help in defraying the high cost of their kids' college education. This tax deduction would make this consistent just for this year. This helps

families by increasing access to higher education. This deduction ran out last year, and if we don't act these families will continue to face a tax increase.

Another very important expired provision is the deductibility of State and local sales taxes. Over 10.3 million Americans are paying more in taxes because this provision has expired.

On the business side, my amendment would address expiring business provisions, including the research and development tax credit and tax incentives for leasehold improvements and restaurant depreciation. It also extends enhanced small business expensing. Many small businesses use this benefit to buy equipment on an efficient aftertax basis. It is good for small business. It is good for small business workers. It is good for our Nation's economic growth.

The amendment closes a tax loophole that ensures that taxpayers claiming the refundable child tax credit provide proper identification on their tax returns.

Finally, this amendment includes a special deficit reduction trust fund. The trust fund would contain the savings from the energy production incentives, the refundable child tax credit provision, and an extension of the existing Federal employee pay freeze.

In summary, this amendment does not add to the deficit. It contains robust energy production incentives and restores expired individual and business tax relief provisions. Most of all, it promotes economic growth and provides much needed consistency as these tax extenders simply do not exist at the present time, and only for this year. Everybody knows in 2013 we have the obligation and responsibility to dig into a tax reform plan that will certainly serve to put our Nation in much better shape in regard to tax policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1822

Ms. LANDRIEU. Madam President, let me begin by thanking the almost 15 Members of this body who have been working on this very important legislation for almost 2 years, since the Deepwater Horizon tragedy. I particularly want to thank Senator SHELBY, who has been the lead on the Republican side, for cosponsoring this important and significant environmental and economic recovery of the gulf coast. We could not have done it without Senator VITTER and Senator SESSIONS, who were on the authorizing committee where this bill came out with almost unanimous support. I think we didn't get two votes in the committee. Everyone else, Republican and Democrat, was supportive.

I particularly thank Senator WHITEHOUSE, who led the effort on the Democratic side, as we have shaped, with his help, for the gulf coast, which is represented in this bill, a way to invest in our oceans by smartly using some of the interest earnings. Of course, we would not be here on the floor without the extraordinary leadership of Senator BOXER from California, whose coast gets virtually no benefit from the RESTORE Act as it was originally introduced, but she was willing to step up because she knows how important the gulf coast is to the United States.

Let me first remind people what this accident looked like. It has been 2 years, but we remember the horror that we saw on our televisions for months about the largest environmental accident in the history of our country—5 million barrels of oil spilled along the coast of Louisiana, Mississippi, Alabama, and seeped onto the coast of Florida and caused economic damage in Texas. Let me tell you, 600 miles of the gulf coastline were oiled, and 86,000 square miles of waters were closed to fishing, causing a $2.5 billion loss to the fishing industry. We still have concerns about what that industry will look like.

The U.S. Travel Association estimated a $23 billion impact to tourism across the gulf coast. So although Texas did not technically get any oil, they had an impact along their coast with the tourism decline.

Every commission, independent commission—Secretary of the Navy Commission, the President's commission, the independent commissions have all advocated that the proper response of the Federal Government is not to take this penalty money and stuff it in the General Treasury but, rather, to take a significant portion—our bill says 80 percent—and send it back to the gulf coast where our people have great needs, both economically and environmentally.

This is the time to act. Louisiana has lost 1,900 square miles since 1930. If we were the size of Rhode Island—we are not, we are bigger, but if we were, we would not have 50 States anymore; we would only have 49 because, as the Senator from California knows, we have already lost the size of Rhode Island. This is a national tragedy, not just for the 4.5 million people who live in our State.

But I would like to put into the record for the few minutes that I have that we contribute $3 trillion to the national economy every year. The Gulf Coast States represent 17 percent of the GDP. Nearly 50 percent of the oil and gas that we consume every day in States all over this country comes from the gulf coast.

We contribute $8 to $10 billion directly every year. All we are asking in the RESTORE Act—let's put that up here—is to fund, direct 80 percent of the penalty money that BP is going to pay—taxpayers are not paying this. This does not come out of any program. It does not come out of any education program, any other program. It is going to be paid for by BP. Let's do justice to the gulf coast, America's energy coast and, might I say, the coast that produces the most vibrant fisheries, the coast that supports, proudly, ecotourism, the coast that revels in clean beaches.

Please give us the resources we need to restore this great coast. Again, I thank Senator BAUCUS and Senator BINGAMAN, who have joined now with supporters of this because we have added a portion to the fund, just for 2 years, the Land and Water Conservation Fund, for the entire country. We will be sending money to the gulf coast, creating an oceans trust fund, and fully funding the Land and Water Conservation Fund for 2 years.

I think it is a balanced bill; it is a fair bill. Again, to the chairman of the committee, Senator BOXER, I cannot tell the Senator how much we appreciate her extraordinary leadership.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask for 30 seconds before we turn to Senator VITTER. I want to say to the Senator from Louisiana and her colleague, Senator VITTER, what an honor it has been for me to work with them. Senator LANDRIEU is the most passionate person I have ever met when it comes to fighting for her State. What her State went through was a disaster manyfold. I was there. I saw it.

Senator VITTER on the committee was eloquent in pointing out the problems. Senator SESSIONS worked hard on the committee as well. Every Democrat supported them.

I would only say to my colleagues who may be watching this debate: Please vote yes. We need 60 votes. This is going to take funding from BP directly to fix up the areas they wrecked. It is not costing the taxpayers any money. Because of the negotiations, every State will now benefit if it has a coastline.

I was honored to do it. I was excited we got this out of our committee. But we do not have forever. We have to take care of this today. Vote aye. This is bipartisan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I certainly join with my two colleagues and others in strong, passionate support of the RESTORE Act amendment. As has been mentioned, that will be an upcoming vote, the fifth vote in line once we start voting very shortly. This approach of dedicating any percent of the Clean Water Act fines just from the BP disaster to gulf coast restoration is widely supported on a bipartisan basis. The Obama administration strongly supports it, outside groups who have looked at the devastation in the gulf strongly support it all across the spectrum. This has been a concept that has been building for months, and there is strong and widespread support for this 80-percent dedication. That is reflected in the fact that the RESTORE amendment is a bipartisan push, a bipartisan bill, and now a bipartisan floor amendment. As MARY LANDRIEU and Senator

BOXER mentioned, it had almost unanimous support coming out of the Environment and Public Works Committee. The cosponsors are fully bipartisan, so I urge all Members to join together in this effort.

This is completely deficit neutral. We have an offset built into the bill such that this bill does not increase the deficit in any way, shape, or form. Let me point out, the money we are using, as has been said, would not exist but for the BP disaster. There are fines paid by BP and others, so that money did not exist before the disaster, and yet we still offset that full amount with an offset. In essence, we are lowering the deficit compared to what it would have been but for the disaster and before that revenue created only by the disaster.

In addition, built into the bill in this latest version is significant funding for the Land and Water Conservation Fund which has significant bipartisan support in the Senate. Again, all of that is fully offset so we are not increasing the deficit in any way, shape, or form. This is an offset that has been approved and used before, again, on a bipartisan basis. One of those previous votes using this same offset passed 98 to 0.

I urge all Members of the Senate, Democrats and Republicans, to come together and please do the gulf coast right and do the Nation right in terms of this vitally important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senator from North Dakota earlier offered a proposal to develop the Keystone Pipeline. I rise to speak on the alternative this afternoon. The alternative ensures expedited approval of the pipeline once the current environmental requirements are met. The alternative ensures that the thousands of jobs associated with building the pipeline go to the workers of the United States. The alternative says there is to be a ban on the export of all Canadian crude oil transported on the Keystone XL Pipeline. Obviously there may be some exceptions, and we have worked out a process to waive that. But if this oil is intended for Americans, then the export restrictions we offer in this amendment ought to be very clear, and that is the heart of the concern reflected by the backers of this amendment.

We believe there is substantial evidence on the RECORD that this oil will be for the export market. According to the TransCanada application to the Canadian Government, the Canadian oil companies expect to reap as much as $3.9 billion more in annual revenues from the higher prices they can tap once the oil reaches the gulf coast. Once it reaches the gulf coast, it competes at the same prices as other oil supplies on the global market. It will be extremely lucrative for the company and the incentives clearly are for the export market, and that is why the TransCanada application to the Canadian Government even admits that.

The fact is U.S. gulf coast refineries are already responsible for 75 percent of U.S. refined products and those exports are rising rapidly. Gulf coast refineries also have a cost advantage over struggling refineries along the east coast, and in effect the Keystone XL Pipeline can accelerate that advantage and likely accelerate the closure of east coast refining capacity. Less east coast refining capacity means higher gasoline and heating and oil prices for our country.

Perversely, according to a separate report we received from the Energy Information Agency, closure of east coast refineries could result in more imports of gasoline and other petroleum products, some possibly from as far away as India. That is particularly perverse because this is the first time since 1949 when we have actually seen exports of a number of our refined products, such as gasoline, have that dramatic change compared to previous years when we were always importing so many of those energy resources.

So contrary to the assertion by the pipeline backers, more supply from Canada does not automatically mean more U.S. supply and lower prices for U.S. consumers, especially when the evidence indicates that that supply is going to be hardwired by the pipeline and world prices and world markets once it reaches the Gulf of Mexico.

I simply say to Senators: This debate has always been about domestic energy security. That is the centerpiece of the argument that was made by my distinguished friend from North Dakota, and we have heard on television commercials for weeks and weeks. The argument is to build this pipeline, the energy is going to go for Americans. This amendment guarantees that will be the case. In effect, this amendment puts teeth behind all of the debate that this energy is going to be for the American consumer.

I think the evidence shows, particularly as you look at how you are going to see refineries bypassed in the Midwest, that it is going to go to the gulf ports and you are going to see this energy used in the export market. That may be good for the Chinese, but the evidence could indicate it would produce higher prices for Americans. In fact, this trend with respect to putting the export of American energy on auto pilot—assuming that it is automatically good—is something I think we ought to look at more carefully. In this amendment we make it clear we want to protect American workers, American consumers, and we are going to have expedited approval of the pipeline.

The only point I would make is the Secure Rural Schools legislation—which we are going to be voting in a few minutes—has always been bipartisan. I have been working with Chairman BAUCUS to ensure that it remains bipartisan. I hope colleagues will keep faith with rural communities, and when it comes up for a vote here in a few minutes, support the Baucus amendment and our rural schools and law enforcement and road programs that are a lifeline to those rural communities.

The PRESIDING OFFICER. The Senator from Georgia.

GIRL SCOUTS 100TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise for a very special honor to be given to the Girl Scouts of the United States of America on their 100th anniversary. One hundred years ago in Savannah, GA, Juliette Gordon Low brought together a group of 18 girls from very different backgrounds to give them opportunities to develop physically, mentally, and spiritually. From that meeting, Ms. Low came to recognize the need for an organization that would help girls develop self-reliance and resourcefulness in the face of a changing society, and in their future roles as professional women.

From that modest single troop in Savannah, Ms. Low's vision has grown into the largest organization for girls in the world, with 3.2 million Girl Scouts and more than 50 million Girl Scout alumnae. Despite their growth, the Girl Scouts of today have stayed true to Ms. Low's vision, focusing on topics such as leadership, science and technology, business and economic literacy, and outdoor and environmental awareness. It is admirable that the Girl Scouts throughout their 100-year history of supporting women's leadership have truly been a voice for all girls regardless of background.

As Girl Scouts, young women develop their leadership potential through activities that enable them to discover and develop their values and skills, and to take action to make a difference in the world. And while we all know about the beloved American institution that is the Girl Scout cookie sale, it is not just about the cookies. Scouting also provides girls with the skills and self-confidence to become leaders in their own lives.

Girl Scouts have an impressive record of success. Former Girl Scouts make up a majority of women who have served in Congress, and 53 percent of all women business owners are former Girl Scouts.

We are fortunate that the guidance and opportunities that Girl Scouts have provided during the last 100 years will remain for the next generation of women leaders for Georgia as well as for the United States.

Madam President, I ask our colleagues to join me in congratulating the Girl Scouts of the United States of America, founded in the great State of Georgia, on 100 years of supporting female leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1825

Mr. MERKLEY. Madam President, I rise to address the Baucus amendment

that maintains the core Federal commitment to our timber counties through the Secure Rural Schools and the Payment in Lieu of Taxes Programs.

Let me give you a sense of what this is all about. This is equivalent to a farmer who is told by the Federal Government: We have a new set of rules, and you cannot grow crops on your farm any longer, but we are going to substitute payments that you would otherwise receive. Well, the farmer doesn't like it. He would rather grow crops, but what can he do? Then along comes the government a few years later and says: You know what. You cannot grow crops and you are not going to get compensated for our rules that tell you you cannot grow crops. And, of course, that is outrageous. That is like a taking of property, and yet that is exactly the situation that exists for our timber counties in terms of lands affected by the Secure Rural Schools Program.

The timber harvest cannot proceed in its original method, and the compensation is not guaranteed to be in place, so we have to fix that. We have to make sure the Federal Government abides by the deals it has struck. This deal is essential to rural timber counties throughout our Nation. It is essential to so many counties in Oregon.

Five years ago when my colleague Senator WYDEN was working to make sure this commitment was upheld, I was in the role of a speaker, and in that role I organized the delegation of Democrats and Republicans to go out and talk with our county leaders, and there was such mystification about the fact that the Federal Government was not going to stand by the deal it had struck. Today, through the amendment that Senator BAUCUS, Senator WYDEN, and others have been working to put forward, we have the chance to make sure that the word of the Federal Government is good. That is why we need to pass this amendment.

I wish to tell you that we are going to put forward an amendment that secured the word of the government for a good long time to come but, unfortunately, it is only a minimalist, 1-year agreement, but that is what we have before us and that is what we must do.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. At 2 o'clock we are going to start the votes on a mass number of amendments. The first one will be on the Outer Continental Shelf. It is my understanding that I have the right to start the voting at 2 o'clock; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, everyone should know—staffs, alert your Senators—the first vote will be 15 minutes, with 5 minutes for people to get here. After that, we will have 10-minute votes. I ask unanimous consent that all subsequent votes be 10 minutes and the first one 15 minutes.

The PRESIDING OFFICER. Without objection, all subsequent votes will be 10 minutes.

Mr. REID. Madam President, we are going to enforce that. We have 30 votes to get through today. It is going to be a lot of work on the clerks to do this, but Senators should stay here rather than wander off and do other things; otherwise, they are subject to missing votes. I want to make sure everyone understands that. The only time we would deviate from that is with votes that are separated with one or two minutes. Usually we have to take a little longer time on that to make sure there are no mistakes. But other than that, we will whip through these votes as quickly as we can.

Has the hour of 2 o'clock arrived yet, Madam Chair?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1535

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Vitter amendment.

Who yields time?

The Senator from California.

Mrs. BOXER. Madam President, in my one minute, I hope we are going to vote down this antijobs amendment that threatens our coastal economies. Many of our coastal States treasure their coasts, and they are an economic engine of growth because the tourists come there. We have recreation. We have the fishing industry. Therefore, it is very important that we vote this down because this amendment is a big brother amendment. It tells the States what they have to do, what they must do, even if their value is to protect those coastal-related economies.

We have 2 percent of the proven oil supplies in the world and we use 20 percent of the world's energy. So we all know we can't drill our way out of this. Yet the Senator from Louisiana wants to open every area of our State to drilling when the oil companies are sitting on more than 50 million acres. It is a giveaway to big oil. We should go after the oil speculators. If we want to bring down gas prices, let's do that. Let's vote down this bad amendment.

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

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: The Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS — 44

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

NAYS — 54

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

NOT VOTING — 2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The Senator from Maine.

CHANGE OF VOTE

Ms. COLLINS. Mr. President, on rollcall vote No. 28, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Ms. COLLINS. Mr. President, let me just explain very briefly. I was told that the amendment had been modified to accommodate concerns I have raised, and then the amendment was not so modified. So I wanted to put in that explanation to explain why the error was made.

The PRESIDING OFFICER. The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on roll call vote number 28, I too voted aye and it was my intention to vote no. I ask unanimous consent that I be permitted to change the vote since it will not affect the outcome.

It is for exactly the same reason that Senator COLLINS mentioned. It was our understanding in coming to the floor that the modification had been accepted, and it was not.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1825

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, prior to a vote in relation to the Baucus amendment No. 1825.

The Senator from Montana.

