

McCaskill	Peters	Tester
Menendez	Reed	Udall
Merkley	Reid	Warner
Mikulski	Schatz	Warren
Murphy	Schumer	Whitehouse
Murray	Shaheen	Wyden
Nelson	Stabenow	

## NOT VOTING—1

Sanders

The bill (H.R. 3762), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

## ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that a 60-affirmative vote be required for adoption of the conference report to accompany H.R. 22.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, for the information of all of our colleagues, there will be only two votes in relation to the highway bill, and those will be the last votes of the week.

## SURFACE TRANSPORTATION RE-AUTHORIZATION AND REFORM ACT OF 2015—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 22, which will be stated by title.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 22), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 1, 2015.)

The PRESIDING OFFICER. There are 30 minutes of debate equally divided.

Who yields time?

Mr. VITTER. Mr. President, I wish to clarify today a provision included in the FAST Act conference report.

In order to build and restore the Nation's highway infrastructure without breaking the bank to do so, we are going to need the best and latest in cost-saving construction technologies to help us attain that goal.

I supported a provision in the Senate bill that would do just that with regard to construction for key highway components, such as bridge abutments, erosion control on highway waterways, and sound walls. My language specifically identified "innovative segmental wall technology for soil bank stabiliza-

tion and roadway sound attenuation, and articulated technology for hydraulic shear-resistant erosion control" as technologies for research and deployment action by the Federal Highway Administration, FHWA.

A core value shared by all three technologies is that they can save taxpayer dollars. And we should certainly encourage FHWA to engage in research and deployment on them.

For example, one of the practical and expensive problems with highway construction is moving and dispensing with excavated dirt. Segmental retaining wall, or SRW, technology can reduce transportation construction costs to the taxpayers by allowing the use of in situ soils in building segmental retaining walls rather than treating the excavated dirt as waste and hauling it away. Using the native soils for bank reinforcement can save the hauling costs and time for dirt removal, also reducing construction time. Similar segmental unit technology can be used to provide additional choices that are also aesthetically appealing for transportation designers to consider for sound attenuation.

And articulated segmented unit technology for erosion control, known as ACB for the concrete blocks usually used for this purpose linked together in a durable matrix, is especially durable and resistant to overtopping in high-water events. Overtopping is a major problem in high-water events that can degrade or ruin the existing erosion control measures. Rebuilding and replacing is always a huge cost that we should seek to avoid.

While the conference report does not retain my provision, we still have options to save the taxpayers money. I would like to point out that provisions appear elsewhere in the conference report that can give FHWA essentially the same mission, albeit articulated in a different way.

Section 1428 of the conference report states that "the Secretary shall encourage the use of durable, resilient and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration."

Section 1428 might be an alternate means of articulating the same concepts I supported with regard to the innovative segmental wall, or SRW, technology. SRW walls use concrete block facing materials that are obviously highly durable, resilient, and sustainable. These facing units are anchored into the soils using geosynthetic ties that are also highly tough and durable and described in Section 1428.

In passing the conference report, I would like to clarify for FHWA staff to consider SRW technology, using the durable, resilient, sustainable materials anchored with geosynthetics as one of the technologies envisioned in Section 1428. ACBs and segmental block sound walls also fit the defini-

tion of durable, resilient, and sustainable materials and techniques set forth in this section and should enjoy a similar favorable view under the umbrella of Section 1428.

Mr. CARDIN. Mr. President, I rise today to speak about the highway trust fund, HTF, and the conference report we will be considering shortly to accompany the surface transportation reauthorization bill, which is called the Fixing America's Surface Transportation Act, FAST Act.

First, I am pleased to see that this bill provides 5 years of funding for our Nation's transportation infrastructure. That is the kind of long-range certainty our State and local officials and the private sector need to plan transportation infrastructure projects in a thoughtful and responsible way.

While there are many excellent provisions in the bill, I do have significant concerns about the way our Nation's surface transportation infrastructure is being funded.

First, I will speak about the policy within the bill. I am pleased that the conference committee has retained this Nation's commitment to transportation alternatives. This bill includes more than \$4 billion for bike and pedestrian infrastructure, making our roads safer for everyone who uses them. My bill creating a dedicated program for nonmotorized safety is also included in the reauthorization, which will support things like bike safety training programs for both bicyclists and drivers, again making our streets safer for all who use them.

Furthermore, the section 5340 bus program has been kept intact. This program is for high-density areas like Baltimore and Washington, DC, which cannot simply widen a road to accommodate extra travelers. The FAST Act provides more than \$2.7 billion to high-density areas. This is significant for Maryland in particular. Over the life of this bill, Maryland should receive more than \$4.4 billion in Federal Highway Administration, FHWA, and Federal Transit Administration, FTA, funding combined. That is an extraordinary amount of funding for a State that sorely needs it.

I am concerned, however, that the FAST Act undermines the public input, environmental analysis, and judicial review guaranteed under the National Environmental Policy Act, NEPA. If Congress wants Federal agencies to approve more permits faster, then we should appropriate the requisite funds for sufficient staff and other necessary resources. We should not undermine the integrity of important project reviews. Moreover, the argument that the permitting process takes too long is a red herring. More than 95 percent of all FHWA-approved projects involve no significant impacts and therefore have limited NEPA requirements. If we really want to speed project development, we should recognize the known causes of delay and not use this bill as a Trojan horse to dismantle our Nation's foundational environmental

laws. So while I support many of the policies in the bill, I am still very concerned about the impact it will have on our environment.

While I have mixed feelings about the policies in this bill, I am not conflicted with regard to how it is funded. I am extremely disappointed in the hodgepodge of questionable pay-fors that we are using in this bill. We certainly needed to address the problem of funding our Nation's highway and transit systems beyond the myriad short-term extensions that Congress has approved in the past. But instead of opting for a reliable and permanent future revenue stream to pay for this critical government function, the FAST Act falls back on provisions completely unrelated to highways and mass transit. It relies on one-time pay-fors that are simply digging a deeper hole for the next reauthorization. That is a troublesome precedent.

I think we have missed an opportunity here to stick to the "user pays" principle with regard to the Federal gasoline excise tax, which hasn't been raised since 1993. According to the Congressional Budget Office, a 10-cent-per-gallon increase in the tax would fully fund the bill for 5 years.

Gasoline prices are plunging around the country, with the national average falling in 24 out of the past 30 days, according to the American Automobile Association, AAA, earlier this week. The price of a gallon of regular gasoline now stands at \$2.04 nationally, down 14 cents compared to 1 month ago and 74 cents lower than this time last year. AAA officials and others anticipate that the national average price will dip below the \$2.00 threshold within a matter of days.

So, as I said, I think we may be missing an opportunity here to put surface transportation infrastructure funding back on a solid foundation, appropriately based on the "user pays" principle.

It is also important from a policy perspective that we price carbon more appropriately to reflect its total costs, promote fuel efficiency, and accelerate the absolutely essential shift from fossil fuels to cleaner, more sustainable sources of energy. Lower gasoline prices let motorists keep more money in their pockets in the short term. But we have to think about the long term, too, and if we needlessly delay making that inevitable shift, the long-term costs to human health and the environment will dwarf any perceived short-term gains.

There is one so-called offset in the bill that I adamantly oppose: the use of private collection agencies, PCAs, to collect tax debt. I oppose this provision not only because it simply will not raise revenue but also because it is terrible tax policy that puts a target on the back of low-income and middle-class families. The Treasury Department, the Internal Revenue Service, IRS, and the National Taxpayer Advocate all join me in opposing this provision.

The Joint Committee on Taxation, JCT, scores this provision at over \$2.0 billion over 10 years, but since JCT only takes into account incoming and outgoing tax revenue, its score doesn't take into account the IRS's implementation and oversight costs and the opportunity costs of farming collections out to private collectors.