(Purpose: To reauthorize for 1 year the Secure Rural Schools and Community Self-Determination Act of 2000 and to provide full funding for the Payments in Lieu of Taxes program for 1 year, and for other purposes)

Mr. BAUCUS. Mr. President, I call up amendment No. 1825.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, and Mr. TESTER, proposes an amendment numbered 1825.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators CRAPO and RISCH be added as cosponsors to this amendment.

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

Mr. BAUCUS. Mr. President, this is a very simple amendment. It compensates counties that have the lack of a private land base; that is, counties that do not have the ability to collect property taxes because of Federal land. This revenue goes to schools, it goes to jobs and roads. I might add, in the State of Oregon, 20 percent goes to highway spending. This is the highway bill. It has been supported strongly in the past by this body. The offset has been worked out.

I strongly urge my colleagues to support it. This is a good, solid program.

I yield the remainder of my time to my colleague from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. President, the Baucus amendment is a lifeline for rural America, particularly for the West and the South, where the Federal Government owns so much of our land. This money is absolutely essential to keep school doors open, to keep cops out there protecting our people, and to provide for our roads program. This program has always been bipartisan since the days when our former colleague Senator Craig and I authored it.

I urge my colleagues to support Chairman BAUCUS on this amendment to provide a lifeline to rural America.

Mr. BINGAMAN. Mr. President, in 2008, Congress passed the Emergency Economic Stabilization Act of 2008, which established the Troubled Asset Relief Program. That act also included a historic 5-year program to fund two important programs that support rural counties across the country.

The county payments program included increased and more equitably distributed funding for the Secure Rural Schools and Community Self-Determination Act, which provides payments to more than 700 counties in 42 States for public roads, schools, and collaborative forest restoration projects. In addition and for the first time in many years it fully funded the Payments in Lieu of Taxes Program, which provides payments to 1,850 local governments in 49 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Both programs have provided a life line for struggling rural counties around the country during the recent recession.

In October of 2011, I introduced the County Payment Reauthorization Act of 2011 to extend the benefits of the county payments programs we funded in 2008 for another 5 years. That bill, S. 1687, currently has 32 cosponsors, including 8 Republicans and an Independent. Congressman HEINRICH has introduced a companion measure in the House: H.R. 3599.

Today, I would like to express my support for Senator BAUCUS's amendment No. 1825 to extend funding for the two programs by 1 year. Many of us believe that a multiyear extension is critical to provide the budgetary certainty that our rural counties need, so it is unfortunate that we could not get sufficient bipartisan support to move forward with a multiyear extension.

In addition to important funding, the amendment would make a few improvements to the Secure Rural Schools and Community Self-Determination Act that we have developed on a bipartisan basis.

In fiscal year 2011, it appears that a number of counties in five States failed to submit elections by the date required by section 102(d)(3)(A) of the act. The result was that approximately $2.5 million in title II and III funding was returned to the Treasury, as required by the act. At least some of the counties had compelling reasons for failing to make a timely election, and the amendment provides $2.5 million to the Secretary of Agriculture to carry out projects in those counties consistent with the purpose of the authorized uses of title II project funds. Since some counties don't participate in title II projects, such projects would not be subject to other specific requirements of title II. However, they are intended to be carried out consistent with the spirit of title II, which emphasizes collaborative forest projects. Our expectation is that the Secretary will work closely and collaboratively with those counties in spending that money to further the purposes reflected in those counties' untimely elections.

To avoid such problems going forward, the amendment requires the Governor of each eligible State as opposed to each of the more than 700 counties to formally submit title I, II, and III elections for all of their eligible counties by no later than September 30 of each fiscal year. Our hope is that this change, along with improved outreach by the Forest Service, will result in timely elections for the remainder of the Secure Rural Schools Program.

Nevertheless, if a Governor does fail to submit an election for any county, the amendment provides that the county will be presumed to have elected to expend 80 percent of its funding through title I. As with the $2.5 million provided to the counties that missed the fiscal year 2011 deadline, the remainder of the county's payment would go to the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of the act on Federal land and on non-Federal land in the county where projects would benefit the resources on Federal land. Again, our expectation is that the Secretary will work closely and collaboratively with such counties and, where they exist, their resource advisory committees, in spending that money.

We also have added a provision to title II to permit resource advisory committees to expend not more than 10 percent of project funds on administrative expenses if they so choose. That amendment provides additional flexibility to allow the committees to operate more effectively and efficiently.

I would like to thank Senator BAUCUS for his leadership in putting together the necessary offsets for this important amendment and Senator MURKOWSKI for her cooperation in developing the authorizing provisions that are included in the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAPO. I yield back our time.

The PRESIDING OFFICER. Time is yielded back.

The question is on agreeing to amendment No. 1825.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—82

Alexander	Brown (MA)	Crapo
Ayotte	Burr	Durbin
Barrasso	Cantwell	Enzi
Baucus	Casey	Feinstein
Begich	Chambliss	Franken
Bennet	Coats	Gillibrand
Bingaman	Cochran	Graham
Blumenthal	Collins	Grassley
Blunt	Conrad	Hagan
Boozman	Coons	Hatch
Boxer	Cornyn	Heller

Hoeven	McCaskill	Schumer
Hutchison	McConnell	Sessions
Inhofe	Menendez	Shaheen
Inouye	Merkley	Shelby
Isakson	Murkowski	Snowe
Johanns	Murray	Stabenow
Johnson (SD)	Nelson (NE)	Tester
Kerry	Nelson (FL)	Udall (CO)
Klobuchar	Portman	Udall (NM)
Kohl	Pryor	Vitter
Landrieu	Reed	Warner
Lautenberg	Reid	Webb
Leahy	Risch	Whitehouse
Lee	Roberts	Wicker
Levin	Rockefeller	Wyden
Lugar	Rubio	
Manchin	Sanders	

NAYS—16

Akaka	DeMint	Mikulski
Brown (OH)	Harkin	Moran
Cardin	Johnson (WI)	Paul
Carper	Kyl	Toomey
Coburn	Lieberman	
Corker	McCain	

NOT VOTING—2

Kirk	Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1660

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to the Collins amendment No. 1660.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor to the preceding amendment.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this is a very modest bipartisan amendment. It simply gives the EPA more time to get these regulations right, and our struggling manufacturers will get more time to comply with them. It is a false choice to say that this is the environment versus the economy. We can have both.

If this amendment is not adopted and the current regulations go into effect, the estimates are that they will cost manufacturers $14 billion to comply, and we will lose 200,000 manufacturing jobs at a time when we can least afford it. All we are asking is for more time to get these regulations right.

I urge support for the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what we do here makes a difference in people's lives. We have peer-reviewed studies that show if the Collins amendment passes and we go back to square one, we will see 8,100 premature deaths per year, 5,100 heart attacks per year, 52,000 cases of aggravated asthma, and—talk about jobs—400,000 lost workdays per year. Why is that? What the EPA is trying to do under the Clean Air Act is make sure we don't have too much arsenic in the air or too much chromium, lead, or mercury. These are devastating toxics, especially to our children.

The manufacturers of boilers say there will be many jobs created. I submit this letter for the RECORD. They say anyone who tells us otherwise is not a boiler manufacturer and doesn't know what they are talking about. Senator WYDEN, an original cosponsor, is off this bill because the EPA has worked with him and managed to answer his concerns.

Please vote no on this amendment.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—52

Alexander	Grassley	Moran
Ayotte	Hatch	Murkowski
Barrasso	Heller	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Burr	Inhofe	Pryor
Casey	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kohl	Sessions
Cochran	Kyl	Shelby
Collins	Landrieu	Snowe
Corker	Lee	Stabenow
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker
Enzi	McCaskill	
Graham	McConnell	

NAYS—46

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

NOT VOTING—2

Kirk	Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1738

There is now 2 minutes of debate equally divided prior to a vote in relation to the Coburn amendment No. 1738.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment is very similar to an amendment we voted on in the small business bill which passed 64 to 30-something—I can't remember the exact number. It is very straightforward. We ask the OMB to look at the two most recent GAO reports, combine $10 billion worth of savings, and send back to us a recommendation so that we can, in fact, accomplish that purpose.

The GAO is showing us exactly where we need to go in terms of saving money. We are involving the executive branch in that. They also have other plans they are working on and on which I am trying to work with the administration.

If you want to pick up the difference between what we really need to do for infrastructure in this country, the best way to do it is to support this amendment and go for another $10 billion in infrastructure.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Madam President, last September we rightly rejected a Coburn amendment not much different from this one. Senator COBURN claims that the purpose of this amendment is to reduce duplication, but in reality it would just give a $10 billion reduction in discretionary caps regardless of whether there actually is $10 billion in discretionary savings. In addition, there is an existing rescission authority in place, thus making this amendment on reducing duplication redundant.

This amendment is a backdoor attempt to lower discretionary spending caps agreed to by the Budget Control Act. So we should not violate the BCA, and I urge a ''no'' vote.

Mr. REID. I ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—52

Alexander	Coats	Graham
Ayotte	Coburn	Grassley
Barrasso	Cochran	Hatch
Baucus	Collins	Heller
Blunt	Corker	Hoeven
Boozman	Cornyn	Hutchison
Brown (MA)	Crapo	Inhofe
Burr	DeMint	Isakson
Chambliss	Enzi	Johanns

Johnson (WI)	Moran	Shelby
Klobuchar	Murkowski	Snowe
Kyl	Nelson (NE)	Stabenow
Lee	Paul	Tester
Lugar	Portman	Toomey
Manchin	Risch	Vitter
McCain	Roberts	Wicker
McCaskill	Rubio	
McConnell	Sessions	

NAYS—46

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

NOT VOTING—2

Kirk	Thune

The PRESIDING OFFICER (Mrs. SHAHEEN). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 1822

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate, equally divided, prior to a vote in relation to the Nelson-Shelby-Landrieu amendment No. 1822.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are going to divide 1 minute; 15 seconds here, 15 seconds there, and 30 seconds for Senator SHELBY.

I will just say this is the BP fine money to come back and restore the Gulf of Mexico and people who earn their living from the gulf.

Ms. LANDRIEU. Madam President, this money will be shared with all the States. It is appropriate new money paid by BP—not taxpayer money—to the Gulf.

Let me thank Senators BOXER, WHITEHOUSE, and BAUCUS for their extraordinary help on our side and thank Senator SHELBY.

I don't know if Senator VITTER wants to say a word.

Mr. VITTER. Madam President, I urge support of this amendment. It is bipartisan.

This concept is supported by multiple outside groups, as well as the administration, and it is fully offset. It does not increase the deficit.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. I yield back all time.

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

Mrs. BOXER. 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 assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—76

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

NAYS—22

Barrasso	Grassley	McCain
Burr	Hatch	McConnell
Coats	Heller	Paul
Coburn	Johanns	Risch
Corker	Johnson (WI)	Rubio
DeMint	Kyl	Toomey
Enzi	Lee	
Graham	Lugar	

NOT VOTING—2

Kirk	Thune

The PRESIDING OFFICER: Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1817

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1817, offered by the Senator from Oregon, Mr. WYDEN.

The Senator from Oregon.

Mr. WYDEN. Madam President, this amendment ensures that the Keystone Pipeline is built by American workers using American steel; that our priority is reasonably priced energy for American families and American businesses, rather than their Chinese competitors. It contains an expedited approval process so that when air and water and environmental laws are complied with, the pipeline application must be approved within 90 days. Put simply, when you build a pipeline that is 2,000 miles across the Nation, our challenge is to do it right.

Madam President, there are two alternatives. This one gives us a chance to do it right for our workers, our businesses, the well-being of all our communities. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I rise in opposition to this amendment. The Keystone XL Pipeline will bring more than 830,000 barrels a day of crude oil from Canada and also from States like mine, such as North Dakota and Montana. We need that crude oil rather than relying on the Middle East.

This is a vote to block the project. Make no mistake, this not only requires the TransCanada start-over, it says start over after 3½ years. What does that mean, another 3½ years before they can go forward? And it adds additional impediments to the project. With gasoline prices going up every day, we need more supply, we need it from Canada, we need it from North Dakota and Montana, not from the Middle East.

Please vote no on this amendment and yes on the next one, which will allow us to move forward for American workers, American consumers, for our businesses, for our economy, and for national security.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1817.

Mr. WYDEN. 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. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—33

Bingaman	Franken	Merkley
Blumenthal	Harkin	Mikulski
Boxer	Inouye	Murray
Brown (OH)	Johnson (SD)	Nelson (FL)
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Lautenberg	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Tester
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Wyden

NAYS—65

Akaka	Corker	Kerry
Alexander	Cornyn	Kyl
Ayotte	Crapo	Landrieu
Barrasso	DeMint	Leahy
Baucus	Enzi	Lee
Begich	Gillibrand	Lugar
Bennet	Graham	Manchin
Blunt	Grassley	McCain
Boozman	Hagan	McConnell
Brown (MA)	Hatch	Moran
Burr	Heller	Murkowski
Casey	Hoeven	Nelson (NE)
Chambliss	Hutchison	Paul
Coats	Inhofe	Portman
Coburn	Isakson	Pryor
Cochran	Johanns	Reed
Collins	Johnson (WI)	Risch

Roberts	Shelby	Warner
Rubio	Snowe	Webb
Sanders	Toomey	Whitehouse
Sessions	Udall (CO)	Wicker
Shaheen	Vitter	

NOT VOTING—2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

CHANGE OF VOTE

Mr. KERRY. Mr. President, on rollcall vote No. 33, the Wyden amendment No. 1817, I mistakenly voted aye and meant to vote no. It will not change the outcome. I ask unanimous consent that my vote be reflected as a no.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 1537

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1537, offered by the Senator from North Dakota, Mr. HOEVEN.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak in support of this amendment which would authorize the Keystone XL Pipeline project to move forward. It provides an authorization after more than 3½ years of study. It incorporates all of the safeguards that have been developed through the environmental impact statement process with both EPA and the Department of State, and it allows whatever time may be necessary for rerouting in Nebraska. So it addresses the concerns that have been raised as far as the environmental impact statement but authorizes the project to proceed.

This project will bring 830,000 barrels a day of crude to our refineries, as I mentioned earlier, not only from Canada but from my home State of North Dakota, as well as from Montana. This is about not only producing more energy both at home and with our closest friend and ally, Canada, but it is also about national security. It is about reducing our dependence on oil from the Middle East.

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

Mr. HOEVEN. I urge my colleagues' strong support for this amendment on behalf of American workers and consumers.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I urge opposition to this amendment. I wish to outline just very briefly why.

First, under this amendment the oil is not going to be going to the United States. This oil is going to be going to the export market, and the TransCanada application to the Canadian Government showed this beyond any question. The Canadian oil companies expect to reap as much as $3.9 billion more in annual revenue from the higher prices they can tap once their oil reaches the gulf coast. It competes at the same price as other oil supplies on the global market—no protection for workers, no protection on the environment, and, I believe, higher prices for American businesses and American consumers.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1537.

Mr. HOEVEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—56

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Baucus	Grassley	Murkowski
Begich	Hagan	Paul
Blunt	Hatch	Portman
Boozman	Heller	Pryor
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Casey	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Snowe
Cochran	Kyl	Tester
Collins	Landrieu	Toomey
Conrad	Lee	Vitter
Corker	Lugar	Webb
Cornyn	Manchin	Wicker
Crapo	McCain	

NAYS—42

Akaka	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Coons	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Kirk Thune

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is 4:15 p.m. We have a matter that I believe will be decided by voice in just a few minutes. This will be the last vote until Tuesday, when we finish this bill. I appreciate everyone's cooperation. I have talked before about how fortunate we are to have the two managers we have on this bill—Senators BOXER and INHOFE. They have done a remarkably good job.

We have a locked-in set of amendments now. There is no reason to work into the night. We have had a good week. We will have a good week next week, and I wish everyone a good break.

MOTION TO WAIVE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote on the motion to waive all applicable budget points of order.

Mrs. BOXER. Mr. President, colleagues, we must waive the Budget Act in order to continue working on this bill. My friend from Tennessee will tell you otherwise. This bill is 100 percent paid for. The CBO score actually shows a $5 billion surplus over the next 10 years.

How is it paid for? I can tell you, my friend JIM INHOFE made sure it would be paid for, and we agreed on it. Through the highway trust fund, plus the bipartisan work of the Finance Committee, we have filled this trust fund to cover this bill.

Mr. President, 2.8 million jobs hang in the balance. All the work we did today hangs in the balance. We need 60 votes. So if one is for the Transportation bill, please vote aye so we can continue our work next week.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, let me first say I am a very strong supporter of a highway bill and of infrastructure but also believe we should have integrity as it relates to this issue of spending.