Twice before, from 1996 to 1997 and from 2006 to 2009, Congress required Treasury to turn over some tax collection efforts to PCAs with miserable results. The first attempt resulted in the loss of \$17 million and contractors participating were found to have violated the Fair Debt Collections Practice Act. Under legislation enacted in 2004, the IRS again attempted to use PCAs to collect Federal taxes in 2006. In September of that year, the IRS began turning over delinquent taxpayer accounts to three PCAs who were permitted to keep between 21–24 percent of the money they collected. While the program was supposed to bring in up to \$2.2 billion in unpaid taxes, data from the IRS showed that the program actually resulted in a net loss of almost \$4.5 million to the Federal Government after subtracting \$86.2 million in administration costs and more than \$16 million in commissions to the PCAs.

In analyzing the PCA offset last year, the IRS prepared a preliminary estimate of the percentage of individual taxpayers who have "inactive tax receivables" that would be subject to private debt collection and who are low-income. After reviewing collection data for fiscal year 2013, the IRS found that 79 percent of the cases that fell into the "inactive tax receivables" category involved taxpayers with incomes below 250 percent of the Federal poverty level. So nearly four-fifths of delinquent taxpayers were almost surely in the "can't pay" category and would be unlikely to make payments when contacted by a PCA instead of the IRS.

Not only are low-income taxpayers more vulnerable to begin with, PCAs actually provide fewer options for them to meet their tax obligations. IRS employees, unlike the PCAs, have a variety of tools at their disposal they can use to help delinquent taxpayers meet their tax obligations, especially those facing financial difficulties. These tools include the ability to postpone, extend, or suspend collection activities for limited periods of time; making available flexible payment schedules that provide for skipped or reduced monthly payments under certain circumstances; the possibility of waiving late penalties or postponing asset seizures; and offers in compromise, OIC, which are agreements between struggling taxpayers and the IRS that settle tax debts for less than the full amount owed.

In contrast, the PCAs' sole interest is to collect from a taxpayer the balance due amount they have been provided. They have no interest in whether the taxpayer owes other taxes or may not have filed required returns. They can-

not provide any advice or use any of the tools IRS employees have, such as extensions or offers in compromise.

In October, I joined 15 other Senators—including several of my Finance Committee colleagues and Ranking Member WYDEN—in signing a letter the senior Senator from Ohio, Mr. BROWN, sent to leadership on the dangers and shortcomings of this provision. Unfortunately, our message was not heard. So, because we refuse to turn to obvious and commonsense financing solutions for our transportation infrastructure problems, we have decided instead to use an offset that has historically lost money, all on the backs of low-income taxpayers.

Mr. President, the FAST Act conference report is a bipartisan, bicameral achievement. I congratulate the House and Senate conferees for reaching an agreement; I know it has been an arduous process. The reauthorization contains many good provisions and provides 5 years of desperately needed funding for our Nation's crumbling transportation infrastructure. I will vote for the conference report, but I will do so with serious reservations about how this bill is funded. Our surface transportation infrastructure is a crucial component of our national security and economic competitiveness. Reauthorizing our surface transportation programs used to be a relatively routine matter; now it is becoming harder and harder to do and we are relying more and more on gimmicky funding mechanisms. These are worrisome precedents.

Mr. THUNE. Mr. President, over the past few years, the public has grown increasingly skeptical of Congress being able to function.

When Republicans took the majority in January, we promised the American people we would get the Senate working again, and we have been delivering on that promise.

This Transportation bill conference report is another major legislative achievement and the result of hard work by several committees in the House and Senate who put together key provisions to spur long overdue infrastructure investment and safety improvements.

This bill will give States and local governments the certainty they need to plan for and commit to key infrastructure projects. It will also help strengthen our Nation's transportation system by increasing transparency in the allocation of transportation dollars, streamlining the permitting and environmental review processes, and cutting red tape.

Republicans and Democrats alike got to make their voices heard during this process, and the final conference report is stronger because of it.

As chairman of the Commerce, Science, and Transportation Committee, I had the opportunity to work on various sections of the bill with Ranking Member BILL NELSON. The

provisions under our committee's jurisdiction comprise roughly half of the 1,300 pages of legislative text.

One particular focus was on enhancing the safety of our Nation's cars, trucks, and railroads, and the final bill we produced makes key reforms that will enhance transportation safety around the country.

Over the past year, the Commerce Committee has spent a lot of time focused on motor vehicle safety efforts. Last year was a record year for auto problems, with more than 63 million vehicles recalled.

Two of the defects that have spurred recent auto recalls—the faulty General Motors ignition switch and the defective airbag inflators from Takata—are responsible for numerous unnecessary deaths and injuries—at least 8 reported deaths in the case of Takata and more than 100 deaths in the case of General Motors. Indications point to the Takata recalls as being among the largest and most complex set of auto-related recalls in our Nation's history, with more than 30 million cars affected.

Given the seriousness of these recalls, when it came time to draft the highway bill, one of our priorities at the Commerce Committee was addressing auto safety issues and promoting greater consumer awareness and corporate responsibility.

The conference report includes our committee's work to triple the civil penalties that the National Highway Traffic Safety Administration can impose on automakers for a series of related safety violations—from a cap of \$35 million to a cap of \$105 million—which should provide a much stronger deterrent against auto safety violations like those that occurred in the case of the faulty ignition switches at General Motors.

I am also pleased that the conference report includes the Motor Vehicle Whistleblower Safety Act, which I introduced with Ranking Member NELSON and others to incentivize auto companies to adopt internal reporting systems and establish a system to reward employees who "blow the whistle" when manufacturers sit on important safety information. The conference report also improves notification methods to ensure that consumers are made aware of open recalls.

The new notification requirements include a provision incentivizing dealers to inform consumers of open recalls when they bring in their cars for routine maintenance, as well as a grant program to allow States to notify consumers of recalls when they register their vehicles.

Our committee also worked with the House Energy and Commerce Committee during the conference process to incorporate a modified provision from my Democrat colleague, the senior Senator from Missouri, which will prevent rental car companies from renting unrecalled cars that are subject to a recall.

In the wake of the recall over the GM ignition switch defect, the inspector general at the Department of Transportation published a scathing report identifying serious lapses at the National Highway Traffic Safety Administration—or NHTSA—the government agency responsible for overseeing safety in our Nation's cars and trucks.

The concerns raised included questions about the agency's ability to properly identify and investigate safety problems—a concern that is further underscored by the circumstances surrounding the Takata recalls.

In addition to targeting violations by automakers, our portion of the highway bill also addresses the lapses at NHTSA identified in the inspector general's report. While the conference report does increase funding for NHTSA's Office of Defects Investigation, that will only happen contingent on the agency's implementation of reforms called for by the inspector general, ensuring that this agency will be in a better position to address vehicle safety problems in the future.

Combating impaired driving is also a priority. I am pleased to announce that the conference report creates a grant for States that provide 24/7 sobriety programs. I have been a long-time champion of these programs, which have been very effective in States, like my home State of South Dakota, where it originated.

This provision is intended to allow States to certify the general practice on minimum penalties which can meet the definition under the repeat offender law, and we expect that NHTSA should reasonably defer to a State's analysis underpinning such a certification.

Another significant portion of the final conference report is made up of a bipartisan rail safety bill put together by the Republican junior Senator from Mississippi and the Democrat junior Senator from New Jersey that we merged in conference with the passenger rail bill that the House passed earlier this year.

The resulting passenger rail title includes a 5-year reauthorization of Amtrak that includes a host of safety provisions that our committee adopted following the tragic train derailment in Philadelphia. I know a number of my colleagues are very pleased with various provisions that will strengthen our Nation's rail infrastructure and smooth the way for the implementation of new safety technologies.

Our transportation infrastructure keeps our economy—and our Nation—going. Our Nation's farmers depend on our rail system to move their crops to market. Manufacturers rely on our Interstate Highway System to distribute their goods to stores across the United States.

And all of us depend on our Nation's roads and bridges to get around every day.

For too long, transportation has been the subject of short-term legislation that leaves those responsible for build-

ing and maintaining our Nation's transportation system without the certainty and predictability they need to keep our roads and highways thriving.

I am proud of the final conference report that passed the House earlier today by a strong vote of 359-65. I urge my colleagues to join in passing this long-overdue bill so it can be signed into law by the President without further delay.

I ask unanimous consent that a summary of the Commerce Committee's related provision be printed in the RECORD.

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

COMMERCE COMMITTEE PROVISIONS IN FIVE-YEAR SURFACE TRANSPORTATION BILL

Below is an extended summary of key provisions in the Senate Commerce, Science, and Transportation Committee's titles in the five-year surface transportation bill:

IMPROVED PROJECT DELIVERY AND DEPARTMENT OF TRANSPORTATION (DOT) MANAGEMENT

*Project Streamlining*—Provides additional authority to streamline project delivery and consolidate burdensome permitting regulations (similar to the administration's GROW AMERICA proposal).

IMPROVING HIGHWAY SAFETY

*Keeps Drug Users Off the Roads*—Allows for more effective drug testing for commercial truck drivers. Also increases federal cooperation with state efforts to combat drug impaired driving and directs a study on the feasibility of an impairment standard for driving under the influence of marijuana.

*Prohibits Rental of Vehicles Under Recall*—Prohibits covered rental companies from renting or selling an unrecalled vehicle under recall. Based upon the Raechel and Jacqueline Houck Safe Rental Car Act of 2015 (S. 1173).

*Incentivizes Crash Avoidance Technology*—Adds that crash avoidance information be indicated on new car stickers to inform vehicle purchasing decisions and foster competition in the marketplace.

*Tire Pressure Monitoring*—Requires the National Highway Traffic Safety Administration (NHTSA) to update the rule governing tire pressure monitoring technologies; modified in conference to avoid unintended consequences and clarify that the rule should not be technology specific.

*Improves Information on Safety of Child Restraint Systems*—Improves crash data collection to include child restraint systems.

IMPROVES VEHICLE RECALL NOTIFICATION

*Improves Consumer Awareness of Recalls*—Requires NHTSA to improve the safecar.gov website and the consumer complaint filing process. Provides a study on the technological feasibility of direct vehicle notification of recalls. Also requires manufacturers to identify and include applicable part numbers when notifying NHTSA of safety defects, making this information publicly available.

*Incentivizes Dealers to Notify Consumers of Open Recalls*—Incentivizes auto dealers to inform consumers of open recalls at service appointments.

*Creates Program for States to Notify Consumers of Recalls*—Creates a state pilot grant to inform consumers of open recalls at the time of vehicle registration.

*Improves Tire Recall Efforts*—Increases the time tire owners and purchasers have to seek a remedy for tire recalls at no cost to consumers. Creates a publicly available database of tire recall information. Also includes

a provision adopted in conference to direct NHTSA to study the feasibility of requiring electronic identification on tires in order to facilitate registration and ease the burden on small businesses.

#### FREIGHT

*Develops a National Freight Strategy and Strategic Plan*—Sets goals to enhance U.S. economic competitiveness by improving freight transportation networks that serve our agriculture, retail, manufacturing, and energy sectors. Focuses freight planning efforts in the Office of the Secretary with the Undersecretary for Policy to provide multimodal coordination.

*Requires Additional Freight Data*—Establishes a working group and an annual reporting requirement to collect additional freight data to help improve the movement of freight throughout the country.

*Improves Freight Planning*—Improves freight planning efforts to ensure that freight planning is multimodal and addresses the links between highways, railroads, ports, airports, and pipelines.

#### FLEXIBILITY FOR STATES

*Federal Motor Carrier Safety Administration (FMCSA) Grant Consolidation*—Consolidates state trucking enforcement grants to provide additional flexibility to states to administer enforcement programs.

*NHTSA Grant Flexibility*—Increases emphasis on “Section 402” highway safety grants to address each state’s unique highway safety challenges. Also increases opportunities for states to obtain grants for implementing graduated drivers licensing, distracted driving laws and impaired driving. Creates a new non-motorized grant to create programs to enhance safety for pedestrians and bicyclists.

#### REGULATORY REFORM & TRANSPARENCY

*Petitions*—Requires FMCSA to respond to stakeholder petitions for review of regulations or new rulemakings.

*Transparency*—Requires FMCSA to maintain updated records relating to regulatory guidance, and provides for regular review to ensure consistency and enforceability.

#### NHTSA OVERSIGHT & VEHICLE SAFETY ENFORCEMENT

*Vehicle Safety Enforcement*—Triples penalties for auto safety violations per incident and triples the overall penalty cap to \$105 million, provided that NHTSA conducts a previously-required rulemaking on penalty assessment factors.

*Whistleblower Incentives*—Incentivizes auto employees to come forward with information about safety violations by authorizing the Secretary to award a percentage of certain collected sanctions to whistleblowers. Based upon the bipartisan Motor Vehicle Safety Whistleblower Act, which passed the Senate by voice vote in April (S. 304).

*Increases Funding for Vehicle Safety*—Following the record number of auto recalls in 2014, the bill authorizes additional funding increases to GROW AMERICA levels for vehicle safety efforts, but only if the DOT Secretary certifies that certain reforms have been implemented following the scathing inspector general (IG) audit of NHTSA following the GM ignition switch defect.

*Increases Corporate Responsibility*—Requires rules on corporate responsibility for reports to NHTSA and updates recall obligations under bankruptcy; increases the retention period during which manufacturers must maintain safety records and expands the time frame for remedying defects at no cost to consumers.

*Provides Increased Oversight of NHTSA*—Requires DOT IG and NHTSA to provide updates on progress to implement IG recommendations to improve defect identifica-

tion, requires an annual agenda, clarifies the limits of agency guidelines, and directs IG and Government Accountability Office GAO audits of NHTSA’s management of vehicle safety recalls, public awareness of recall information, and NHTSA’s research efforts.

#### CONSUMER PRIVACY

*Driver Privacy*—Makes clear that the owner of a vehicle is the owner of any information collected by an event data recorder. Based on the bipartisan Driver Privacy Act, which the Committee approved in March (S. 766).

#### TRUCKING REFORMS & IMPROVEMENTS

*CSA Reform*—Addresses shortcomings in the Compliance, Safety, and Accountability (CSA) program following concerns raised by the DOT IG, the GAO, and a DOT internal review team about the reliance on flawed analysis in the scores used to evaluate freight companies, while maintaining public information on enforcement data and consumer information on the scores of intercity buses.

*Beyond Compliance*—Establishes new incentives for trucking companies to adopt innovative safety technology and practices.

*Commercial Driver Opportunities for Veterans*—Establishes a pilot program to address the driver shortage by allowing qualified current or former members of the armed forces, who are between 18 and 21 years old, to operate a commercial motor vehicle in interstate commerce. Currently, 48 states allow 18–21 year olds to drive intrastate on county, state, and Interstate highways.

#### RAIL

*Passenger Rail Reform*—Reauthorizes Amtrak services through 2020, empowers states, improves planning, and better leverages private sector resources. It also creates a working group and rail restoration program to explore options for resuming service discontinued after Hurricane Katrina. Many of these provisions are based on the bipartisan Railroad Reform, Enhancement, and Efficiency Act (S. 1626), which passed the Commerce Committee by voice vote in June.

*Railroad Loan Financing Reform*—Reforms the existing \$35 billion Railroad Rehabilitation and Improvement Financing Program to increase transparency and flexibility, expand access for limited option freight rail shippers, and provide tools to reduce taxpayer risks.

*Rail Infrastructure Improvements*—Improves rail infrastructure and safety by consolidating rail grant programs, cutting red tape and dedicating resources for best use. It also establishes a Federal-State partnership to bring passenger rail assets into a state of good repair.