Last August, the world and the country watched as our Nation almost came to a halt, and we agreed, in order to raise the debt ceiling, we would pass the Budget Control Act, which puts strict limitations on spending for last year and this year. We are making a mockery of what happened during that time if we waive this Budget Control Act point of order that I have put in place.

Basically, what we have said—and we have had all kinds of Senators on both sides of the aisle who have focused on the deficit issue in good faith, but what we basically are saying is we cannot make it 7 months without violating the Budget Control Act which we put in place to create discipline in this body.

I urge a ''no'' vote on waiving this motion.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent for 30 seconds.

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

Mr. INHOFE. Mr. President, I have had rankings as the most conservative Member of this body many times, and I have often said there are two areas where I am a big spender: one is national defense, one is infrastructure.

We desperately need this bill. It is interesting to me that so many of my good friends—and they are friends, including the Senator from Tennessee—will vote as they did back in 2008 for $700 billion for a bailout and then something such as this comes up and somehow this is an excuse to kill the bill. You can kill the bill and we can go back and start all over again. I wish and I think the Finance Committee is going to come up with something that is going to allow us to get this done by the time we get into conference.

I urge my conservative friends particularly to go ahead and vote for the highway bill.

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

The Senator from Tennessee.

Mr. CORKER. Just 30 seconds.

The PRESIDING OFFICER. The time has expired.

The Senator asks for 30 seconds.

Without objection, it is so ordered.

Mr. CORKER. Mr. President, the fact is, the amount of money it would take to not have a budget point of order is so small that we ought to just offset discretionary caps for this year by the amount we are spending above that for this highway bill.

It is ludicrous that we cannot set priorities in a way that calls us to live within the Budget Control Act and break it within 7 months of passing it and break faith with the American people.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I would note—

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

Mr. INHOFE. Mr. President, I ask unanimous consent for 10 seconds.

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

Mr. INHOFE. We do not have Senator THUNE here, who is doing a great job in the Finance Committee. Unfortunately, his mother died and he is not here. We would be able to sit down and solve this problem and not delay this bill. Right now it is set up so we can have a highway bill.

This could kill it. I hope folks will talk to their people at home. You cannot do it before this vote, but afterwards I might suggest you do that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kentucky (Mr. PAUL) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—66

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

NAYS—31

Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Burr	Hatch	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Sessions
Cornyn	Lee	Toomey
Crapo	Lugar	Warner
DeMint	McCain	
Enzi	McConnell	

NOT VOTING—3

Kirk	Paul	Thune

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order fails.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues. Most of them have gone, but I feel it is important that the RECORD reflect this last vote that we had. Basically, it was a vote to undo everything we worked so hard on all day. It was basically a backdoor way of killing the transportation bill—a bill that is fiscally responsible. It is at current levels plus inflation fully paid for. Senator INHOFE and I agreed at the outset in the EPW Committee we would only support a bill that was fully paid for.

I was honored that we got so many Republican votes on that. I am looking forward to next week when we get this done. I understand the Senator from Michigan has something he wants to get accomplished by a voice vote. I ask unanimous consent that he be able to explain that so that we can continue making progress, and then he will yield the floor to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

AMENDMENT NO. 1818

Mr. LEVIN. Mr. President, the next item on the unanimous consent agreement is my amendment No. 1818. It is my understanding now that this amendment can be adopted by a voice vote. It has been cleared for that.

I ask unanimous consent to set aside the pending amendment and I call up my amendment No. 1818.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. CONRAD, proposes an amendment numbered 1818.

The amendment is as follows:

(Purpose: To authorize special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement)

At the end, add the following:

TITLE _____—STOP TAX HAVEN ABUSE

SEC. _____. AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement";

(2) in subsection (a), by striking the subsection heading and inserting the following:

''(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.—'';

(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFICANTLY IMPEDING UNITED STATES TAX ENFORCEMENT.—''; and

(B) by inserting at the end of paragraph (2) thereof the following new subparagraph:

''(C) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States on implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement.'';

(4) in subsection (a)(1), by inserting ''or is significantly impeding United States tax enforcement'' after ''primary money laundering concern'';

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting ''in matters involving money laundering,'' before ''shall consult''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and'';

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting ''or to be

significantly impeding United States tax enforcement'' after ''primary money laundering concern'' each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be significantly impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

''(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

''(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.''; and

(8) in subsection (c)(1), by inserting ''or is significantly impeding United States tax enforcement'' after ''primary money laundering concern'';

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking ''bank secrecy or special regulatory advantages'' and inserting ''bank, tax, corporate, trust, or financial secrecy or regulatory advantages'';

(B) in clause (iii), by striking ''supervisory and counter-money'' and inserting ''supervisory, international tax enforcement, and counter-money'';

(C) in clause (v), by striking ''banking or secrecy'' and inserting ''banking, tax, or secrecy''; and

(D) in clause (vi), by inserting '', tax treaty, or tax information exchange agreement'' after ''treaty'';

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting ''or tax evasion'' after ''money laundering''; and

(B) in clause (iii), by inserting '', tax evasion,'' after ''money laundering''; and

(11) in subsection (d), by inserting ''involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement'' after ''such action''.

Mr. LEVIN. Mr. President, this has been on the list for unanimous consent. I will let the Chair rule on this and see if there is something else. If not, I will speak for a few minutes afterward.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1818) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I will use 3 minutes to very briefly explain.

Under the PATRIOT Act, Congress gave the Treasury the power to take a range of measures against foreign financial institutions, or jurisdictions that are defined as being of primary money-laundering concerns.

The Levin-Conrad amendment just adopted would authorize the Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be impeding U.S. tax enforcement. This amendment had been the subject of a bill for a number of years, and it comes out of the hearings of the Permanent Subcommittee on Investigations, which I chair. Those investigation show each year the United States loses tens of billions of dollars in tax revenue from people using offshore tax havens to dodge U.S. tax obligations, including through hidden accounts at tax haven banks. We issued a lengthy, bipartisan report in the subcommittee. We detailed case history involving tax haven banks that help thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks that make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore.

Our amendment offers one provision from the Cut Unjustified Tax Loopholes Act, S. 2075, which Senator CONRAD and I introduced some weeks ago. I continue to hope and believe that momentum is building behind the idea of real tax reform and in support of legislation like the CUT Loopholes Act to comprehensively tackle the many tax loopholes that favor a few taxpayers over ordinary American taxpayers. Closing tax loopholes is critical to real deficit reduction, and restoring lost revenue that will allow us to cut the deficit without slashing important programs. With the threat of sequestration looming at the end of this year, it is more vital than ever that we find bipartisan agreement on closing tax loopholes.

Our amendment hopefully will advance that goal. The full CUT Loopholes Act attacks loopholes in two areas. First is closing offshore tax loopholes, a subject that the Permanent Subcommittee on Investigations, which I chair, has explored for years. Second is the stock-option loophole, a corporate tax giveaway that forces American taxpayers to subsidize corporations for the stock-options granted to their executives. The Levin-Conrad amendment takes one provision from the offshore portion of the CUT Loopholes Act.

Our amendment would give regulators a powerful tool to stop offshore tax havens and their financial institutions that impede U.S. tax enforcement from doing business in the United States. The Levin-Conrad amendment is modeled on the successful provision in the Patriot Act now used to combat foreign financial institutions and jurisdictions engaged in money laundering.

Under section 311 of the Patriot Act, Treasury can 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. The provision would not require Treasury to act; it would give Treasury the authority and discretion to take action against foreign jurisdictions or banks that are facilitating U.S. tax evasion and tax avoidance.

Over the last several days, we have worked with the administration and others to improve our amendment. We have made changes to clarify that it covers significant impediments to tax enforcement, and that foreign jurisdictions and financial institutions that are complying with the Foreign Account Tax Compliance Act will be viewed favorably with respect to their level of assistance with our tax enforcement efforts.

Each year, the United States loses an estimated $100 billion in tax revenue from U.S. taxpayers using offshore tax havens to dodge their U.S. tax obligations, including through hidden accounts at tax haven banks. My Subcommittee has held several hearings and issued a lengthy bipartisan report showing how some tax haven banks have used an array of abusive practices to help U.S. clients hide assets and income from Uncle Sam. We presented detailed case histories involving tax haven banks that helped thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks to make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore. Those tricks included using code names for clients to disguise their identities; directing personnel to use pay phones instead of business phones to make it harder to trace calls back to the bank; providing bankers with encrypted computers when travelling to keep client information out of the reach of U.S. tax authorities; funneling money through offshore corporations to conceal incriminating wire transfers and make audits difficult; opening accounts in the names of offshore shell companies to hide the real owners; and providing bankers with counter-surveillance training to detect and deflect inquiries from government officials.

That kind of conduct, which actively facilitates tax evasion, amounts to a declaration of war by offshore secrecy jurisdictions against honest, hard-working taxpayers. It's time to fight

back and end the abuses inflicted on us by those tax havens. Congress took one step two years ago by requiring foreign banks with U.S investments to disclose accounts opened by U.S. persons or pay a hefty tax on their U.S. income. But that law doesn't apply to tax haven banks that avoid U.S. investments. The United States needs authority to take special measures against foreign banks that not only refuse to disclose accounts opened by their U.S. clients, but also significantly impede U.S. tax enforcement efforts. Our amendment would enable the United States to fight back by authorizing the Treasury to tell U.S. banks to stop doing business with those aiders and abettors of U.S. tax evasion.

According to the Joint Committee on Taxation, we could, by adopting this amendment, reduce the deficit by $900 million over 10 years. That is an indication of how closing just one of many loopholes can raise significant revenue. The CUT Loopholes Act would, conservatively, reduce the deficit by $155 billion over 10 years. And other tax loopholes not addressed in the CUT Loopholes Act, such as the carried-interest and blended-rate loopholes, offer additional opportunities for deficit reduction.

Mr. President, we face difficult choices in the months ahead. We all agree that we must reduce the deficit. But the American people also expect us to make sure that we are protecting national security, that parents can still send their kids to college, that our citizens still have health care, that we are repairing roads and bridges. We must do both—reduce the deficit and protect important priorities. But we cannot accomplish those twin goals unless we restore revenue lost in part to the gaping loopholes in our tax law. With this amendment, we can take a step down the path of closing abusive loopholes, and continue building momentum for the work we must to in the months ahead.

Mr. President, I thank Senator CONRAD, Senator WHITEHOUSE, and many others who cosponsored this amendment.

Mr. JOHNSON of South Dakota. Mr. President, I wish to note for the RECORD that I agree with Senator LEVIN on the need to address the problem of tax havens, and it is certainly true that the provision of the Bank Secrecy Act that he seeks to amend has been important in dealing with the matters for which it was intended jurisdictions of primary anti-money laundering concern—when it was made part of the PATRIOT Act.

However, neither I, as Banking Committee Chairman, nor other members of the Committee, were consulted by Senator LEVIN as this amendment was being developed, although the Bank Secrecy Act is clearly within the Committee's core jurisdiction. Consequently, Committee staff have not had adequate time to review and assess responsibly the amendment and its possible ramifications, and have had no chance to vet it with appropriate parts of the Treasury Department, including the Office of Terrorism and Financial Intelligence, and the Financial Crimes Enforcement Network, which administers the Bank Secrecy Act, with the Nation's tax administrators, with the Department of Justice, or with other interested parties. That is normally how changes to the Act are made.

Thus it is impossible for us fully to assess the implications of these major changes in the law, or to discern any unintended consequences that may arise from them. Making such significant changes should not be done on the fly, on the floor, without adequate consultation and an appropriate regular order process within the committee of jurisdiction. While I believe we should address the problem of tax havens, and I understand the urgency of finally, after 4 weeks, getting a unanimous consent agreement that allows this bill to move forward, I must also insist that we follow a careful, responsible, deliberative process when making major changes in areas of the law that are squarely within the jurisdiction of the Banking Committee.

As we move to conference on the transit bill, a conference on which I will play a significant role, I will make sure that we carefully vet this provision and assess whether this is in fact the best solution to the tax haven problem identified by Senator LEVIN, whether it works as it is intended to, and if so whether the provision requires any further amendment to make it as effective as possible.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Merkley amendment relative to farm vehicles listed in the previous order be changed from No. 1653 to No. 1814.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1669, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1669, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. REID, Mr. HELLER, and Mr. KYL, proposes an amendment numbered 1669, as modified.

The amendment is as follows:

(Purpose: To enhance the natural quiet and safety of airspace of the Grand Canyon National Park and for other purposes)

At the appropriate place, insert the following:

SEC. _____. AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3(b)(2) of Public Law 100–91 (16 U.S.C. 1a–1 note) is amended by adding at the end the following: ''The plan shall not apply to or otherwise affect the regulation of flights over the Grand Canyon at altitudes above the Special Flight Rules Area for the Grand Canyon in effect as of the date of the enactment of the MAP–21, or as subsequently modified by mutual agreement of the Secretary and the Administrator.''.

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the recommendations required under section 3(b)(1) of Public Law 100–91 (16 U.S.C. 1a–1 note), including recommendations to raise the flight-free zone altitude ceilings, shall adversely affect the national airspace system, as determined by the Administrator of the Federal Aviation Administration. If the Administrator determines that implementing the recommendations would adversely affect the national airspace system, the Administrator shall consult with the Secretary of the Interior to eliminate the adverse effects.

(2) EFFECT OF NEPA DETERMINATIONS.—None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100–91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions. Nothing in this section may be construed to limit the ability of the National Park Service to use its own methods of analysis and impact determinations for air tour management planning within its purview under the National Parks Air Tour Management Act of 2000 (title VIII of Public Law 106–181).

(c) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106–181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENTS NOS. 1785 AND 1810, EN BLOC

Mr CORKER. Mr. President, I ask unanimous consent that amendments Nos. 1785 and 1810 be made pending en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. CORKER) proposes amendments numbered 1785 and 1810, en bloc.

The amendments are as follows:

AMENDMENT NO. 1785

(Purpose: To lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by $20,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund)

At the end of division D, add the following:

SEC. _____. DISCRETIONARY SPENDING CAP ADJUSTMENT FOR FISCAL YEAR 2013.

Paragraph (2)(A)(ii) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985(2 U.S.C. 901a) is amended by striking ''$501,000,000,000'' and inserting ''$481,000,000,000''.

AMENDMENT NO. 1810

Purpose: 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)

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

SEC. _____. LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated governmental receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENTS NOS. 1736 AND 1742, EN BLOC

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendments Nos. 1736 and 1742 and ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes amendments numbered 1736 and 1742, en bloc.

The amendment (No. 1742) is as follows:

(The amendment (No. 1736) is printed in the RECORD of Monday, February 27, 2012, under ''Text of Amendments.'')

AMENDMENT NO. 1742

(Purpose: To allow States to permit nonhighway uses in rest areas along any highway)

On page 469, after line 22, add the following:

SEC. 15____. NONHIGHWAY USES IN REST AREAS.

(a) IN GENERAL.—A State may permit any nonhighway use in any rest area along any highway (as defined in section 101 of title 23, United States Code), including any commercial activity that does not impair the highway or interfere with the full use and safety of the highway.

(b) PRIVATE PARTIES.—A State may permit any private party to carry out a nonhighway use described in subsection (a).

(c) REVENUES GENERATED BY NONHIGHWAY USES.—A State may use any revenues generated by a nonhighway use described in subsection (a) to carry out any project (as defined in section 101 of title 23, United States Code).

Mr. PORTMAN. Mr. President, I encourage my colleagues to support these amendments. The first one gives the States the freedom to keep their gas taxes. For decades, Washington has collected State gas taxes through its highway program, taken its cut off the top, and then attached burdensome mandates to the funds before sending them back to the States.

It hasn't worked. Since 2008, the highway trust fund has been bailed out three times from the Treasury's general fund to the tune of about $35 billion. During that time, the Federal Government has required that 10 percent of all surface transportation funds be spent on wasteful ''enhancements,'' which has included archeological planning and research, transportation museums, and scenic ''beautification'' along highways, and so on.

The GAO has found that between 2004 and 2008, at a time when our bridges and roads have been in disrepair and have needed all the help they could get, the highway trust fund spent $78 billion on projects not related to the support of our Nation's network of highways and bridges.

With the economy struggling, we need to provide States with the ability to move quickly and innovatively to implement their transportation priorities instead of a one-size-fits-all solution from Washington.