*Expedites Rail Projects*—Accelerates the delivery of rail projects by significantly reforming environmental and historic preservation review processes, applying existing exemptions already used for highways to make critical rail investments go further.

*Dedicated Funding for Positive Train Control (PTC)*—Establishes a new limited authorization with guaranteed funding for the Secretary of Transportation to provide commuter railroads and States with grants and/or loans that can leverage approximately \$2+ billion in financing for PTC implementation.

*Testing of Electronically-Controlled Pneumatic (ECP) Brakes*—Preserves the DOT’s final rule requiring ECP brakes on certain trains by 2021 and 2023, while requiring an independent evaluation and real-world derailment test. It requires DOT to re-evaluate its final rule within the next two years using the results of the evaluation and testing.

*Liability Cap*—Increases the passenger rail liability cap to \$295 million (adjusting the current \$200 million cap for inflation), applies the increase to the Amtrak accident in Philadelphia on May 12, 2015, and adjusts the

cap for inflation every five years going forward.

*Cameras on Passenger Trains*—Requires all passenger railroads to install inward-facing cameras to better monitor train crews and assist in accident investigations, and outward-facing cameras to better monitor track conditions, fulfilling a long-standing recommendation from the National Transportation Safety Board.

*Thermal Blankets on Tank Cars Carrying Flammable Liquids*—Closes a potential loophole in Department of Transportation regulations and reduces the risk of thermal tears, which is when a pool fire causes a tank car to rupture and potentially result in greater damage.

*Real-Time Emergency Response Information*—Improves emergency response by requiring railroads to provide accurate, real-time, and electronic train consist information (e.g., the location of hazardous materials on a train) to first responders on the scene of an accident.

*Grade Crossing Safety*—Increases safety at highway-rail crossings by requiring action plans to improve engineering, education, and enforcement, evaluating the use of locomotive horns and quiet zones, and examining methods to address blocked crossings.

*Passenger Rail Safety*—Enhances passenger rail safety by requiring speed limit action plans, redundant signal protection, alerters, and other measures to reduce the risk of overspeed derailments and worker fatalities.

Mr. THUNE. Mr. President, I would also like to conclude by underscoring my appreciation regarding the collaborative work with my friend from Florida, Senator BILL NELSON, ranking member of the Commerce, Science, and Transportation Committee, and his Committee staff.

I would also like to thank the following Senate colleagues and staff: Leader MCCONNELL; Senator INHOFE; Senator BOXER; Senator HATCH; Senator CORNYN; Senator FISCHER, who chairs the Surface Transportation subcommittee and who also served on the conference committee; Neil Chatterjee, Hazen Marshall, Scott Raab, Sharon Soderstrom, and Jonathan Burks in Leader MCCONNELL’s office for helping to guide this bill through the Senate and ultimately through conference with the House; Dave Schwieter; Nick Rossi; Rebecca Seidel; Adrian Arnakis; Allison Cullen; Patrick Fuchs; Cheri Pascoe; Peter Feldman; Katherine White; Robert Donnell; Andrew Timm; Ross Dietrich; Jessica McBride; Paul Poteet; Jane Lucas; Frederick Hill; and Lauren Hammond.

Mr. LEAHY. Mr. President, Vermonters take great pride in our historic downtowns and small communities. In our cities and towns, we have a culture of getting things done—and finding a way to accomplish our shared goals. That is why, like many Vermonters, I have been frustrated with the back-to-back short-term patches to keep our highway trust fund afloat. I have consistently advocated for a long-term solution that will give States the ability to move forward with building and repairing roads, bridges, and byways; to promote rail safety and transit and to invest in the critical infrastructure that supports our cities and towns; to enable interstate and intrastate commerce; and to

create jobs for American workers. The time to pass a plan for long-term transportation funding has finally come.

The FAST Act will bring stability where, for too long, there has been uncertainty. This bill ensures that Vermont will receive the funding it needs, more than \$1.1 billion over the next 5 years, to allow Vermonters to move forward on infrastructure projects that have been waiting in the wings. In Vermont, the construction season is short and the need is great, and a series of stopgap measures to kick the can down the road was never the right answer. I am pleased there will finally be the stability needed for Vermont and all States to move forward to bolster our country's infrastructure.

This legislation also reverses changes made to the Federal Crop Insurance program, which was a careful balance first struck in the farm bill, sending a clear message that we should not thoughtlessly tamper with the farm bill until its next expiration in 2018. And while I am glad that the harmful Freedom of Information Act exemptions that we eliminated in the Senate bill remain out of this conference report, I am concerned that a new exemption was added. Nowhere is the free flow of information more important than when the safety of every Vermonter and every American is at stake.

We Vermonters know that, in a democracy, demanding 100 percent of what you want and refusing to negotiate effective compromise is a formula for stalemate and paralysis. As a result, Vermonters know that to actually get something done, compromise is a must, and we have advanced the ball a long way down the field. This legislation provides stability to move our infrastructure forward to support our economy. It supports safety provisions to protect the well-being of those traveling America's highways and rails.

Frankly, to facilitate the thriving communities, commerce, and economic growth that we want and need, we should be doing far more to rebuild our crumbling infrastructure. This process should not be reduced to "searching under sofa cushions"—as some have described it—to scrape together the budget to pay for the vital roads and bridges that are so important to us in so many ways. But with this bill, we finally are providing our States and communities with longer lead times to plan and accomplish this work on our infrastructure, and that signals at least a flicker of progress. We have had enough kicking the can down the road and generating year after year of uncertainty. It is time to bring stability and certainty back to our infrastructure and transportation.

Mr. REED. Mr. President, I intend to support the surface transportation bill before us. It has been more than a decade since we have had a true multi-year transportation bill. And while this bill gives State transportation and

transit agencies funding certainty for the next 5 years, it is not all that it could or should have been.

I worked hard to retain the transit density formula, which the House had tried to eliminate. If the House had prevailed, the Rhode Island Public Transit Authority, RIPTA, would have lost upwards of \$8.5 million of its Federal allocation each year—about one-third of its yearly Federal funding. The loss of funding would have been devastating to RIPTA and to the thousands of Rhode Islanders who rely on bus service to get to work, to the store, and to medical appointments. Nonetheless, the funding increase provided under this part of the formula is disappointingly low in comparison to the increase provided to rural and growing States, as well as to States that have established fixed guideway systems.

I am also pleased that the bill addresses some key priorities for transit workers, including mandating new rules to protect drivers from violent assaults, as well as dedicating funding to frontline workforce training. And overall, the bill continues critical worker protections, particularly under the Davis-Bacon Act.

On the highway side of the ledger, the bill includes a vital increase in formula funding that will give the Rhode Island Department of Transportation a baseline from which it can begin to address the high percentage of structurally deficient and functionally obsolete bridges in the State, as well as the high percentage of roads with unacceptable pavement conditions.

In addition, both the transit and highway titles of the bill each have new competitive programs, including the restoration of a competitive bus and bus facility program for transit agencies and the establishment of a grant program for nationally significant freight and highway projects, those that typically exceed \$100 million.

The bill also includes other important matters, including a long overdue reauthorization of the Export-Import Bank, which has essentially been shuttered since July due to opposition to an extension by some on the other side of the aisle.

On the other hand, there are provisions in the bill that are concerning, beginning with how it is paid for. Rather than relying on the gas tax or another predictable and related funding source, the bill is built on a hodgepodge of offsets like outsourcing tax collection to private debt collectors, which has been tried before and wound up costing revenue rather than generating it. It also calls for selling off portions of the Strategic Petroleum Reserve under the assumption that oil prices will increase, and it taps into funds held by the Federal Reserve—something current and former Fed officials have cautioned against.

In addition, the bill has a number of extraneous provisions, including a measure that preempts a State's abil-

ity to regulate Small Business Investment Companies, SBICs, and allows certain fund advisers with significant assets under management to escape Securities and Exchange Commission, SEC, registration altogether. In the wake of the financial crisis, it remains unclear to me why we would be so hasty to weaken investor protections. The bill also restores a wasteful agricultural subsidy that I have long fought against and that was just cut under the bipartisan budget agreement last month.