Ohio's gas taxes should not be watered down, shouldn't be wasted by costly Federal mandates, regulations, and bureaucracies that Ohio doesn't think are necessary. Rather, States should have the freedom to use the revenue collected from highway users within their own States in the way the State sees fit to get more money into infrastructure.

This amendment will give States the freedom they need to do that, while ensuring that States maintain the current Interstate State Highway system in accordance with current standards. We need to pass this amendment today so that States can get back on track.

Let me give you an example I recently heard about over the weekend. This comes from Jeff Linkous, who is the Clinton County, OH, engineer. It is an example of how the Federal Government sometimes gets in the way and escalates the cost of projects.

Todds Fork there is a local stream. It is crossed by two roads, Prairie Road and Starbuck Road. For each of the roads, Clinton County has built a bridge over Todds Fork. The same firm designed both bridges. They are the same length, but there was one major difference. The bridge for Prairie Road was built using Federal money, while the bridge for Starbuck Road was built using Ohio funds.

According to Jeff Linkous, the federally funded bridge cost about 20 percent more than the State-funded bridge. I hear this all over the State, as I am sure my colleagues do as well. It took more time from design to bid, so it was more expensive and took more time, and was more costly in both respects.

The Federal project costs more in a lot of areas, including Federal bureaucracy, more environmental studies, more historical and archaeological studies, more right-of-way expenses, more design and review costs. The stakes have never been higher. The Federal Government cannot continue the current course of wasting our State's gas taxes.

Since the last transportation authorization bill, called SAFETY-LU, back in 2005, the outlays have exceeded revenues from the gas taxes every single year. We have to get back on a fiscally sustainable path, eliminate the waste, and allow the States the flexibility to maintain their roads, bridges, and highways. This amendment would do that. It is an opt-out, not a mandate. States could choose to opt out or not.

The second amendment also is a fiscally responsible one that helps the taxpayer. It lifts an antiquated one-size-fits-all government mandate that dates back to 1956, and it would allow the States the freedom to make their own decisions on how to manage their rest areas, which the Federal Government forces States to pay to maintain and improve.

The current approach would set up a patchwork of exemptions, acceptance, and special permits that allows some States to commercialize rest areas, while prohibiting other States from doing the same. Under this amendment, States would have the freedom to commercialize interstate and noninterstate rest areas, as long as they don't impair the highway or interfere with the full use and safety of the highway. At a time when America's core transportation infrastructure—highways, roads and bridges—needs all the help it can get, the Ohio Department of Transportation spends $15 million a year on rest area upkeep in Ohio alone. The high cost of maintaining and improving these rest areas is handcuffing the ability of Ohio and other States to spend more money on core infrastructure, roads and bridges.

This is a fiscally conservative protaxpayer amendment that would help States such as Ohio recover some of these losses or maybe even break even or maybe add some revenue, by allowing restaurants, gas stations, convenience stores, or other entities to lease spaces at rest areas. It is a commonsense approach that is supported by the American Association of State Highway and Transportation Officials and by a lot of the private sector as well.

This amendment is a way to give core infrastructure projects more funding, while enacting a proposal that actually helps the States to be able to make the decision. In Ohio alone, if you take out $50 million a year cost for rest areas and calculate it over the

next 20 years, that is $1 billion that could go into highway infrastructure.

This amendment doesn't direct or mandate States to commercialize rest areas or commercialize in any specific way. It leaves it up to the States, and it gives States the flexibility they want to be able to make their own decisions on how best to use those rest areas.

I urge colleagues to join me in voting to lift the Federal mandate and give States the freedom to develop their own underused and expensive rest areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENTS NOS. 1779, 1589, AND 1756, EN BLOC

Mr. COATS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1779 on behalf of Senator ALEXANDER, and amendments Nos. 1589 and 1756 on behalf of Senator DEMINT, en bloc.

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

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. ALEXANDER, proposes an amendment numbered 1779, and, for Mr. DEMINT, amendments numbered 1589 and 1756, en bloc.

(The amendment (No. 1589) is printed in the RECORD of Tuesday, February 14, 2012, under ''Text of Amendments.'')

(The amendment (No. 1756) is printed in the RECORD of Wednesday, February 29, 2012, under ''Text of Amendments.'')

(The amendment (No. 1779) is printed in the RECORD of Monday, March 5, 2012, under ''Text of Amendments.'')

AMENDMENT NO. 1517

Mr. COATS. Mr. President, I now call up my amendment No. 1517, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for himself and Mr. LUGAR, proposes an amendment numbered 1517.

The amendment is as follows:

(Purpose: To modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State)

In section 11005(a), in the amendment to section 104(c)(1) of title 23, United States Code, strike ''carry out section 134 shall be determined as follows'' and all that follows through subparagraph (B) and insert the following:

''carry out section 134 shall be a percentage of the total amount available for apportionment to all States that is equal to the proportion that—

''(A) the amount of gas taxes paid by the State for a fiscal year; bears to

''(B) the aggregate amount of gas taxes paid by all States for the fiscal year.

Mr. COATS. Mr. President, this amendment No. 1517 is of major significance to Indiana, as well as to a majority of the States across this country. Most people are familiar with the fact that when they pull up to the pump, they are not only paying for the cost of gas, they are paying the tax on the cost of that gas. The Federal tax on that gasoline pumped into the tank is then sent to Washington and put into a so-called Federal gas tax fund—a trust.

The word ''trust'' is somewhat of a misnomer because, like so many trusts that we create, it doesn't live up to its name. A trust means that it is safeguarded, and nobody else can touch it or use it. The trust fund was designed to collect taxes from the sale of gasoline at the Federal level and then, under a provision, return that tax back to the State.

The bottom line is that the majority of States in this country are not getting back what they put in. This amendment is designed to correct that flaw, or at least that current provision, in terms of the way the trust fund is operated. My colleague from Ohio, Senator PORTMAN, just announced an amendment that I think makes a great deal of sense. I intend to support that. This is somewhat of a similar amendment, except that what this requires is that a State receives its fair share of what it puts into the trust fund.

My State, like many across the Nation, draws the short end of the stick in terms of getting our money back, in that it turns the trust fund into a distribution fund, based upon the outdated formula and continuation of the broken earmark process. In reality, many States receive less than they put in. The interesting part of this is that there is a formula created by which an average of the amount of money spent by States is calculated, and States are rewarded on that basis, and the money is distributed on the basis of how that historical average is calculated. So States that have had very efficient Members of Congress creating earmarks and pouring more money into their States by earmarking end up with a higher historical average. As a result those States benefit now from the distribution from the trust fund to a greater degree. In fact, they are called the donee States because they receive more than what is put in from the donor States.

So those States that have taken more responsible fiscal measures in terms of how they spend their money and how they spend the taxpayers' dollars, such as the State of Indiana, end up being shortchanged simply because we have been more prudent in terms of how we spend our money. We haven't relied on earmarks over the years in Indiana, which under the current version of this bill would have raised our historical average. As a consequence we end up being a donor State donating more money to Washington than we receive in return.

The Senate has recently passed legislation to end the practice of earmarking. I think this is a very positive step forward. But we now have a Federal program that, in a sense, is calculated and based on the practice of past earmarking. So if we are serious about eliminating earmarking, we are also going to need to fix the formulas used in current programs that are rewarding States with more money than they deserve because these states received more earmarks in previous years. My amendment fixes this inequity and restores the trust fund to its original intent—to give taxpayer money back to them in the amount they deposited.

Under my amendment each State will get back what it put in out of the total available funds. It is a fairness issue and the trust fund is truly a trust fund. This amendment will send a message to the American people and the administration that Congress is serious about changing the culture in Washington. The American people have rejected earmarking, and it would be irresponsible for this institution to reward that practice under this highway bill.

So I urge my colleagues to support this important amendment. It takes a stand for fairness and fiscal integrity. It will be brought up on Tuesday. I urge my colleagues to support this both from the standpoint of fairness—which gives back to every State and every taxpayer the money a fair share of what they put into the trust fund as ending the practice of rewarding States that benefitted from earmarks and punishing those that have been fiscally prudent.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Missouri.

AMENDMENT NO. 1540

Mr. BLUNT. Mr. President, I call up my amendment No. 1540, which is at the desk, and I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT], for himself and Mr. CASEY, proposes an amendment numbered 1540.

The amendment is as follows:

(Purpose: To modify the section relating to off-system bridges)

Beginning on page 94, strike line 6 and all that follows through page 95, line 7, and insert the following:

''(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

''(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

Mr. BLUNT. I thank the clerk for reporting.

Mr. President, this amendment deals with the whole issue of off-system bridges. These are bridges that are not part of the State system, are not part of the Federal system, but normally are run by county governments.

In our State, as in most States near or east of the Mississippi River, we have lots of counties. We have 115. They have large numbers of bridges, and for a number of years now they have benefited from 15 percent of the bridge funds that go to States. I think most of us, if we meet with county commissioners or those responsible for county government about their highway concerns, this would be an issue we have all heard about.

The Senator from Pennsylvania Mr. CASEY and I have introduced this amendment. It doesn't change current law. In fact, it just goes forward with current law in this bill. This bill would eliminate the requirement of States to give 15 percent to counties if counties have a use for it, and I think that would be a mistake. So I join Senator CASEY and others in hoping we are able to approve this amendment next week.

Mr. President, I also would like to speak on another amendment, an amendment that we apparently will not vote on; that is, amendment No. 1743. This is not at the desk, I don't think, at this moment, and it doesn't need to be read if it is. But I hope this is an issue that, as this Transportation bill progresses, we can continue to look at.

This is an amendment I have introduced with the Senator from South Carolina, Mr. DEMINT, and the Senator from Utah, Mr. LEE, on the commerce portion of the highway bill. Overall, almost every portion of this bill has gone through the open process of committee hearings, of markups, and now of floor time. The one part of this bill that hasn't had a committee markup or even a committee hearing in this Congress is the rail portion of the bill. In fact, the first time I saw this version of the bill was just a few weeks ago when the underlying bill was already pending and it was too late to have the normal process to look at what could happen and should happen as it relates to railroads.

As a member of the committee of jurisdiction, the Commerce Committee, I am concerned we haven't done our due diligence, and my amendment would simply strike this section of the bill in response to this closed process. I hope that is the final determination of this bill before it goes to the President's desk.

Since the Congress abolished the Interstate Commerce Commission in 1995, there has been no Federal licensing system for entry or exit of new rail passenger operators, only Federal requirements to ensure safety. That meant anybody who wanted to get into this business could, as long as they met the safety requirements. Currently, State transportation agencies increasingly use competitive bidding to choose a contract rail operator who can provide the best value. As a result, we are starting to see an actual competitive and robust rail passenger market with more than seven companies—which includes Amtrak but isn't limited to Amtrak—competing for these contracts.

Unfortunately, the language in the highway bill requires passenger rail operators, both public agencies and private businesses, to deal with an expensive and time-consuming licensing process in front of political employees at the Surface Transportation Board. However, this new regulation will not apply to Amtrak, putting its competitors at a distinct disadvantage. The bill, as it stands, would subject the passenger rail industry to an ever-changing political dynamic at the discretion of the Surface Transportation Board, likely resulting in a government-sanctioned passenger rail monopoly. The board would also hold broad veto powers to prevent a track-owning railroad to make agreements with any preferred operator other than Amtrak.

This bill would also require passenger rail operators to obtain a new board license every time a contract operator is replaced. This requirement appears to be aimed at preventing competitive selection of private sector contract operators, discouraging the replacement of operators through competitive bidding.

At a time when we are looking to promote private sector job creation, I believe this language is simply a step in the wrong direction. If this language becomes law, it will stifle any kind of private sector competition and job growth. The seven companies that have been formed in recent years and that compete actively against each other will no longer be doing that, and it will promote a government-run, taxpayer subsidized rail system.

My amendment would take this language out of the bill so that we could go through the normal process and decide if that is what we want. If the Congress, through the normal process, decides that is what we want to do, that is one thing. But putting it in a big bill without hearings—a bill we all believe to be important—is the wrong step.

The American Public Transportation Association, the American Association of State Highway and Transportation Officials, the National Railroad Construction and Maintenance Association, the United Brotherhood of Carpenters and Joiners of America all support this amendment.

We will not be voting on it next week. But I hope as this bill progresses toward what could be a signature by the President we at some point take another look at this part of the bill and decide if this is a step that is in the best interest of the country or of rail passengers now and in the future. I think the answer to that is no. I am prepared to live with whatever the answer is, if it is an answer we arrive at through the normal process.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the vote changes entered by Senators MURKOWSKI and COLLINS reflect that the vote on the Vitter amendment was vote No. 28.

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

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 13, the Senate resume the sequence of votes remaining under the previous order at a time to be determined by the majority leader after consultation with the Republican leader, with all other provisions of the previous order remaining in effect.

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

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

REMEMBERING DONALD E. GIRDLER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who has spent his life working to help build a better Kentucky and a better United States of America. Mr. Donald E. Girdler of Pulaski County, KY, better known as simply ''Donnie,'' recently passed away. He was 63 years old.

Mr. Girdler was passionate about politics, and he made it his life's work. He entered the political arena when he first worked on the campaign of my good friend Congressman HAL ROGERS of Kentucky's Fifth Congressional District. Mr. Girdler had worked for HAL as a detective for 5 years before HAL, then a Commonwealth's attorney, decided to make a run at the U.S. House of Representatives. The political savvy and direction that Mr. Girdler would bring to the table would propel HAL ROGERS to victory.

There was a definite sense of gratitude from the Congressman for his trustworthy friend, Donnie Girdler. Mr. Girdler was at home in the world of politics and made connections in Washington, DC, that included becoming personally acquainted with five different Presidents of the United States and becoming personal friends with President George H.W. Bush and President George W. Bush.

Donnie went on to work for over a quarter of a century for Rogers before finally retiring and returning to offer his much sought after insight in local politics. He made friends in several southeastern Kentucky counties and helped many of them get elected to public office. Mr. Girdler became a distinguished political consultant for the Commonwealth of Kentucky because of his years of experience and, most importantly, his absolute love of public service.

Donald Girdler made an everlasting contribution to the world of Kentucky politics, and his motivation and innovation paved the way for others to get involved in their own way by bringing opportunities and jobs to the Pulaski County area. Donnie loved working in politics. He loved serving the public, but he was happiest when he was at his farmhouse in Nancy, KY, and he could fix up a pot of coffee and talk politics with his friends that would drop by from time to time.

At this time I would like to ask my colleagues in the Senate to join me in commemorating Donald E. Girdler, an individual whose hard work and upstanding character, combined with his talents and passion, have forever changed the climate of politics in the Commonwealth of Kentucky.

A news story highlighting the eventful life of Donnie Girdler was recently published in the Somerset, KY, area publication, the Commonwealth Journal.

I ask unanimous consent that said story be printed in the RECORD.

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

[From the Commonwealth Journal, Jan. 9, 2012]

POLITICAL ICON DONNIE GIRDLER DEAD AT 63

(By Bill Mardis)

A longtime aide to Congressman Hal Rogers and one of the Lake Cumberland area's most savvy political strategists has died.

Donnie Girdler's death Sunday ended a career that evolved through service in the military, local law enforcement, congressional front man, and political adviser to candidates and confidant to presidents. He was 63.

''As one who knew him for 37 years, I will say he was highly motivated,'' said Dan Venters, justice of the Kentucky Supreme Court.

''I have known Donnie Girdler as long as I have known anyone in Pulaski County,'' said Venters. ''When I first came here to work in (then) Commonwealth's Attorney Hal Rogers's office, Donnie was the first person I met. He was serving as Commonwealth's detective in Hal's office.

''There was something about us that bonded . . . he became one of my closest friends and confidants,'' said Venters.

Girdler worked for Congressman Rogers for more than a quarter of a century.

''Donnie was one of my closest advisers and served faithfully as a field representative for the Fifth Congressional District,'' said Rogers. ''As a retired member of the honorable U.S. Marine Corps and a former Commonwealth's detective, Donnie was a man of integrity and loyalty.

''With courage of conviction, Donnie played a key role in bringing various opportunities and projects to the region. But it was his passion for politics that many sought during campaigns. His political savvy and insight were invaluable to local, state and federal politicians. He was a true patriot and a true friend,'' said Rogers.

Girdler was a friend of presidents. He was personally acquainted with five presidents and was a friend of the two Bushes—George W. Bush and his father, George H.W. Bush. He worked in Bob Dole's presidential campaign and was a presidential elector for George W. Bush.