That leads me to a larger point concerning the double standard that is being applied to important legislation that invests in our people, our economy, and our national defense on the one side and to special interest benefits, primarily offered under the Tax Code, on the other. For years, Congress has tied itself in knots to develop offsets to buy down the sequester, to reduce student loan interest rates, to cover emergency unemployment assistance, and to pay for infrastructure investments like this surface transportation bill; yet without a second thought, deficit "hawks" in the majority shrug off billions of dollars in tax cuts and tax extenders with little regard for the cost. Both types of expenditures have an impact on the debt and deficit. We should be honest about it and account for both in the same way.

Despite these concerns, I believe that after years of work and waiting, we should adopt this bill so that transportation agencies can move forward with their plans with the confidence that Federal funding will be there.

Mr. BROWN. Mr. President, America's infrastructure was once the envy of the world. But for decades, we haven't maintained these public works.

The quality of U.S. infrastructure now ranks just 16th in the world, according to the World Economic Forum.

The dismal state of our outdated roads, bridges, and railways is costing Ohioans valuable time, money, and energy.

To create jobs and keep America on top of the global economy, Congress must pass a long-term bill that invests in a world-class infrastructure.

The bill that the Senate will soon consider does not contain the robust investment that the President and most experts think we need, but it does make progress over the next 5 years.

In Ohio, a quarter of our bridges are "structurally deficient" or "functionally obsolete." Forty-five percent of our State's major urban highways are congested, costing our drivers \$3.6 billion a year in additional repairs and operating costs.

During the negotiations on this legislation, I fought to include provisions important to Ohio, and we have made progress on my State's top priorities.

The bill would create a new competitive grant program to fund job-creating projects of regional and national significance, like the replacement of the Brent Spence Bridge between Cincinnati and Kentucky.

Each year, 4 percent of America's GDP crosses the Brent Spence, which was built more than half a century ago.

Replacing this bridge isn't just a top priority for the region's business community—it is a safety issue for the hundreds of thousands of cars that drive over it every week.

The bridge would be eligible for funds from the \$800 million per year pot of funding, which would grow to \$1 billion annually in fiscal year 2020. It is a big win for the Brent Spence project and Ohio jobs.

The legislation would also boost funding for Ohio's highway and transit programs.

Nationwide, overall highway spending would increase by 15 percent compared to current law, and annual transit spending would grow 18 percent.

By 2020, that growth will deliver more than \$200 million of new highway investment to Ohio each year.

In addition to repairing roads, the bill will help Ohio's many transit agencies, providing up to \$20 million of new funds each year. In Cleveland, Cincinnati, and Columbus, our transit systems carry more than 250,000 passengers every day.

The bill also provides up to \$340 million annually for a new competitive bus program I championed. This was a top priority for Ohio's transit providers, and I am pleased they will have a much-needed source of funding for bus replacement.

And as a long-time supporter of Buy America, I am pleased that the legislation would increase the amount of American-made steel and other components that will go into buses and subway cars.

The bill also would finally reauthorize the Export-Import Bank, which is critical to helping Ohio companies create jobs and sell their products around the world.

After some on the far right allowed the Ex-Im Bank to expire in June—for the first time in the Bank's history—we heard stories of lost contracts, risks to future export business, and manufacturing jobs moving out of the United States to Canada and Europe.

This is about ensuring that U.S. manufacturers can be competitive in a global marketplace.

While we argued about funding U.S. infrastructure and allowed the Ex-Im Bank to expire, China announced that its export-import bank will provide a \$78 billion credit line to China Railway Corp to support its infrastructure projects at home and abroad.

With countries like Brazil and China investing in 21st century transportation systems, we cannot let the U.S. fall behind.

This is no way to run a global economic power.

In addition to renewing Ex-Im, the Transportation bill also contains important provisions for community banks and credit unions.

It includes changes to the bank exam cycle for small banks, a bill that Sen-

ators DONNELLY and TOOMEY introduced.

It streamlines privacy notices for financial institutions—a bill that Senator MORAN and I introduced last Congress and that had the support of 97 other senators and which Senators HEITKAMP and MORAN reintroduced this year.

The bill also allows privately insured credit unions to become members of the Federal Home Loan Bank System, a proposal I introduced last Congress and Senators DONNELLY and PORTMAN spearheaded this Congress.

Since May, Senate Democrats have been pushing for a package of modest, bipartisan proposals like these to help community banks and credit unions. We have resisted efforts to rollback important Wall Street reforms.

The House agreed with this approach, and that is why these provisions were added to the Transportation bill.

So when you hear that we need to attach "community bank regulatory relief" to must-pass appropriations legislation, don't believe it.

Relief for small banks and credit unions is already in the Transportation bill.

Let me be clear: I will not support riders to undermine Wall Street reforms in legislation to fund the government.

Like any bill of this significance, the long-term transportation measure isn't perfect. I have strong concerns with the process that led to this agreement and with some of the proposals used to pay for it.

I think it was a mistake to tap Federal resources that have nothing to do with transportation to cover the bill's cost.

Under this bill, we are funding highways in part by taking money from banks and the Federal Reserve. It is a bad precedent.

We made real improvements to the bill's language on the use of the Federal Reserve Banks surplus fund and to the rate of the dividend paid to banks over \$10 billion. But these pay-fors are not a sustainable way to fund transportation projects.

Instead of this shortsighted approach that just delays the problem, Congress should be looking for a long-term solution to replenish the highway trust fund.

I will support this bill because it is the best option we have right now to keep America on top of the global economy and provide the investment that Ohio needs. But I hope that Congress won't lose sight of the need to identify long-term, robust investment in world-class infrastructure.

Ms. WARREN. Mr. President, Senator BOXER deserves tremendous credit for negotiating a long-term funding bill for our crumbling roads and bridges. The Fixing America's Surface Transportation, FAST, Act is an important turning point in addressing our Nation's infrastructure needs, and the bill will create quality jobs and stimu-

late economic growth. The FAST Act ends years of short-term congressional extensions and legislative gridlock that prevented our country from making critical investments in our roads, bridges, and mass transit.

The bill reauthorizes Amtrak and provides vital funding for positive train control technology and hazmat training programs. This 5-year reauthorization will allow our States and communities to finally plan for the future and address long-overdue maintenance backlogs. Additionally, the FAST Act takes important steps towards addressing the growing problem of violence against our transit operators. These hard-working men and women deserve a safe working environment, and I will continue to work with my colleagues to make sure we do everything we can to achieve that.

However, I must oppose the bill because Republicans have used this strong bill as a vehicle to roll back rules that protect consumers and our financial system.

This is the third time in the last year that Republicans have used this hostage-taking approach. Last December, Republicans used the government funding bill as a vehicle for a provision written by Citigroup lobbyists that would repeal a critical anti-bailout rule in the Dodd-Frank Wall Street Reform and Consumer Protection Act. Weeks later, Republicans used a broadly popular, bipartisan bill extending the Terrorism Risk Insurance Act to jam through another provision that weakened Dodd-Frank's rules on risky derivatives trading. And now, in the FAST Act, Republicans have handed out more than a dozen goodies to financial institutions, including a requirement that does little but bog down the Consumer Financial Protection Bureau with needless paperwork and administrative tasks.

If Democrats continue to support bills that include these kinds of rollbacks, it will simply encourage Republicans to use other must-pass bills to repeal or weaken even larger portions of Dodd-Frank and our other financial rules. That is why I must oppose this bill—and why I hope the American people weigh in with their representatives against this kind of cynical hostage-taking.

Mr. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD a joint statement by the chair and ranking member of the House Transportation and Infrastructure Committee, Representative SHUSTER and Representative DEFAZIO, and the chair and ranking member of the Senate Committee on Environment and Public Works, myself and Senator BOXER, to clarify an issue with the Joint Explanatory Statement of the committee on conference for H.R. 22.