Locally, Girdler managed the successful campaign of Pulaski County Judge-Executive Barty Bullock and served as Bullock's deputy judge for a year and a half.

''I am very saddened by the recent passing of Donnie Girdler,'' Bullock said in a statement. ''I first met him when I ran for county judge-executive in 2006. As we worked and spent numerous hours together, we became very good friends.

''Since the onset of his illness we have not had as much communication as in the past, but I still think of our friendship fondly. I know that Donnie had many friends, and will be sadly missed by all who knew him,'' Bullock said.

A political consultant since leaving Congressman Rogers's office, Girdler developed close friendships with politicians and officeholders in wide areas, particularly in McCreary, Whitley, Clay and Knox counties.

Said Lori Hines, a political partner, ''He had a great insight into the human mind. He knew how people would react more than anyone I have ever known. He definitely was a people person. His voice was what defined him. People would stop at his farmhouse in Nancy, have a cup of coffee and talk politics,'' said Hines.

Girdler has been nominated as a member of the Republican Fifth District Hall of Fame. He will be inducted posthumously in March.

His body is at Pulaski Funeral Home where funeral arrangements are pending. A complete obituary will be in Wednesday's Commonwealth Journal.

ADDITIONAL STATEMENTS

REMEMBERING JOHN BROOKMAN PERRY

● Mr. BLUNT. Mr. President, I wish to honor the memory of a man whose life was dedicated to serving his community and protecting his fellow citizens. One year ago today, Deputy U.S. Marshal John Brookman Perry was killed in the line of duty while serving his country and community. Deputy Perry was assigned to the U.S. Marshals Eastern District of Missouri in St. Louis and was serving a warrant when he was fatally shot. Today we honor his memory and the sacrifices he made for all of us.

Deputy Perry was born on the west side of Chicago in Glen Ellyn, IL, and graduated from Southern Illinois University with a bachelor's degree in geology. He went to work for the Madison County probation office in Edwardsville, IL where he served for 16 years.

In 2001 he graduated from the U.S. Marshals Academy and went to work at the Superior Court of the District of Columbia. Deputy Perry returned to the Midwest in 2005 when he was assigned to the Eastern District in St. Louis. There, he served as a team leader on the fugitive task force and was the district's firearms instructor.

Deputy Perry came from a family dedicated to public service and was a natural fit for the U.S. Marshals Service. His brother, Bart Perry, has worked for the State of Illinois for over 25 years as a probation officer, and both his father and grandfather were Federal judges. His father served as a bankruptcy court judge and his grandfather was a former coal miner who became a district court judge. As a young boy, Deputy Perry was exposed to the Federal courts and became familiar with the U.S. Marshals Service and their work.

We should never forget the sacrifices that men like Deputy Perry and their families make daily to protect all of us. Our society depends on these dedicated individuals who risk their lives to protect the common good. I want to express my gratitude and thanks and ask the Senate to join me in remembering U.S. Deputy Marshal John Brookman Perry.●

MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that pursuant to Executive Order No. 12131, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. REICHERT of Washington, Mr. GERLACH of Pennsylvania, Mr. TIBERI of Ohio, Ms. SUTTON of Ohio, and Ms. LINDA T. SÁNCHEZ of California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2173. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

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–5261. A communication from the Secretary of Energy, transmitting, proposed legislation to amend section 4306 of the Atomic Energy Defense Act, concerning the mixed oxide fuel fabrication facility (MOX facility) that is under construction at the Department of Energy's Savannah River Site in South Carolina; to the Committee on Energy and Natural Resources.

EC–5262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0014)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0599)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1212)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0995)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0219)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0415)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1139)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders'' ((RIN2120–AA64) (Docket No. FAA–2011–1155)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1298)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BRP–POWERTRAIN GmbH and Co KG Rotax Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1022)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0037)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0005)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0086)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Teledyne Continental Motors (TCM) and Rolls-Royce Motors Ltd. (R–RM) Series Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0085)) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211–524 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0162)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1341)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5278. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Seagoing Barges'' ((RIN1625–AB71) (Docket No. USCG–2011–0363)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5279. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''International Anti-fouling System Certificate'' ((RIN1625–AB79) (Docket No. USCG–2011–0745)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5280. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD'' ((RIN1625–AA09) (Docket No. USCG–2011–0697)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5281. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Neuse River, New Bern, NC'' ((RIN1625–AA09) (Docket No. USCG–2011–0974)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5282. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Calcasieu River, Westlake, LA'' ((RIN1625–AA09) (Docket No. USCG–2011–1020)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5283. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Seminole Hard Rock Winterfest Boat Parade, New River and Intracoastal Waterway, Fort Lauderdale, FL'' ((RIN1625–AA08) (Docket No. USCG–2011–1011)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5284. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Key West World Championship, Atlantic Ocean; Key West, FL'' ((RIN1625–AA08) (Docket No. USCG–2011–0942)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5285. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Orange Bowl International Youth Regatta, Biscayne Bay, Miami, FL'' ((RIN1625–AA08) (Docket No. USCG–2011–0994)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5286. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Captain of the Port Lake Michigan; Technical Amendment'' ((RIN1625–AA87) (Docket No. USCG–2011–0489)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5287. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Container Crane Relocation, Cooper and Wando Rivers, Charleston, SC'' ((RIN1625–AA00) (Docket No. USCG–2011–1045)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL '' ((RIN1625–AA00) (Docket No. USCG–2011–1108)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Art Gallery Party St. Pete 2011 Fireworks Display, Tampa Bay, St. Petersburg, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0774)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5290. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fourth Annual Chillounge Night St. Petersburg Fireworks Display, Tampa Bay, St. Petersburg, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0615)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5291. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Temporary Change for Recurring Fireworks Display within the Fifth Coast Guard District, Wrightsville Beach, NC'' ((RIN1625–AA00) (Docket No. USCG–2011–0978)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5292. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 14-Mile Railroad Bridge Replacement, Mobile River, Mobile, AL'' ((RIN1625–AA00) (Docket No. USCG–2011–0969)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5293. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V DAVY CROCKETT, Columbia River'' ((RIN1625–AA00) (Docket No. USCG–2010–0939)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5294. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; New Year's Eve Fireworks Displays within the Captain of the Port St. Petersburg Zone, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0958)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5295. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Truman-Hobbs Alteration of the Elgin Joliet and Eastern Railroad Drawbridge; Illinois River, Morris, Illinois'' ((RIN1625–AA00) (Docket No. USCG–2011–1058)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5296. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Display, Potomac River, National Harbor Access Channel, MD'' ((RIN1625–AA00) (Docket No. USCG–2011–0976)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5297. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Department of Defense Exercise, Hood Canal, Washington'' ((RIN1625–AA00) (Docket No. USCG–2011–1017)) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5298. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trifloxystrobin; Pesticide Tolerances'' (FRL No. 9336–5) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5299. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Penthiopyrad; Pesticide Tolerances'' (FRL No. 9335–7) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5300. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5301. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2012–0003)) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5302. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Nevada; Revised Format for Materials Incorporated By Reference'' (FRL No. 9634–9) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5303. 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; New York State Ozone Implementation Plan Revision'' (FRL No. 9645–4) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC–5304. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Texas: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9643–7) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5305. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Aerosol Coatings—Addition of Dimethyl Carbonate, Benzotrifluoride, and Hexamethyldisiloxane to Table of Reactivity Factors'' (FRL No. 9644–8) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5306. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources'' (FRL No. 9643–9) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC–5307. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effective Date for Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' (FRL No. 9637–1) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC–5308. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Correction'' (FRL No. 9339–8) received in the Office of the President of the Senate on March 7, 2012; to the Committee on Environment and Public Works.

EC–5309. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled ''Transmittal of Best Practices to Enhance Coordination in the RCRA Program''; to the Committee on Environment and Public Works.

EC–5310. 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 and Designations of Areas for Air Quality Planning Purposes; Georgia; Atlanta; Determination of Attainment by Applicable Attainment Date for the 1997 8-Hour Ozone Standards'' (FRL No. 9643–2) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5311. 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 and Designations of Areas for Air Quality Planning Purposes; North Carolina and South Carolina; Charlotte; Determination of Attainment by Applicable Attainment Date for the 1997 8-Hour Ozone Standards'' (FRL No. 9643–3) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5312. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9626–6) received in the Office of the President of the Senate on March 6, 2012; to the Committee on Environment and Public Works.

EC–5313. A communication from District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Sufficiency Review of the Reasonableness of the District of Columbia Water and Sewer Authority's (DC Water) Fiscal Year 2012 Revenue Estimate Totaling $426,416,477''; to the Committee on Homeland Security and Governmental Affairs.

EC–5314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–320 ''District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–319 ''Uniform Collaborative Law Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–5316. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report on crime victims' rights; to the Committee on the Judiciary.

EC–5317. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Department's activities during Calendar Year 2011 relative to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 2174. A bill to exempt natural gas vehicles from certain maximum fuel economy increase standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 2175. A bill to amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force and to repeal the requirement for military custody; to the Committee on Armed Services.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. DEMINT, Mr. CHAMBLISS, and Mr. JOHNSON of Wisconsin):

S. 2176. A bill to amend the Nuclear Waste Policy Act of 1982 to require the President to certify that the Yucca Mountain site remains the designated site for the development of a repository for the disposal of high-level radioactive waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 2177. A bill to strengthen the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. CARPER (for himself, Mr. PORTMAN, Mr. PRYOR, Mr. COBURN, and Mr. BEGICH):

S. 2178. A bill to require the Federal Government to expedite the sale of underutilized Federal real property; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself, Mr. HARKIN, Mr. BROWN of Massachusetts, Mr. CARPER, and Mrs. MCCASKILL):

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; to the Committee on Veterans' Affairs.

By Mr. BEGICH:

S. 2180. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in early childhood education, to expand the deduction for certain expenses of teachers to teachers in early childhood education, and to modify the credit for dependent care services; to the Committee on Finance.

By Mr. BEGICH:

S. 2181. A bill to amend the Higher Education Act of 1965 to provide for loan forgiveness for early childhood educators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 2182. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. Res. 391. A resolution condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, and Mr. KIRK):

S. Res. 392. A resolution urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties; to the Committee on Foreign Relations.

By Mr. BENNET (for himself, Mrs. MURRAY, Mr. BOOZMAN, Mr. MERKLEY, and Mr. HATCH):

S. Res. 393. A resolution designating March 11, 2012 as ''World Plumbing Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 839

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 839, a bill to ban the sale of certain synthetic drugs.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1086

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1148

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1148, a bill to amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1283

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1283, a bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1673

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1673, a bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1915

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1915, a bill to amend the Motor Carrier Safety Improvement Act of 1999 to provide clarification regarding the applicability of exemptions relating to the transportation of agricultural commodities and farm supplies, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2027

At the request of Mr. BENNET, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2027, a bill to improve microfinance and microenterprise, and for other purposes.

S. 2103

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2150

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 2156

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2156, a bill to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1589

At the request of Mr. DEMINT, the names of the Senator from Utah (Mr. LEE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of amendment No. 1589 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1617

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1617 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1818

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1818 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1822

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of amendment No. 1822 proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB (for himself, Mr. HARKIN, Mr. BROWN of Massachusetts, Mr. CARPER, and Mrs. MCCASKILL):

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; to the Committee on Veterans' Affairs.

Mr. WEBB. Mr. President, today, I am introducing The Military and Veterans Educational Reform Act of 2012. This bi-partisan bill will ensure that all educational institutions receiving

funding from the Post-9/11 GI Bill and Tuition Assistance educational programs are governed by the appropriate quality standards.

I am pleased to be joined in this initiative by Senators HARKIN, CARPER, MCCASKILL and Senator SCOTT BROWN.

I have been working on this legislation for several months. It includes many recommendations made by Veterans service organizations, military organizations and various GAO reports on the need to improve the accountability and oversight of educational institutions.

This past year marked the second-year anniversary of the implementation of the landmarks Post-9/11 G.I. Bill, which I introduced on my first day in office. I take pride in saying that we have been able to provide the proper investment in the future of those who, since 9/11, have given so much to this country.

History demonstrates clearly that well educated veterans not only have an easier transition and readjustment experience, but also boast higher income levels and enjoy a better quality of life.

Since 2009, more than 1.1 million servicemembers and veterans have applied to receive their new benefits and nearly 700,000 have received benefits under the Post-9/11 GI Bill.

For these reasons, I believe that we in the Congress need to do all we can to ensure that we are preserving the integrity of the greatest GI Bill our veterans and military members have ever had.

Concern with waste in the for-profit sector is not a new issue. If we look back in history, 5 years following the creation of the World War II GI Bill in 1944, we saw that more than 5,000 for-profit schools were created. Many of these schools had questionable outcomes and catered exclusively to veterans.

The World War II GI Bill was almost derailed because of the thousands of for-profit colleges created overnight targeting veterans. Due to the concern with the reported waste and abuse in the system, the Vietnam GI Bill tuition provision became a flat monthly stipend.

Recent data shows that 8 of the 10 largest recipients of Post-9/11 GI Bill benefits are for-profit institutions. Many of these schools have more than doubled the amount of Post-9/11 GI Bill dollars they received from 2009–2011.

The growth in this sector has been tremendous in the past couple of years. Between 1998 and 2008, for-profit schools grew 225 percent.

Last month, the Department of Defense released new data showing that for-profit colleges received half of all military tuition assistance dollars—$280 million out of $563 million spent last year on this program.

In 2009, the 15 publicly traded for-profit education companies spent $3.7 billion on marketing. A disproportionate share of this money is going to marketing and recruitment of veterans into poorly performing for-profit schools, and the results of the Veteran's Administration data on the GI Bill reflect this.

The problem is not necessarily the growth of the for-profit sector. There are some for-profit institutions that are providing our students a great education. But with huge Federal dollars being spent in this sector, we owe it to the taxpayers and to our veterans to carefully monitor and provide adequate oversight. Even more important, we owe it to the men and women who served that the GI benefits they have earned will not be lost or squandered on an education that fails to equip them with the skills and knowledge they need to be successful.

In light of these issues, I have introduced the Military and Veterans Educational Reform Act of 2012. My legislation requires schools participating in educational assistance programs through the Department of Veterans Affairs and the Department of Defense to meet the same educational standards currently required for other federal funding, such as the Pell Grant. This bill strengthens the responsibilities of the Department of Veterans Affairs and Department of Defense to assist individuals in making an informed decision to further their continued academic success.

This legislation will increase transparency of information about educational institutions, provide critical services to assist students in the decision-making process and throughout their career, and promote interagency information sharing by requiring all programs receiving funding from Tuition Assistance and Post-9/11 GI Bill be Title IV eligible. Title IV eligibility strengthens the requirements programs must meet in order to receive Federal funding.

By also increasing the transparency of educational institutions by requiring them to provide information to potential students on graduation rates, default rates, and other critical information to ensure that individuals have the information necessary in choosing the best academic program.

By expanding the training and outreach responsibilities of the State Approving Agencies by requiring them to conduct outreach activities to veterans and members of the Armed Forces, requiring State Approving Agencies to conduct audits of schools and to report those findings to the Secretary of Veterans Affairs.

By requiring that the Secretary of Veterans Affairs and the Secretary of Defense develop a centralized complaints process for individuals to report instances of misrepresentation, fraud, waste and abuse and other complaints against educational institutions.

By requiring that the Secretary of Veterans Affairs and the Secretary of Defense provide counseling to individuals before they use their benefits.

By increasing greater coordination between the Department of Veterans Affairs, the Department of Defense and the Department of Education by requiring information sharing among these agencies.

This is a bill that I hope both sides of the aisle will support. It not only aims at preserving the greatest educational benefits for our veterans and military students but it also ensures that our Federal dollars are being spent on quality education.

By Mr. BEGICH:

S. 2180. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in early childhood education, to expand the deduction for certain expenses of teachers to teachers in early childhood education, and to modify the credit for dependent care services; to the Committee on Finance.

Mr. President, today I rise to introduce a package of legislation, the Keep Investing in Developmental Success, KIDS, Act of 2012. These three early childhood bills will address access, quality and affordability in early education programs.

These bills, S. 2180, S. 2181, and S. 2182, are a step towards a commitment to effective early education programs. We all want America's kids ready to learn and ready to succeed when they enter school.

All the data shows early education is one of the strongest predictors of graduation.

The payoff is clear: every dollar invested in early education programs today returns $16 in better outcomes for individuals, families and communities. You can't find a better investment and the payoff is very clear when you see and talk to the kids who have gone through Head Start.