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

JOINT STATEMENT OF THE HONORABLE BILL SHUSTER, THE HONORABLE PETER A. DEFazio, AND THE HONORABLE JAMES INHOFE, THE HONORABLE BARBARA BOXER ON THE JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE H.R. 22, FIXING AMERICA'S SURFACE TRANSPORTATION ACT

December 3, 2015

Title XLIII of the Joint Explanatory Statement provides a summary of section 43001 concerning requirements in agency rulemakings pursuant to this Act. Section 43001 of the House amendments to H.R. 22 was not agreed to in conference and does not appear in the conference report to accompany H.R. 22. The summary of section 43001 in the Joint Explanatory statement therefore appears in error. Accordingly, title XLIII of the Joint Explanatory Statement has no effect.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I raise a point of order under rule XXVIII that section 32205 exceeds the scope of conference for the conference report to accompany H.R. 22.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I move to waive the point of order raised under rule XXVIII that section 32205 of the conference report to accompany H.R. 22 exceeds the scope of conference.

The PRESIDING OFFICER. The waiver is debatable.

The Senator from California.

Mrs. BOXER. Mr. President, if I could just be heard for 30 seconds or less. Please, please don't alter this, because if this passes and we don't waive the point of order, this bill is gone. The House bill didn't even have an extension. So if this bill goes down, we have no highway system.

Please vote with Senator INHOFE and myself. It is urgent.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, both sides have agreed to have 5 minutes equally divided.

How much time did the Senator from California take?

The PRESIDING OFFICER. The Senator from California used 30 seconds.

Mr. INHOFE. Mr. President, I recognize Senator ROBERTS for 45 seconds.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to address the point of order raised against the highway bill.

Among the many provisions of the bill, the legislation realizes a commitment made by House and Senate leadership to restore egregious, harmful, counterproductive, contract-breaking cuts to the Federal Crop Insurance Program. The commitment we reached with the House was to reverse these damaging cuts and policy changes in order to protect our producers. That is their No. 1 priority for risk management.

The message from farm country couldn't be more clear: Do not target crop insurance. The point of order would not only strip out much of the needed crop insurance fix, but it could also prevent the timely passage.

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

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the junior Senator from Arizona, Mr. FLAKE, for such time as he wants to use of his 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I thank the Senator.

Mr. President, what we are doing is targeting a specific provision that was air dropped into the highway bill. This isn't an attack on the highway bill. It is an attack on a provision that increases crop subsidies \$3 billion over what is in the budget deal.

We are often accused in this body of reversing cuts that we make before the ink is dry. In this case, we actually made a deal to reverse the cuts before the ink was even put to paper.

Now, if we are ever going to get serious about controlling our deficit and addressing our debt, then we actually have to stick to some of the cuts that we have made. That is what this point of order is all about.

I urge support of it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the Senator from Michigan, Senator STABENOW, for 15 seconds.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to support the transportation bill and crop insurance. We made a deal with farmers when we gave up direct subsidies that, instead, we would ask them to have skin in the game and to have crop insurance to manage their risk.

They have a 5-year bill that gives them certainty. We should not pull the rug out from under them at this time.

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

Mr. INHOFE. Mr. President, I recognize the Senator from Kansas, Mr. MORAN, for 30 seconds.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I rise in opposition to the point of order and ask my colleagues to support the crop insurance program. In Kansas the weather is not always our friend. The most important farm program that farmers benefit from is the crop insurance program.

We have eliminated other farm programs over a long period of time in the name of reform but have replaced them by crop insurance. Now crop insurance becomes the target.

I yield.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I recognize the Senator from New Hampshire, Mrs. SHAHEEN, for such time as she needs to use for her side.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Senator INHOFE. I will be brief.

Mr. President, I think it is important to challenge the provision in this legislation.

I support the highway bill. I think the negotiators did a great job to get us a 5-year bill, but the fact is this provision was not included in either the House transportation or the Senate transportation bill. It is an indefensible reversal of the bipartisan budget bill that became law less than a month ago. It is a \$3 billion giveaway to the insurance companies, and I think we need to challenge this kind of move when it gets dropped into a bill.

Mr. INHOFE. Mr. President, I would ask the Chair the time remaining for the proponents and opponents?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute remaining, and the Senator from Oklahoma has 15 seconds.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I wish to end by saying this is not an attack on the highway bill. It has its own issues, but this provision simply attacks the subsidy—the \$3 billion subsidy—that was added back in after we had agreed in a bipartisan way to these cuts. We cannot continue to go back on the cuts that we have made. In this case we didn't even wait 1 month or 2 months. The agreement was made on this floor before the bill was even passed. We have to get away from that kind of practice.

So I urge support for this point of order, and I yield back.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me make sure everyone understands what we are doing here. The budget act of 2015 had major cuts in the Federal Crop Insurance Program. Some of those were restored in the highway bill. Now, if the highway bill is changed—if this should pass—it has to go back to the House, which means we could not have it this year. In other words, the issue here is not how you feel about crop insurance; it is whether or not you want this bill.

I would suggest to the 65 Members who are here today and who voted for the bill that it would be very difficult to explain how you could vote for the bill and then turn around and vote for the very order against it that would kill the bill for this year in 2015.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 77, nays 22, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—77

Alexander	Feinstein	Murkowski
Baldwin	Fischer	Murphy
Barrasso	Franken	Murray
Bennet	Gardner	Nelson
Blumenthal	Graham	Paul
Blunt	Grassley	Peters
Boozman	Hatch	Portman
Boxer	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sasse
Cardin	Inhofe	Schatz
Casey	Isakson	Scott
Cassidy	Johnson	Shelby
Coats	Kaine	Stabenow
Cochran	King	Sullivan
Collins	Kirk	Tester
Cornyn	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Tillis
Cruz	Markey	Udall
Daines	McConnell	Vitter
Donnelly	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden

NAYS—22

Ayotte	Lee	Schumer
Booker	Manchin	Sessions
Carper	McCain	Shaheen
Coons	McCaskill	Toomey
Corker	Menendez	Warner
Durbin	Perdue	Warren
Flake	Reed	
Gillibrand	Reid	

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 22.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question occurs on the adoption of the conference report to accompany H.R. 22.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from California.

Mrs. BOXER. Thank you, everybody. I love everyone tonight. We are going to have a great vote. But go. Go.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—83

Alexander	Boxer	Cochran
Ayotte	Brown	Collins
Baldwin	Burr	Coons
Barrasso	Cantwell	Cornyn
Bennet	Capito	Daines
Blumenthal	Cardin	Donnelly
Blunt	Casey	Durbin
Booker	Cassidy	Enzi
Boozman	Coats	Ernst

Feinstein	Klobuchar	Roberts
Fischer	Leahy	Rounds
Franken	Manchin	Schatz
Gardner	Markey	Schumer
Gillibrand	McCain	Sessions
Graham	McCaskill	Shaheen
Grassley	McConnell	Stabenow
Hatch	Menendez	Sullivan
Heinrich	Merkley	Tester
Heitkamp	Mikulski	Thune
Heller	Moran	Tillis
Hirono	Murkowski	Toomey
Hoeven	Murphy	Udall
Inhofe	Murray	Vitter
Isakson	Nelson	Warner
Johnson	Peters	Whitehouse
Kaine	Portman	Wicker
King	Reed	Wyden
Kirk	Reid	

NAYS—16

Carper	Lankford	Sasse
Corker	Lee	Scott
Cotton	Paul	Shelby
Crapo	Perdue	Warren
Cruz	Risch	
Flake	Rubio	

NOT VOTING—1

Sanders

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the conference report to accompany H.R. 22 is agreed to.

The majority leader.