One snowy night about a month ago in Anchorage, I met with about 50 strongly committed Alaska educators to talk about how to improve our schools and prepare our students for the competitive 21st century economy.

From that conversation arose the idea for three bills I am introducing today.

First, we will amend the tax code to provide a tax credit for early childhood educators. The Tax Relief for Early Educators Act will expand the deductions for certain expenses for early childhood education and increase the child care tax credit so more parents can afford to put their children in quality early child development programs.

Right now, a family pays more than $1,400 a month for two young children. For most working families, that is not only a hardship, that is out of reach. Because employees of early childhood programs tend to earn low wages, we also will offer them a tax credit of up to $3,000 and expand the deduction for certain expenses to early childhood educators.

Second, we will create a new student loan forgiveness program for graduates of associate's or bachelor's programs in early education. The Preparing and Reinvesting in Early Education Act, or

PRE ED, will provide needed relief for early educators and encourage more to work with kids through age five. Well-trained educators providing quality early education to our children makes all the difference in a child's success.

Third, we need to reward companies offering onsite or near-site childcare with a company cost-share. We know it works for the company and for the employee—just look around our state.

In Alaska BP, Credit Union One and Fairbanks Memorial Hospital are great examples. They all offer quality onsite centers. They know it makes more productive employees.

The Child Care Public-Private Partnership Act will establish a program to provide child care through partnerships. Through new grant incentives for small and medium companies, we can help more Alaska companies do the same.

This package of bills, the KIDS Act, is not a new idea, and I appreciate my colleagues who have come before this body with similar proposals. However, this is the time to pass these bills—for working families struggling to make ends meet. Parents should have access to affordable, high-quality early care and learning services, early childhood educators should have liveable wages and benefits and business will be more productive.

In closing, let me say I feel very privileged to be involved with policy discussions and the formation of bills such as these. This is a bipartisan issue. I strongly encourage my colleagues to join me in cosponsoring these bills and I urge their quick action and approval.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 391—CONDEMNING VIOLENCE BY THE GOVERNMENT OF SYRIA AGAINST JOURNALISTS, AND EXPRESSING THE SENSE OF THE SENATE ON FREEDOM OF THE PRESS IN SYRIA

Mr. WYDEN (for himself, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 391

Whereas United Nations Security Council Resolution 1738 (2006) obliges states to ensure the safety of journalists in war zones;

Whereas, since the uprisings in Syria began in January 2011, the Government of Syria has denied entry to foreign journalists and arrested, abducted, beaten, tortured, and killed journalists, photographers, and bloggers to prevent the free flow of accurate information to the outside world;

Whereas restrictions imposed by the Government of Syria on media have made it extraordinarily difficult to verify death tolls and the exact nature and course of events within the country;

Whereas Syrian state media reports differ significantly from the few independent reports that make their way out of Syria;

Whereas Reporters Without Borders, an international nongovernmental organization that advocates freedom of the press and freedom of information, has listed Bashar al-Assad as a Predator of Freedom of the Press;

Whereas the League of Arab States called for the media to be allowed into Syria during its monitoring mission that was suspended indefinitely on January 28, 2012, due to the ''critical deterioration of the situation'' in Syria;

Whereas freelance journalist Ferzat Jarban was tortured and killed on November 19 or 20, 2011, after filming protests in Al-Qassir, Syria;

Whereas videographer Basil al-Sayed died on December 27, 2011, from a gunshot wound he suffered 5 days earlier at a checkpoint in the Baba Amr neighborhood in the city of Homs, Syria;

Whereas Shukri Abu al-Burghul of the state-owned daily Al Thawra and Radio Damascus died on January 3, 2012, in Damascus, Syria from a gunshot wound to the head he suffered four days earlier;

Whereas Gilles Jacquier, a correspondent with France 2 television, was killed in a grenade explosion on January 11, 2012, while covering demonstrations in the city of Homs;

Whereas freelance journalist Mazhar Tayyara, a videographer and photojournalist who contributed to Agence France-Presse and other international outlets, was killed by government forces' fire in the city of Homs on February 4, 2012;

Whereas New York Times correspondent Anthony Shadid died of an asthma attack on February 16, 2012, while attempting to leave Syria after reporting inside the country for a week, gathering information on the Free Syrian Army and other armed elements of the resistance to the government of President Bashar al-Assad;

Whereas freelance journalist Rami al-Sayed, who filmed videos of Syrian security forces' repressive acts, was killed on February 21, 2012, while covering the bombardment of the city of Homs by Government of Syria forces;

Whereas journalist Marie Colvin of the Sunday Times, a United States citizen, and freelance photojournalist Remi Ochlik were killed on February 22, 2012, after their makeshift press center in Homs was struck by rockets fired by Government of Syria forces;

Whereas, on February 22, 2012, Department of State Spokesman Mark Toner stated, ''[T]oday, we're also clearly deeply troubled and saddened by reports that American journalist Marie Colvin and French journalist Remi Ochlik were killed today in Homs as a result of the intense shelling, the ongoing intense shelling by the Syrian regime. . . . We, of course, extend our deepest condolences to their families and loved ones and just note that their sacrifice in chronicling the daily suffering of the people of Homs stands as a testament to journalism's highest standards.'';

Whereas 13 opposition activists in Syria were killed during a weeklong attempt to rescue 4 foreign journalists, 2 of whom were injured, who were trapped in Homs as a result of the bombardment by the Government of Syria that killed Marie Colvin and Remi Ochlik;

Whereas videographer Anas al-Tarsha, who documented unrest in the besieged city of Homs, was killed by a mortar round while filming the bombardment of the city's Qarabees district on February 24, 2012;

Whereas, from 1992 through 2010, zero journalists were killed in Syria according to the Committee to Protect Journalists; and

Whereas the Government of Syria has continued to arbitrarily arrest and detain prominent Syrian journalists and bloggers: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Syria to immediately open the country up to independent and foreign journalists and immediately end its media blackout;

(2) condemns in the strongest possible terms the Government of Syria's abuse, intimidation, and violence towards journalists, videographers, and bloggers;

(3) calls on the Government of Syria to immediately release all journalists, videographers, and bloggers who have been detained, arrested, or imprisoned;

(4) pays tribute to the journalists who have lost their lives while reporting on the conflict in Syria;

(5) commends the bravery and courage of journalists who continue to operate in harm's way;

(6) supports the people of Syria seeking access to a free flow of accurate news and other forms of information;

(7) recognizes the critical role that technology plays in helping independent journalists report the facts on the ground;

(8) condemns all acts of censorship and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Syria;

(9) strongly condemns all nations that assist or enable the Government of Syria's ongoing repression of the media; and

(10) reaffirms the centrality of press freedom to efforts by the United States Government to support democracy and promote good governance around the world.

SENATE RESOLUTION 392—URGING THE REPUBLIC OF TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE AND TO RETURN CONFISCATED CHURCH PROPERTIES

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 392

Resolved, That it is the sense of the Senate that the Secretary of State, in all official contacts with officials and representatives of the Government of Turkey, should emphasize that the Government of Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

SENATE RESOLUTION 393—DESIGNATING MARCH 11, 2012 AS ''WORLD PLUMBING DAY''

Mr. BENNET (for himself, Mrs. MURRAY, Mr. BOOZMAN, Mr. MERKLEY, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

Whereas 884,000,000 people around the world do not have access to safe drinking water;

Whereas 2,600,000,000 people around the world live without adequate sanitation facilities;

Whereas the lack of sanitation is the largest cause of infection in the world;

Whereas in the developing world, 24,000 children under the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

Whereas safe and efficient plumbing helps save money and reduces future water supply costs and infrastructure costs;

Whereas the installation of modern plumbing systems must be accomplished in a specific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

Whereas the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States;

Whereas Congress and plumbing professionals across the United States and the world are committed to safeguarding public health; and

Whereas the founding organization of World Plumbing Day, the World Plumbing Council, is currently being chaired by GP Russ Chaney, a United States citizen: Now, therefore, be it

Resolved, That the Senate designates March 11, 2012, as ''World Plumbing Day''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1824. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1825. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, Mr. TESTER, Mr. CRAPO, Mr. RISCH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, supra.

SA 1826. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1813, supra.

SA 1827. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1828. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1829. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1824. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 792, strike line 20 and all that follows through page 793, line 2, and insert the following:

''(2) CLEAN FUEL VEHICLE.—The term 'clean fuel vehicle' means—

''(A) a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(B) a zero emission bus used to provide public transportation.

On page 794, between lines 13 and 14, insert the following:

''(7) ZERO EMISSION BUS.—The term 'zero emission bus' means a clean fuel vehicle that produces no carbon or particulate matter.

On page 794, between lines 22 and 23, insert the following:

''(3) COMBINATION OF FUNDING SOURCES.—

''(A) COMBINATION PERMITTED.—A project carried out under this section may receive funding under section 5307, or any other provision of law.

''(B) GOVERNMENT SHARE.—Nothing in this paragraph may be construed to alter the Government share required under this section, section 5307, or any other provision of law.

On page 795, line 10, strike ''(f)'' and insert the following:

''(f) PRIORITY CONSIDERATION.—In making grants under this section, the Secretary shall give priority to projects relating to clean fuel buses that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other clean fuel buses.

''(g)

SA 1825. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. MERKLEY, Mr. TESTER, Mr. CRAPO, Mr. RISCH, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

At the end of division D, insert the following:

TITLE IV—REAUTHORIZATION OF CERTAIN PROGRAMS

Subtitle A—Secure Rural Schools and Community Self-determination Program

SEC. 40401. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) AMENDMENTS.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) is amended—

(1) in section 3(11)—

(A) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (B)—

(i) by striking ''fiscal year 2009 and each fiscal year thereafter'' and inserting ''each of fiscal years 2009 through 2011''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) for fiscal year 2012 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.'';

(2) in sections 101, 102, 203, 207, 208, 304, and 402, by striking ''2011'' each place it appears and inserting ''2012'';

(3) in section 102—

(A) by striking ''2008'' each place it appears and inserting ''2012'';

(B) in subsection (b)(2)(B), by inserting ''in 2012'' before '', the election''; and

(C) in subsection (d)—

(i) in paragraph (1)(A), by striking ''paragraph (3)(B)'' and inserting ''subparagraph (D)''; and

(ii) in paragraph (3)—

(I) by striking subparagraph (A) and inserting the following:

''(A) NOTIFICATION.—The Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2012, and each September 30 thereafter for each succeeding fiscal year.'';

(II) by redesignating subparagraph (B) as subparagraph (D) and moving the subparagraph so as to appear at the end of paragraph (1) of subsection (d); and

(III) by inserting after subparagraph (A) the following:

''(B) FAILURE TO ELECT.—If the Governor of an eligible State fails to notify the Secretary concerned of the election for an eligible county by the date specified in subparagraph (A)—

''(i) the eligible county shall be considered to have elected to expend 80 percent of the funds in accordance with paragraph (1)(A); and

''(ii) the remainder shall be available to the Secretary concerned to carry out projects in the eligible county to further the purpose described in section 202(b).'';

(4) in section 103(d)(2), by striking ''fiscal year 2011'' and inserting ''each of fiscal years 2011 and 2012'';

(5) in section 202, by adding at the end the following:

''(c) ADMINISTRATIVE EXPENSES.—A resource advisory committee may, in accordance with section 203, propose to use not more than 10 percent of the project funds of an eligible county for any fiscal year for administrative expenses associated with operating the resource advisory committee under this title.'';

(6) in section 204(e)(3)(B)(iii), by striking ''and 2011'' and inserting ''through 2012'';

(7) in section 205(a)(4), by striking ''2006'' each place it appears and inserting ''2011'';

(8) in section 208(b), by striking ''2012'' and inserting ''2013'';

(9) in section 302(a)(2)(A), by inserting ''and'' after the semicolon; and

(10) in section 304(b), by striking ''2012'' and inserting ''2013''.

(b) FAILURE TO MAKE ELECTION.—For each county that failed to make an election for fiscal year 2011 in accordance with section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)), there shall be available to the Secretary of Agriculture to carry out projects to further the purpose described in section 202(b) of that Act (16 U.S.C. 7122(b)), from amounts in the Treasury not otherwise appropriated, the amount that is equal to 15 percent of the total share of the State payment that otherwise would have been made to the county under that Act for fiscal year 2011.

Subtitle B—Payment in Lieu of Taxes Program

SEC. 40411. PAYMENTS IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, is amended by striking ''2012'' and inserting ''2013''.

Subtitle C—Offsets

SEC. 40421. TAX REPORTING FOR LIFE SETTLEMENT TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6050X. RETURNS RELATING TO CERTAIN LIFE INSURANCE CONTRACT TRANSACTIONS.

''(a) REQUIREMENT OF REPORTING OF CERTAIN PAYMENTS.—

''(1) IN GENERAL.—Every person who acquires a life insurance contract or any interest in a life insurance contract in a reportable policy sale during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

''(A) the name, address, and TIN of such person,

''(B) the name, address, and TIN of each recipient of payment in the reportable policy sale,

''(C) the date of such sale,

''(D) the name of the issuer of the life insurance contract sold and the policy number of such contract, and

''(E) the amount of each payment.

''(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

''(A) the name, address, and phone number of the information contact of the person required to make such return, and

''(B) the information required to be shown on such return with respect to such person, except that in the case of an issuer of a life insurance contract, such statement is not required to include the information specified in paragraph (1)(E).

''(b) REQUIREMENT OF REPORTING OF SELLER'S BASIS IN LIFE INSURANCE CONTRACTS.—

''(1) IN GENERAL.—Upon receipt of the statement required under subsection (a)(2) or upon notice of a transfer of a life insurance contract to a foreign person, each issuer of a life insurance contract shall make a return (at such time and in such manner as the Secretary shall prescribe) setting forth—

''(A) the name, address, and TIN of the seller who transfers any interest in such contract in such sale,

''(B) the investment in the contract (as defined in section 72(e)(6)) with respect to such seller, and

''(C) the policy number of such contract.

''(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

''(A) the name, address, and phone number of the information contact of the person required to make such return, and

''(B) the information required to be shown on such return with respect to each seller whose name is required to be set forth in such return.

''(c) REQUIREMENT OF REPORTING WITH RESPECT TO REPORTABLE DEATH BENEFITS.—

''(1) IN GENERAL.—Every person who makes a payment of reportable death benefits during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

''(A) the name, address, and TIN of the person making such payment,

''(B) the name, address, and TIN of each recipient of such payment,

''(C) the date of each such payment, and

''(D) the amount of each such payment.

''(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

''(A) the name, address, and phone number of the information contact of the person required to make such return, and

''(B) the information required to be shown on such return with respect to each recipient of payment whose name is required to be set forth in such return.

''(d) DEFINITIONS.—For purposes of this section:

''(1) PAYMENT.—The term 'payment' means the amount of cash and the fair market value of any consideration transferred in a reportable policy sale.

''(2) REPORTABLE POLICY SALE.—The term 'reportable policy sale' has the meaning given such term in section 101(a)(3)(B).

''(3) ISSUER.—The term 'issuer' means any life insurance company that bears the risk with respect to a life insurance contract on the date any return or statement is required to be made under this section.

''(4) REPORTABLE DEATH BENEFITS.—The term 'reportable death benefits' means amounts paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6050W the following new item:

''Sec. 6050X. Returns relating to certain life insurance contract transactions.''.

(c) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 6724 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of clause (xxiv) of paragraph (1)(B), by striking ''and'' at the end of clause (xxv) of such paragraph and inserting ''or'', and by inserting after such clause (xxv) the following new clause:

''(xxvi) section 6050X (relating to returns relating to certain life insurance contract transactions), and'', and

(B) by striking ''or'' at the end of subparagraph (GG) of paragraph (2), by striking the period at the end of subparagraph (HH) of such paragraph and inserting '', or'', and by inserting after such subparagraph (HH) the following new subparagraph:

''(II) subsection (a)(2), (b)(2), or (c)(2) of section 6050X (relating to returns relating to certain life insurance contract transactions).''.

(2) Section 6047 of such Code is amended—

(A) by redesignating subsection (g) as subsection (h),

(B) by inserting after subsection (f) the following new subsection:

''(g) INFORMATION RELATING TO LIFE INSURANCE CONTRACT TRANSACTIONS.—This section shall not apply to any information which is required to be reported under section 6050X.'', and

(C) by adding at the end of subsection (h), as so redesignated, the following new paragraph:

''(4) For provisions requiring reporting of information relating to certain life insurance contract transactions, see section 6050X.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) reportable policy sales after December 31, 2012, and

(2) reportable death benefits paid after December 31, 2012.

SEC. 40422. CLARIFICATION OF TAX BASIS OF LIFE INSURANCE CONTRACTS.

(a) CLARIFICATION WITH RESPECT TO ADJUSTMENTS.—Paragraph (1) of section 1016(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and all that follows and inserting the following:

''(A) for—

''(i) taxes or other carrying charges described in section 266; or

''(ii) expenditures described in section 173 (relating to circulation expenditures),

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years; or

''(B) for mortality, expense, or other reasonable charges incurred under an annuity or life insurance contract;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions entered into after August 25, 2009.

SEC. 40423. EXCEPTION TO TRANSFER FOR VALUABLE CONSIDERATION RULES.

(a) IN GENERAL.—Subsection (a) of section 101 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) EXCEPTION TO VALUABLE CONSIDERATION RULES FOR COMMERCIAL TRANSFERS.—

''(A) IN GENERAL.—The second sentence of paragraph (2) shall not apply in the case of a transfer of a life insurance contract, or any interest therein, which is a reportable policy sale.

''(B) REPORTABLE POLICY SALE.—For purposes of this paragraph, the term 'reportable policy sale' means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured apart from the acquirer's interest in such life insurance contract. For purposes of the preceding sentence, the term 'indirectly' applies to the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(a) of the Internal Revenue Code of 1986 is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 2012.

SEC. 40424. PHASED RETIREMENT AUTHORITY.

(a) CSRS.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) in paragraph (30) by striking ''and'' at the end;

(B) in paragraph (31) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(32) 'Director' means the Director of the Office of Personnel Management.'';

(2) by inserting after section 8336 the following:

''§ 8336a. Phased retirement

''(a) For the purposes of this section—

''(1) the term 'composite retirement annuity' means the annuity computed when a phased retiree attains full retirement status;

''(2) the term 'full retirement status' means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

''(3) the term 'phased employment' means the less-than-full-time employment of a phased retiree;

''(4) the term 'phased retiree' means a retirement-eligible employee who—

''(A) makes an election under subsection (b); and

''(B) has not entered full retirement status;

''(5) the term 'phased retirement annuity' means the annuity payable under this section before full retirement;

''(6) the term 'phased retirement percentage' means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

''(7) the term 'phased retirement period' means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

''(8) the term 'phased retirement status' means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

''(9) the term 'retirement-eligible employee'—

''(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8336; and

''(B) does not include—

''(i) an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (c), (e), (m), or (n) of section 8336; or

''(ii) a law enforcement officer, firefighter, nuclear materials courier, air traffic controller, customs and border protection officer, or member of the Capitol Police or Supreme Court Police; and

''(10) the term 'working percentage' means the percentage of full-time employment equal the quotient obtained by dividing—

''(A) the number of hours per pay period to be worked by a phased retiree as scheduled in accordance with subsection (b)(2); by

''(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

''(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full time basis for not less than the 3-year period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

''(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

''(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

''(C) The working percentage for a phased retiree may not be changed during the phased retiree's phased retirement period.

''(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

''(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

''(3) A phased retiree—

''(A) may not be employed in more than one position at any time; and

''(B) may transfer to another position in the same or a different agency, if the transfer does not result in a change in the working percentage.

''(4) A retirement-eligible employee may make only one election under this subsection during the retirement-eligible employee's lifetime.

''(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8343a.

''(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

''(A) the amount of an annuity computed under section 8339 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8336(a) or (b); by

''(B) the phased retirement percentage for the phased retiree.

''(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during phased employment.

''(3) A phased retirement annuity shall be adjusted in accordance with section 8340.

''(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

''(B) A phased retirement annuity shall be subject to a court order providing for division, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

''(5) Any reduction of a phased retirement annuity based on an election under section 8334(d)(2) shall be applied to the phased retirement annuity after computation under paragraph (1).

''(6)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for military service or for creditable civilian service for which retirement deductions were not made or refunded shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

''(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as would have been available had the employee not entered phased retirement status and died in service.

''(C) If a phased retiree makes an election for an actuarial annuity reduction under section 8334(d)(2) and dies in service as a phased retiree, the amount of any deposit upon which such actuarial reduction shall have been based shall be deemed to have been fully paid.

''(7) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

''(8) No unused sick leave credit may be used in the computation of the phased retirement annuity.

''(d) All basic pay not in excess of the full-time rate of pay for the position to which a phased retiree is appointed shall be deemed to be basic pay for purposes of section 8334.

''(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

''(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

''(A) the amount of the phased retirement annuity as of the date of full retirement, before any reduction based on an election under section 8334(d)(2), and including any adjustments made under section 8340; and

''(B) the product obtained by multiplying—

''(i) the amount of an annuity computed under section 8339 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any reduction for survivor annuity or reduction based on an election under section 8334(d)(2); by

''(ii) the working percentage.

''(2) After computing a composite retirement annuity under paragraph (1), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity and any previously elected actuarial reduction under section 8334(d)(2).

''(3) A composite retirement annuity shall be adjusted in accordance with section 8340, except that subsection (c)(1) of that section shall not apply.

''(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

''(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of the employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

''(2) Upon entering a full-time work schedule based upon an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

''(3) After the termination of a phased retirement annuity under this subsection, the individual's rights under this subchapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this subchapter or chapter 84, at time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

''(h) For purposes of section 8341—

''(1) the death of a phased retiree shall be deemed to be the death in service of an employee; and

''(2) the phased retirement period shall be deemed to have been a period of part-time employment with the work schedule described in subsection (b)(2).

''(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

''(j) A phased retiree is not eligible to apply for an annuity under section 8337.

''(k) For purposes of section 8341(h)(4), retirement shall be deemed to occur on the date on which a phased retiree enters into full retirement status.

''(l) For purposes of sections 8343 and 8351, and subchapter III of chapter 84, a phased retiree shall be deemed to be an employee.

''(m) A phased retiree is not subject to section 8344.

''(n) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.''; and

(3) in the table of sections by inserting after the item relating to section 8336 the following:

''8336a. Phased retirement.''.

(b) FERS.—Chapter 84 of title 5, United States Code, is amended—

(1) by inserting after section 8412 the following new section:

''§ 8412a. Phased retirement

''(a) For the purposes of this section—

''(1) the term 'composite retirement annuity' means the annuity computed when a phased retiree attains full retirement status;

''(2) the term 'full retirement status' means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

''(3) the term 'phased employment' means the less-than-full-time employment of a phased retiree;

''(4) the term 'phased retiree' means a retirement-eligible employee who—

''(A) makes an election under subsection (b); and

''(B) has not entered full retirement status;

''(5) the term 'phased retirement annuity' means the annuity payable under this section before full retirement;

''(6) the term 'phased retirement percentage' means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

''(7) the term 'phased retirement period' means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

''(8) the term 'phased retirement status' means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

''(9) the term 'retirement-eligible employee'—

''(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8412; and

''(B) does not include—

''(i) an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (d) or (e) of section 8412; or

''(ii) a law enforcement officer, firefighter, nuclear materials courier, air traffic controller, customs and border protection officer, or member of the Capitol Police or Supreme Court Police; and

''(10) the term 'working percentage' means the percentage of full-time employment equal to the quotient obtained by dividing—

''(A) the number of hours per pay period to be worked by a phased retiree as scheduled in accordance with subsection (b)(2); by

''(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

''(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full time basis for not less than the 3-year period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

''(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

''(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

''(C) The working percentage for a phased retiree may not be changed during the phased retiree's phased retirement period.

''(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

''(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

''(3) A phased retiree—

''(A) may not be employed in more than one position at any time; and

''(B) may transfer to another position in the same or a different agency, if the transfer does not result in a change in the working percentage.

''(4) A retirement-eligible employee may make only one election under this subsection during the retirement-eligible employee's lifetime.

''(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8420a.

''(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

''(A) the amount of an annuity computed under section 8415 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8412 (a) or (b); by

''(B) the phased retirement percentage for the phased retiree.

''(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during the phased employment.

''(3) A phased retirement annuity shall be adjusted in accordance with section 8462.

''(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

''(B) A phased retirement annuity shall be subject to a court order providing for division, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

''(5)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for military service or for creditable civilian service for which retirement deductions were not made or refunded, shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

''(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as would have been available had the employee not entered phased retirement status and died in service.

''(6) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

''(7) No unused sick leave credit may be used in the computation of the phased retirement annuity.

''(d) All basic pay not in excess of the full-time rate of pay for the position to which a phased retiree is appointed shall be deemed to be basic pay for purposes of section 8422 and 8423.

''(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

''(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

''(A) the amount of the phased retirement annuity as of the date of full retirement, including any adjustments made under section 8462; and

''(B) the product obtained by multiplying—

''(i) the amount of an annuity computed under section 8412 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any adjustment to provide for a survivor annuity; by

''(ii) the working percentage;

''(2) After computing a composite retirement annuity under paragraph (1), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity.

''(3) A composite retirement annuity shall be adjusted in accordance with section 8462, except that subsection (c)(1) of that section shall not apply.

''(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

''(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

''(2) Upon entering a full-time work schedule based on an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

''(3) After termination of the phased retirement annuity under this subsection, the individual's rights under this chapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this chapter, at the time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

''(h) For purposes of subchapter IV—

''(1) the death of a phased retiree shall be deemed to be the death in service of an employee;

''(2) except for purposes of section 8442(b)(1)(A)(i), the phased retirement period shall be deemed to have been a period of part-time employment with the work schedule described in subsection (b)(2) of this section; and

''(3) for purposes of section 8442(b)(1)(A)(i), the phased retiree shall be deemed to have been at the full-time rate of pay for the position occupied.

''(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

''(j) A phased retiree is not eligible to receive an annuity supplement under section 8421.

''(k) For purposes of subchapter III, a phased retiree shall be deemed to be an employee.

''(l) For purposes of section 8445(d), retirement shall be deemed to occur on the date on which a phased retiree enters into full retirement status.

''(m) A phased retiree is not eligible to apply for an annuity under subchapter V.

''(n) A phased retiree is not subject to section 8468.

''(o) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.''; and

(2) in the table of sections by inserting after the item relating to section 8412 the following:

''8412a. Phased retirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the implementing regulations issued by the Director of the Office of Personnel Management.

SEC. 40425. ROLL-YOUR-OWN CIGARETTE MACHINES.

(a) IN GENERAL.—Subsection (d) of section 5702 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Such term shall include any person who for commercial purposes makes available for consumer use (including such consumer's personal consumption or use under paragraph (1)) a machine capable of making cigarettes, cigars, or other tobacco products. A person making such a machine available for consumer use shall be deemed the person making the removal as defined by subsection (j) with respect to any tobacco products manufactured by such machine.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles removed after the date of the enactment of this Act.

SA 1826. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; as follows:

At the end, insert the following:

DIVISION E—ENERGY PROVISIONS AND TAX EXTENDERS

TITLE I—ENERGY INCENTIVES

Subtitle A—Keystone XL Pipeline Project

SEC. 50001. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

Subtitle B—Expanding Offshore Energy Development

SEC. 50101. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including—

''(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(B) In this paragraph the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that—

''(i) are estimated to contain more than 2,500,000,000 barrels of oil; or

''(ii) are estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 50102. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(b)) is amended to read as follows:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, and subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be—

''(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

''(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

''(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

''(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

''(3) REPORTING.—The Secretary shall report annually, beginning at the end of the 5-year period for which the program applies, to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.''.

Subtitle C—Conducting Prompt Offshore Lease Sales

SEC. 50201. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary of the Interior shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than 4 months after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 50202. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through fiscal year 2017 5 Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than one year after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

SEC. 50203. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 50204. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) ADDITIONAL LEASE SALES.—In addition to lease sales in accordance with a leasing program in effect under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.''.

SEC. 50205. DEFINITIONS.

In this title:

(1) The term ''Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) The term ''Multi-Sale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed Western Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) The term ''Secretary'' means the Secretary of the Interior.

Subtitle D—Leasing in New Offshore Areas

SEC. 50301. LEASING IN THE EASTERN GULF OF MEXICO.

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

SEC. 50302. LEASING OFFSHORE OF TERRITORIES OF THE UNITED STATES.

Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended, by inserting after ''control'' the following: ''or lying within the United States' exclusive economic zone and the Continental Shelf adjacent to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or the other territories of the United States''.

Subtitle E—Outer Continental Shelf Revenue Sharing

SEC. 50401. DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text—

(A) in the first sentence, by striking ''All rentals,'' and inserting the following:

''(c) DISPOSITION OF REVENUE UNDER OLD LEASES.—All rentals,''; and

(B) in subsection (c) (as designated by the amendment made by subparagraph (A) of this paragraph), by striking ''for the period from June 5, 1950, to date, and thereafter'' and inserting ''in the period beginning June 5, 1950, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act'';

(2) by adding after subsection (c) (as so designated) the following:

''(d) NEW LEASING REVENUES DEFINED.—In this section the term 'new leasing revenues' means amounts received by the United States as bonuses, rents, and royalties under leases for oil and gas, wind, tidal, or other energy exploration, development, and production that are awarded under this Act after the date of enactment of the Moving Ahead for Progress in the 21st Century Act.''; and

(3) by inserting before subsection (c) (as so designated) the following:

''(a) PAYMENT OF NEW LEASING REVENUES TO COASTAL STATES, GENERALLY.—

''(1) IN GENERAL.—Of the amount of new leasing revenues received by the United States each fiscal year that is described in paragraph (2), 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with respect to the leases under which those revenues are received by the United States.

''(2) PHASE-IN.—The amount of new leasing revenues referred to in paragraph (1) is the sum determined by adding—

''(A) 35 percent of new leasing revenues received by the United States in the fiscal year under—

''(i) leases awarded under the first leasing program under section 18(a) that takes effect after the date of enactment of the Moving Ahead for Progress in the 21st Century Act; and

''(ii) other leases issued as a result of the enactment of that Act;

''(B) 70 percent of new leasing revenues received by the United States in the fiscal year under leases awarded under the second such leasing program; and

''(C) 100 percent of new leasing revenues received by the United States under leases awarded under the third such leasing program or any such leasing program taking effect thereafter.

''(b) ALLOCATION OF PAYMENTS TO COASTAL STATES.—

''(1) IN GENERAL.—The amount of new leasing revenues received by the United States with respect to a leased tract that are required to be paid to coastal States in accordance with this subsection each fiscal year shall be allocated among and paid to such States that are within 200 miles of the leased tract, in amounts that are inversely proportional to the respective distances between the point on the coastline of each such State that is closest to the geographic center of the lease tract, as determined by the Secretary.

''(2) MINIMUM AND MAXIMUM ALLOCATION.—The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a leased tract shall be—

''(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 25 percent of the total amounts allocated with respect to the leased tract; and

''(B) in the case of any other coastal State, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract.

''(3) ADMINISTRATION.—Amounts allocated to a coastal State under this subsection—

''(A) shall be available to the State without further appropriation;

''(B) shall remain available until expended; and

''(C) shall be in addition to any other amounts available to the State under this Act.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use

funds allocated and paid to it under this subsection for any purpose as determined by State law.

''(B) RESTRICTION ON USE FOR MATCHING.—Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.''.

Subtitle F—Coastal Plain

SEC. 50501. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term ''peer reviewed'' means reviewed—

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with or those who have an application for a grant or other funding pending with the Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 50502. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities under this title, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall, through a rule making conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under subsection (a) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 50503. LEASE SALES.

(a) IN GENERAL.—Lands may be leased under this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and no later than 180 days after the date of enactment of this title, establish procedures for—

(1) receipt and consideration of sealed nominations for any area of the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that such a system will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—

(1) The Secretary shall offer for lease under this title those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1).

(2) The Secretary shall offer for lease under this title no less than 50,000 acres for lease within 22 months after the date of the enactment of this Act.

(3) The Secretary shall offer for lease under this title no less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following offering under paragraph (2).

(4) The Secretary shall conduct four additional sales under the same terms and schedule no later than two years after the date of the last sale under paragraph (3), if sufficient interest in leasing exists to warrant, in the Secretary's judgment, the conduct of such sales.

(5) The Secretary shall evaluate the bids in each sale and issue leases resulting from such sales, within 90 days after the date of the completion of such sale.

SEC. 50504. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 55003 any lands to be leased on the Coastal Plain upon payment by the such bidder of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 50505. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued under this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 55002(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with this title and the regulations issued under this title.