Mr. MCCONNELL. Mr. President, I wish to take a few moments to congratulate the chairman of our environment committee, Senator INHOFE, and his ranking member, Senator BOXER, for an extraordinary job. This has been a fascinating experience, particularly for Senator BOXER and me. To say that our relationship got off to a rather rocky start is to put it mildly. We found ourselves 20-some odd years ago on the opposite side of a very contentious issue with a lot of—shall I say—rather feisty exchanges on the floor of the Senate. It is also pretty obvious that we are not exactly philosophical soulmates. But I had heard Senator INHOFE say over the years how much he had enjoyed working with Senator BOXER and that there were actually things they agreed upon.

I made a mental note of that and wondered whether there might be some opportunity at some point down the way to team up with Senator BOXER. That finally happened this year. As Senator INHOFE and Senator BOXER would certainly underscore, we had challenges. We had the complexity on our side of the Ex-Im Bank issue, which created some serious internal Republican problems. We had a flirtation among some Members on the other side that we could shoehorn a major territorial tax bill into this bill. Senator BOXER and I were skeptical about that from the beginning because it is an article of faith on our side that tax reform is not for the purpose of taking the money and spending it, but of taking the money and buying down the rates.

We had all kinds of odd potential allowances that led to the floor debate last summer, for which we had an administration that was less than enthusiastic with what Senator BOXER and Senator INHOFE and I were trying to do. Senate Democratic leadership hadn't

exactly bought in on it either. In the meantime, our good friends in the House on my side of the aisle were calling it the Boxer bill, which of course was really great for me to hear.

We had all kinds of tripwires on the path to getting what we thought was important for the country, which was a multiyear highway bill, which—I believe I am correct, Senator BOXER—we haven't done since 1998.

Mrs. BOXER. Actually, 10 years.

I am told it was 17 years since we had a bill of this size.

Mr. MCCONNELL. It has been 17 years since we had a bill of this duration, which we all thought was important for the States and localities, for people who build and repair the roads to have some certainty. In the end, there wasn't really a philosophical problem here. The question was, How can we pull together these disparate pieces into one mosaic that actually had a chance to get somewhere?

I want to say to Senator BOXER, in particular, that this has been one of the most exhilarating and satisfying experiences I have had in the time that I have been in the Senate. I never would have predicted 20-some-odd years ago that I would be having it with BARBARA BOXER. But this shows, in my opinion—I know Senator INHOFE agrees—the Senate is at its best when people can identify common interests and work together to get a positive result for the country.

I want to say to both of these great colleagues how much I appreciate their extraordinary work, particularly Senator BOXER because we were such opposites in almost every way. What actual fun it was to get to know her better and to work on this together. She has a year left. Maybe we can find something else. Congratulations to both of you on an extraordinary accomplishment for the American people.

Mr. INHOFE. That is great, Mr. Leader.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. We have a lot of requests for speakers to be heard. I am going to put myself at the end of the line so that everyone else can get in there first. The order is going to be Senator BOXER, and I understand she might want to share a little time with the Senator from Florida. Then Senator LEE from Utah, Senator ENZI after that, and then whoever else wants to talk. If nobody else wants to talk, then I will wind it up.

Before I turn it over to Senator BOXER, I am going to tell a story because I want to make sure that Senator SULLIVAN doesn't have to wait for 2 hours to hear it. Ten years ago, in 2005, we had the last bill of this nature. It was a bill that we passed. I was an author of it, and I was very proud. That was 10 years ago. That was the last time we did a bill like this. I remember standing here, as I am standing today. The chairman of that committee wanted to talk about what a great bill that



was—the Transportation reauthorization bill—and all of a sudden the alarms went off. They said: The bombs are coming. Everybody run. Evacuate, evacuate.

I wasn't through talking. I talked for about 15 minutes. It is very eerie when you are standing here and are the only one in the U.S. Capitol making a speech with the TV going but no other people are around. I made my speech. Afterward I started going down, and I saw a great big guy walking down the steps very slowly. I went up to Ted Kennedy. I said: Ted, you better get out of here; this place is going to blow up.

He said: Well, these old legs don't work like they used to.

I said: Let me help you.

I put my arm around his waist. Some guy had a camera. The front page of the cover of that magazine said: Who says that conservatives are not compassionate?

That is my story. We will go on to Senator BOXER.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I completely neglected to mention an extraordinarily important player in all of this, and that is Neil Chatterjee of my staff, who befriended Senator BOXER and Bettina before I realized that there might be a possibility that we could do something together. Neil has done an extraordinary job. I think I can safely say he enjoyed the confidence of both sides and allowed us to work together in a positive and constructive way. I want to thank Neil Chatterjee for the great job that he did as well.

Mr. INHOFE. We certainly agree with that.

Senator BOXER.

Mrs. BOXER. I am hardly ever at a loss for words, as you all know. I was so touched tonight. A terrible tragedy happened in my State yesterday. You all know about the emotions of that and then the emotions of this. I am going to set aside the emotions of the tragedy and talk to my friends here.

What we did was the impossible dream. It was, in many ways, a very long and winding road to get to this night. People worked together who never thought they would find that common ground. We found it. The reason we found it is we were willing to set aside the misperceptions I think we had on so many fronts and recognized that our people needed this badly.

As I often say, if you want to buy a house and you go to the bank and the bank says "Oh, you have great credit, but I can only give you a mortgage for 6 months," you are not going to buy the house. You are not going to build a major road if you are worried about the funding. What we have done is extraordinary. For the first time in 17 years, we have a long bill. We have a bill that lasts 5 years.

I have to say—and I did not think of it—I think the pay-for was brilliant, the major pay-for. There are others

who don't like it. Many people on my side said we should look at the gas tax. I looked at the gas tax. I agreed with the chamber of commerce on the gas tax, but I am only one of six people here who probably voted for it.

When you come up against these barriers, you need to be very creative. The international tax reform—Leader MCCONNELL was never going to allow that. I got that message. I still encouraged my colleagues on both sides of the aisle to work on it, but it didn't work out. What are we going to do? Just fold up our tent and say the general fund is going to pay for this? We don't have enough in the general fund. We have deficits. We all know that.

What I want to say is that with 60,000 bridges in disrepair—falling down, structurally deficient—and 50 percent of our roads in disrepair, we have a lot of work to do. This gives our States the certainty.

The relationships that developed between the staffs—I am going to withhold my comments on that until later. When everybody finishes, I am going to be here because I am going to mention every single name on both sides. I can't thank you enough. They didn't sleep during the Thanksgiving break. They worked constantly.

Let's face it, this bill was the "Perils of Pauline." Even last night my senior leader asked me to do something I could never do in a million years on this bill. I must have turned so pale that I almost fainted. Bettina almost had a heart attack on the spot because we thought that maybe we would not have this bill. But he knows me well enough to know what I can do, and that makes for a great working relationship.

I will talk about the details of the bill later. Basically, it is a 5-year bill. Over the period, it is a 20-percent increase, which is huge for our States. It is roads. It is transit. There are new programs, freight programs that Senator INHOFE and MARIA CANTWELL worked on. Ex-Im is in there. I know it is controversial for some, but for our small businesses it is great.

I predict that this bill is going to give the economy a real boost—I really mean it—because of the certainty it is bringing and because of the fact that millions of jobs will be created. That always boosts us. It helps with our deficits.

I will yield the remainder of my time—just 2 minutes—to Senator NELSON, with the deepest thanks to Senator MCCONNELL; Senator INHOFE; Senator THUNE; Senator NELSON, who is just a hero; Senator BROWN; all of the members of the conference committee who signed the conference report.

I yield this time to Senator NELSON, and then we will go back to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I thank the Senator for yielding, Mr. President. I am going to say two short para-

graphs, but first, my commendations to the leadership that has already been mentioned by the esteemed majority leader; my commendations to my colleague, our chairman on the commerce committee, Senator THUNE, who has been a pleasure to work with; and my thanks to the staff, including Kim Lipsky, the staff director for our minority staff on the commerce committee.

I want to echo what you have said. Because of this bill, we are going to provide States and communities with over \$300 billion over 5 years to repair the roads and bridges of this country and greatly improve rail and port projects, and as a result, we are going to create jobs. In my State of Florida, this translates to \$12 million that can be used for improvements on Interstate 95, Interstate 75, and projects, such as SunRail, Tri-rail, and the streetcars in Fort Lauderdale. This is just a small example, and I am so grateful to everyone. I thank everyone very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we will go forward with the previous agreement and hear from the Senator from Utah, Mr. LEE, followed by Senator ENZI from Wyoming.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise in opposition to the highway spending bill before us today—and not just the failed substance of the legislation. I rise to oppose the bill's irresponsible and unsustainable funding mechanisms and the cynical process that produced it.

We are told this bill fully funds Federal highway spending for the next 5 years and that it won't add a single dime to the Federal deficit. The math may add up on paper, but does anyone really think the pay-fors in this bill are honest, responsible ways to fund a government program?

Let's look at a few examples. Of the \$70 billion this bill uses to bailout the highway trust fund over the next 5 years, more than \$50 billion comes from an accounting gimmick that steals money from the rest of the Treasury's general fund.

Here is how the shell game works. Normally, the Federal Reserve sends the profits from its portfolio assets directly to the U.S. Treasury. These surplus profits are actually one of the major reasons our Federal budget deficits have fallen in recent years below where they were a short time ago. However, this bill would siphon off that money and redirect it into the highway trust fund.

Just today, Federal Reserve Chair Janet Yellen testified before the Joint Economic Committee, where she commented on this particular provision—on this particular aspect of this bill.

She said:

This concerns me, I think financing federal fiscal spending by tapping resources at the Federal Reserve sets bad precedent and impinges on the independence of the central

bank; it weakens fiscal discipline, and I would point out that repurposing the Federal Reserve's capital surplus doesn't actually create any new money for the federal government.

That is not the only funding gimmick found in this legislation. It also purports to raise \$6.2 billion in revenue for transportation and infrastructure projects by selling oil from the Strategic Petroleum Reserve.

Let's leave aside for a second that the Strategic Petroleum Reserve was never intended to be a piggy bank for congressional appropriators. What makes this pay-for particularly objectionable is that its authors assume they can get \$93 for a barrel of oil when it is currently selling for less than \$40 per barrel. Only in Washington could we come to love a provision like this. Only in Washington could we come to accept a provision like this as somehow acceptable. If we are going to start selling Federal assets at fantasy prices—prices that do not exist and will not exist in any universe for the foreseeable future—there is absolutely no limit whatsoever to the number of things that we can pretend to pay for. But that is what we will be doing—pretending to pay.

As bad as this bill's funding schemes are, the cynical process used to secure votes in its favor might well be far more troubling. For instance, this bill adds back \$3.5 billion in crop subsidy spending that we just cut last month in the budget deal.

Is this really how we do business in the Senate? We reduce spending one month in order to appear fiscally responsible only to reverse course the very next month when we think no one is looking? You don't need to oppose crop subsidies to see the dishonesty and cynicism of this particular maneuver.

Even worse, this bill would never have had a chance of passing the Senate were it not for a deal to include the renewal of the Export-Import Bank as part of this legislation. I have spoken out against the Export-Import Bank many times before, so there is little need to revisit the mountain of evidence proving that it is one of the most egregious, indefensible cases of crony capitalism in Washington, DC. But it is worth highlighting some of the so-called reforms that Ex-Im supporters included in the bill.

First, there is the new Office of Ethics created within the Export-Import Bank. Presumably, this is supposed to help the Bank's management reduce the rate at which Ex-Im employees and beneficiaries are indicted for fraud, bribery, and other wrongdoing. Since 2009, there have been 85 such indictments, or about 14 per year.

The bill also creates a new position called the Chief Risk Officer and requires the Bank to go through an independent audit of its portfolio. Only in Washington will you find people who believe that an organization's systemic ethical failings can somehow be over-

come by creating a new ethics bureaucracy or that hiring a new risk management bureaucrat is a suitable replacement for market discipline or that giving another multimillion-dollar contract to a well-connected accounting firm will somehow substitute for real, actual political accountability.

None of these bogus reforms will make an ounce of difference. None of them will change the essential purpose of the Export-Import Bank, which is to use taxpayer money to subsidize wealthy, politically connected businesses.

Finally, it must be stressed that this bill does nothing to fix our fundamentally broken highway financing system. After this legislation is enacted, the highway trust fund will spend more money than the Federal gasoline tax brings in. And after this series of fraudulent pay-fors are exhausted in just 5 years, we will be right back to where we have been for the last decade, and that is trying to find enough money for another bailout without attracting too much attention from the American people.

Let's not forget that the States are big losers under the status quo system too—under the current system that we have. Federal bureaucrats divert at least 25 percent of State gasoline dollars to nonhighway projects, including mass transit, bike paths, and other boondoggles such as vegetation management, whatever that is.

Mr. INHOFE. Will the Senator yield? I have a favor to ask. I will give the Senator from Utah all the time in the world, but he originally asked to speak for 5 minutes. I plan to respond to the issues he is talking about, which I don't happen to agree with, but I wonder if the Senator from Utah will allow his colleagues to speak in the order we agreed to and then come back and allow the Senator from Utah to finish his remarks.

I ask the Senator through the Chair if that will work?

Mr. LEE. Mr. President, I have less than a page of my remarks that I prepared left.

I ask unanimous consent for permission to have an additional 2 minutes to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. As I was saying, Federal bureaucrats divert at least 25 percent of State gas tax dollars to nonhighway projects, including mass transit, bike paths, and other boondoggles such as vegetation management. Federal Davis-Bacon price-fixing regulations then artificially inflate construction costs by at least 10 percent, and Federal environmental regulations, such as those issued under the National Environmental Policy Act, add an average of 6.1 years in planning delays to any federally funded project.

I understand that Washington is not ready for a more conservative approach to infrastructure funding—at least not

yet—one where States get to keep their transportation dollars and decide how and on what they will spend those dollars, free from interference by Federal regulators.

We can have honest disagreements from policy, and I know there is more work to do in making the case for conservative transportation reform, but what I refuse to accept is the toxic process that produced this bill—the backroom deals, the about-face on crop subsidies, and the Export-Import Bank. The American people deserve better than this, and I won't stop fighting to ensure that we do better than this in the future.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma for letting me interrupt at this time. We passed a bill earlier, and normally I would have spoken after final passage, but I didn't want to hold people up who had transportation plans, so I reserved my comments until later. I appreciate this opportunity to speak at this time.

I congratulate the Senator from Oklahoma and the Senator from California for the significant highway bill they passed tonight. I know there was a lot of work that went into that and a lot of good things will come out of it. It will make a difference for the economy in the United States.

As chairman of the Budget Committee, I know if we can get the private sector to increase by just 1 percent, we bring in \$400 billion more in revenue without raising taxes, and raising the economy by 1 percent in the private sector is significant.

#### RESTORING AMERICANS' HEALTHCARE FREEDOM RECONCILIATION BILL

Mr. ENZI. Mr. President, today we also passed the most comprehensive and far-reaching repeal of ObamaCare that is possible under the reconciliation rules. We expect the House to pass this version shortly and soon this repeal will head to the President's desk for the first time in his tenure.

Our bill will eliminate more than \$1.2 trillion in ObamaCare tax hikes and save nearly \$400 billion over 10 years. Lifting the burdens this law has placed on hard-working families will help move the Nation forward from ObamaCare's broken promises to better access to patient-centered health care for each and every American.

As I noted earlier, our Nation has made great strides in improving the quality of life for all Americans, but these changes were always forged in the spirit of bipartisan compromise and cooperation. We still need health care reform, but it has to be done the right way. To have good health care, we will have to have ideas from both parties, not just one party.

Tonight we made significant progress to pointing out a bunch of the flaws,