SEC. 50506. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 55002, administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 50507. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review—

(A) of any provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in clause (ii), within the 90-day period beginning on the date of the action being challenged; or

(ii) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for their attorneys' fees and other court costs, including under any provision of law enacted by the Equal Access to Justice Act (5 U.S.C. 504 note).

SEC. 50508. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 50 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this title shall be deposited in the Treasury.

SEC. 50509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this title—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 55002(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 50510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

Subtitle G—Oil Shale and Tar Sands Leasing

SEC. 50601. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109–58), and the Secretary of the Interior shall implement those regulations, including the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109–58), and the Secretary of the Interior shall implement the oil shale and tar sands leasing program authorized by the regulations referred to in subsection (a) in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.

SEC. 50602. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—The Secretary of the Interior may temporarily reduce royalties, fees, rentals, bonus, or other payments for leases of Federal lands for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

TITLE II—ENERGY TAX INCENTIVES

SEC. 51001. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 51002. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION.—Paragraph (2) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011.'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 51003. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

SEC. 51004. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Section 45M(b) of the Internal Revenue Code of 1986 is amended by

striking ''2011'' each place it appears other than in the provisions specified in subsection (b), and inserting ''2011 or 2012''.

(b) PROVISIONS SPECIFIED.—The provisions of section 45M(b) of the Internal Revenue Code of 1986 specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2011.

SEC. 51005. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2011.

SEC. 51006. EXTENSION OF SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 51007. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

TITLE III—TAX EXTENDER PROVISIONS

SEC. 52000. AMENDMENTS TO 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Relief

SEC. 52001. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2011'' and inserting ''2011, or 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52002. EXTENSION OF DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52003. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52004. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52005. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2011.

SEC. 52006. EXTENSION OF LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2011.

SEC. 52007. EXTENSION OF EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act, as amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

Subtitle B—Business Tax Relief

SEC. 52101. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.''.

(b) SPECIAL RULES AND TERMINATION OF BASE AMOUNT CALCULATION.—

(1) IN GENERAL.—Subsection (c) of section 41 is amended to read as follows:

''(c) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(1) TAXPAYERS TO WHICH SUBSECTION APPLIES.—The credit under this section shall be determined under this subsection, and not under subsection (a), if, in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the taxpayer has no qualified research expenses.

''(2) CREDIT RATE.—The credit determined under this subsection shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(2) CONSISTENT TREATMENT OF EXPENSES.—Subsection (b) of section 41 is amended by adding at the end the following new paragraph:

''(5) CONSISTENT TREATMENT OF EXPENSES REQUIRED.—

''(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year in the 3-taxable-year period taken into account under subsection (a), the qualified research expenses taken into account for such year shall be determined on a basis consistent with the determination of qualified research expenses for the credit year.

''(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses caused by a change in accounting methods used by such taxpayer between the credit year and a year in such 3-taxable-year period.''.

(c) INCLUSION OF QUALIFIED RESEARCH EXPENSES OF AN ACQUIRED PERSON.—

(1) PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES.—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

''(A) ACQUISITIONS.—

''(i) IN GENERAL.—If a person acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the 'predecessor') or the major portion of a separate unit of a trade or business of a predecessor, then the amount of qualified research expenses paid or incurred by the acquiring person during the 3 taxable years preceding the taxable year in which the credit under this section is determined shall be increased by—

''(I) for purposes of applying this section for the taxable year in which such acquisition is made, the amount determined under clause (ii), and

''(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the portion of the measurement period that is part of the 3-taxable-year period preceding the taxable year for which the credit is determined as is attributable to the portion of such trade or business or separate unit acquired by such person.

''(ii) AMOUNT DETERMINED.—The amount determined under this clause is the amount equal to the product of—

''(I) so much of the qualified research expenses paid or incurred by the predecessor with respect to the acquired trade or business during the 3 taxable years before the taxable year in which the acquisition is made as is attributable to the portion of such trade or business or separate unit acquired by the acquiring person, and

''(II) the number of months in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made,
divided by 12.

''(iii) SPECIAL RULES FOR COORDINATING TAXABLE YEARS.—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

''(I) each reference to a taxable year in clauses (i) and (ii) shall refer to the appropriate taxable year of the acquiring person,

''(II) the qualified research expenses paid or incurred by the predecessor during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the months of such taxable year, and

''(III) the amount of such qualified research expenses taken into account under clauses (i) and (ii) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (II) to the months occurring during such taxable year.

''(iv) MEASUREMENT PERIOD.—For purposes of this subparagraph, the term 'measurement period' means the taxable year of the acquiring person in which the acquisition is made

and the 3 taxable years of the acquiring person preceding such taxable year.''.

(2) EXPENSES OF A DISPOSING PERSON.—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

''(B) DISPOSITIONS.—If a person disposes of the major portion of any trade or business or the major portion of a separate unit of a trade or business in a transaction to which subparagraph (A) applies, and the disposing person furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by the disposing person during the 3 taxable years preceding such taxable year shall be decreased by the amount of the increase determined under subparagraph (A) with respect to the acquiring person for such taxable year.''.

(d) AGGREGATION OF EXPENDITURES.—Paragraph (1) of section 41(f) is amended—

(1) by striking ''shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit'' in subparagraph (A)(ii) and inserting ''shall be determined on a proportionate basis to its share of the aggregate qualified research expenses taken into account by such controlled group for purposes of this section'', and

(2) by striking ''shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit'' in subparagraph (B)(ii) and inserting ''shall be determined on a proportionate basis to its share of the aggregate qualified research expenses taken into account by all such persons under common control for purposes of this section''.

(e) EXTENSION.—

(1) Subsection (h) of section 41 is amended—

(A) by striking paragraph (2) (relating to termination of alternative incremental credit), and

(B) by striking ''paid or incurred'' and all that follows in paragraph (1) and inserting ''paid or incurred after December 31, 2012.''.

(2) Subparagraph (D) of section 45C(b)(1) is amended by striking ''June 30, 1995'' and all that follows and inserting ''December 31, 2012.''.

(f) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended—

(A) by striking subsection (e),

(B) by redesignating subsection (g) as subsection (e), and

(C) by relocating subsection (e), as so redesignated, immediately after subsection (d).

(2) SPECIAL RULES.—

(A) Paragraph (4) of section 41(f) is amended by striking ''and gross receipts''.

(B) Subsection (f) of section 41 is amended by striking paragraph (6).

(3) CROSS-REFERENCES.—

(A) Paragraph (2) of section 45C(c) is amended by striking ''base period research expenses'' and inserting ''average qualified research expenses''.

(B) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(C) Clause (i) of section 170(e)(4)(B) is amended to read as follows:

''(i) the contribution is to a qualified organization,''.

(D) Paragraph (4) of section 170(e) is amended by adding at the end the following new subparagraph:

''(E) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term 'qualified organization' means—

''(i) any educational organization which—

''(I) is an institution of higher education (within the meaning of section 3304(f)), and

''(II) is described in subsection (b)(1)(A)(ii), or

''(ii) any organization not described in clause (i) which—

''(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

''(II) is organized and operated primarily to conduct scientific research, and

''(III) is not a private foundation.''.

(E) Section 280C is amended—

(i) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1),

(ii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iii) by striking ''or basic research expenses'' in subsection (c)(2)(B).

(F) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(g) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2011.

(2) EXTENSION.—The amendments made by subsection (e) shall apply to amounts paid or incurred after December 31, 2011.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

SEC. 52102. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52103. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking ''2010 and 2011'' and inserting ''2010, 2011, and 2012''.

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking ''2016'' and inserting ''2017''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2011.

SEC. 52104. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

SEC. 52105. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52106. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

SEC. 52107. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4), as amended by the VOW to Hire Heroes Act of 2011, is amended by striking ''after'' and all that follows and inserting ''after December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2011.

SEC. 52108. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by inserting ''and 2012'' after ''for 2011''.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Clause (iii) of section 6431(f)(3)(A) is amended by inserting ''or 2012'' after ''for 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2011.

SEC. 52109. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52110. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52111. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52112. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2011.

SEC. 52113. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2011.

SEC. 52114. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52115. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''2010 or 2011'' each place it appears in paragraph (1)(B) and (2)(B) and inserting ''2010, 2011, or 2012'',

(2) by striking ''2012'' each place it appears in paragraph (1)(C) and (2)(C) and inserting ''2013'', and

(3) by striking ''2012'' each place it appears in paragraph (1)(D) and (2)(D) and inserting ''2013''.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking ''2012'' and inserting ''2013''.

(c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(d) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, or 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52116. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.

SEC. 52117. EXTENSION OF EXPENSING OF BROWNFIELDS ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2011.

SEC. 52118. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2011.

SEC. 52119. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 52120. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2012. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2011, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 52121. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2013'', and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012'',

(b) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—Paragraph (9) of section 954(h) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 52122. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 52123. EXTENSION OF 100 PERCENT EXCLUSION FOR QUALIFIED SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2013'', and

(2) by striking ''2010 AND 2011'' in the heading and inserting ''2010, 2011, AND 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 52124. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

SEC. 52125. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2011.

TITLE IV—OFFSETS

SEC. 53001. DEFICIT REDUCTION TRUST FUND.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 3114. Trust fund to reduce public debt

''(a) There is established in the Treasury of the United States a trust fund to be known as the 'Deficit Reduction Trust Fund' (in this section referred to as the 'Trust Fund').

''(b) There is appropriated to the Trust Fund the following amounts:

''(1) Amounts equivalent to the net increase in amounts received in the Treasury attributable to the provisions of, and the amendments made by, subtitles B, C, D, E, F, and G of title I of division E of the Moving Ahead for Progress in the 21st Century Act.

''(2) The net increase in taxes received in the Treasury attributable to the amendments made by section 53002 of the Moving Ahead for Progress in the 21st Century Act.

''(3) Amounts equivalent to the reduction in spending attributable to the amendment made by section 53003 of the Moving Ahead for Progress in the 21st Century Act.

''(c) The Secretary of the Treasury shall use the moneys in the Trust Fund solely to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt.

''(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Trust Fund shall be canceled and retired and may not be reissued.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item:

''3114. Trust fund to reduce public debt.''.

SEC. 53002. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.''.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 53003. EXTENSION OF PAY LIMITATION FOR FEDERAL EMPLOYEES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note) is amended—

(A) in subsection (b)(1), by striking ''December 31, 2012'' and inserting ''December 31, 2013''; and

(B) in subsection (c), by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) APPLICATION TO LEGISLATIVE BRANCH.—

(A) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by paragraph (1), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(B) OTHER LEGISLATIVE BRANCH EMPLOYEES.—

(i) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this clause) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(ii) DEFINITION.—In this subparagraph, the term ''legislative branch employee'' means—

(I) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(II) an employee of any office of the legislative branch who is not described in subclause (I).

(b) REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.—Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(2) REVISED DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:

''(A) For fiscal year 2013—

''(i) for the revised security category, $546,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $499,000,000,000 in budget authority.

''(B) For fiscal year 2014—

''(i) for the revised security category, $556,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $507,000,000,000 in budget authority.

''(C) For fiscal year 2015—

''(i) for the revised security category, $566,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $517,000,000,000 in budget authority.

''(D) For fiscal year 2016—

''(i) for the revised security category, $577,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $527,000,000,000 in budget authority.

''(E) For fiscal year 2017—

''(i) for the revised security category, $590,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $538,000,000,000 in budget authority.

''(F) For fiscal year 2018—

''(i) for the revised security category, $603,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $550,000,000,000 in budget authority.

''(G) For fiscal year 2019—

''(i) for the revised security category, $616,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $562,000,000,000 in budget authority.

''(H) For fiscal year 2020—

''(i) for the revised security category, $630,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $574,000,000,000 in budget authority.

''(I) For fiscal year 2021—

''(i) for the revised security category, $644,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $586,000,000,000 in budget authority.''.

SA 1827. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

SEC. ____. ATTRIBUTION OF FIXED GUIDEWAY VEHICLE REVENUE MILES AND FIXED GUIDEWAY DIRECTIONAL ROUTE MILES.

(a) DEFINITION.—In this section the term ''covered miles of a recipient'' means the fixed guideway vehicle revenue miles or fixed guideway directional route miles in the public transportation system for which the recipient receives funds.

(b) ATTRIBUTION.—For purposes of section 5336(b)(2)(A) and section 5337(c)(3) of title 49, United States Code, as amended by this Act, the Secretary shall deem to be attributable to an urbanized area not less than 50 percent of the covered miles of a recipient that are located outside the urbanized area for which the recipient receives funds, in addition to the covered miles of the recipient that are located inside the urbanized area.

SA 1828. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 1521. TRUCKING WEIGHT LIMITATIONS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

''(13) HEAVY TRUCK PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary may carry out a pilot program under which the Secretary may authorize up to 3 States to allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 126,000 pounds on segments on the Interstate System in the State.

''(B) REQUIREMENTS.—A State authorized under the pilot program under subparagraph (A) shall—

''(i) identify, and submit to the Secretary for approval—

''(I) the segments on the Interstate System that will be subject to the pilot program; and

''(II) the configurations of vehicles to be allowed to operate under a special permit;

''(ii) allow vehicles subject to the program to operate on not more than 3 segments, which may be contiguous, of up to 25 miles each;

''(iii) require the loads of vehicles operating under a special permit to conform to such single axle, tandem axle, tridem axle, and bridge formula limits applicable in the State; and

''(iv) establish and collect a fee for vehicles operating under a special permit.

''(C) PROHIBITIONS.—The Secretary may prohibit the operation of a vehicle under a special permit if the Secretary determines that the operation poses an unreasonable safety risk based on an analysis of engineering data, safety data, or other applicable data.

''(D) DURATION.—The Secretary may authorize a State to participate in the pilot program under this paragraph for a period not to exceed 4 years.''.

SA 1829. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXCEPTION TO GENERAL PROPERTY-CARRYING UNIT LIMITATION.

Section 31112(d)(4) of title 49, United States Code, is amended to read as follows:

''(4) Subject to an appropriate permit from each State in which they will be operated, property-carrying units that were not in actual operation on June 1, 1991, may be operated within 1 or more adjacent States to transport sugar beets from the field where such sugar beets are harvested to storage, market, factory, or stockpile or from stockpile to storage, market, or factory if such vehicles—

''(A) are not more than 25 percent longer or 15 percent heavier than the maximum length and weight, respectively, otherwise permitted for similar property-carrying units;

''(B) are operated not more than 200 days per year; and

''(C) are operated within a range of not more than 90 aeronautical miles.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2012, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 8, 2012, at 10 a.m., to conduct a hearing entitled ''Addressing the Housing Crisis in Indian Country: Leveraging Resources and Coordinating Efforts.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Key to America's Global Competitiveness: A Quality Educaiton'' on March 8, 2012, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 8, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 8, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2012, at 2:30 p.m.

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

PRIVILEGE OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that David Bonelli, a detailee to the Commerce, Science, and Transportation Committee from the National Highway Traffic Safety Administration, be given floor privileges for the duration of the consideration of S. 1813.

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

WORLD PLUMBING DAY

Mr. REID. Mr. President, I now ask we proceed to S. Res. 393.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 393) designating March 11, 2012, as ''World Plumbing Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 393

Whereas the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

Whereas 884,000,000 people around the world do not have access to safe drinking water;

Whereas 2,600,000,000 people around the world live without adequate sanitation facilities;

Whereas the lack of sanitation is the largest cause of infection in the world;

Whereas in the developing world, 24,000 children under the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

Whereas safe and efficient plumbing helps save money and reduces future water supply costs and infrastructure costs;

Whereas the installation of modern plumbing systems must be accomplished in a specific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

Whereas the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States;

Whereas Congress and plumbing professionals across the United States and the world are committed to safeguarding public health; and

Whereas the founding organization of World Plumbing Day, the World Plumbing Council, is currently being chaired by GP Russ Chaney, a United States citizen: Now, therefore, be it

Resolved, That the Senate designates March 11, 2012, as ''World Plumbing Day''.

ORDERS FOR MONDAY, MARCH 12, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, March 12, at 2 p.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 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill.

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

PROGRAM

Mr. REID. Mr. President, as I indicated, following morning business the Senate will resume consideration of the surface transportation bill. As previously announced, there will be no rollcall votes on Monday. Senators should expect several votes Tuesday morning, going into the afternoon or evening, to complete action on that bill.

ADJOURNMENT UNTIL MONDAY, MARCH 12, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

There being no objection, the Senate, at 5:52 p.m., adjourned until Monday, March 12, 2012, at 2 p.m.