

be undertaken by a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administration, doesn't have the "Buy American" provision. An American company was ready to build this bridge, but because of this loophole the contract went to a Chinese company using Chinese steel. Isn't it frustrating that the infrastructure to provide access to a military base involves jobs and the steel going across the Pacific Ocean?

Then I wanted to note that a related amendment led by Senator SHERROD BROWN, No. 1807, addresses another "Buy American" challenge. States have been using a project segmentation loophole to avoid putting Americans to work, to avoid the "Buy American" seal.

The Bay Bridge in California put in 12 separate projects so that Federal funds would only apply to a couple of those pieces. This allows the bulk of the bridge to be built—you guessed it—with Chinese steel, by Chinese workers. My amendment is modeled after a Republican amendment in the House Transportation bill, by Representative CRAVAACK of Minnesota, to close this loophole and ensure that the spirit of the law is upheld. These provisions were incorporated into the amendment led by Senator SHERROD BROWN.

I urge my colleagues to support these amendments to make these common-sense fixes to our transportation program. We must have debate on the amendments on the Senate floor. This room should not be empty. The conversation should not be quiet because transportation is at the heart of our economy.

We have a construction industry that is flat on its back. We have interest rates that are low. We have infrastructure that needs to be built. This is a win-win for our future economy and our current workers and our current economy.

Let's get to work. I ask my colleagues to continuously object to amendments being debated—for those listening in, the Senate has had a rule that any Senator can block an amendment. We have to get 100 percent of the Senators to agree to bring an amendment to the floor. The social contract that allows this to happen on a regular and orderly fashion in the past has been broken. So while families across this country look to us to put a transportation plan into place for our future economy and to put America back to work now, we are sitting here fiddling. Let's end the fiddling and do our work so America can do its work of rebuilding our highway infrastructure.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TO APPLY THE COUNTERVAILING DUTY PROVISIONS OF THE TARIFF ACT OF 1930 TO NONMARKET ECONOMY COUNTRIES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate having received H.R. 4105, the text of which is identical to S. 2153, the Senate proceeds to the consideration of H.R. 4105, the bill is considered read a third time and passed, and the motion to reconsider is considered made and laid upon the table.

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 assistant legislative clerk read as follows:

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

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I thought I would use this opportunity to inform our colleagues and anyone following this transportation debate as to where we are.

Yesterday, we had an opportunity to stop the filibuster and get right to our bill and get it done and protect 1.8 million jobs and create another 1 million. We didn't do that—pretty much on a party line vote. The filibuster continues.

The hopeful sign we had was right before the vote when the Republican leader said he was open to reaching an agreement. I was hopeful that agreement would not contain extraneous votes. I don't think that is going to happen. I think we are going to face extraneous votes—to repeal Clean Air Act rules, to open our States to drilling that rely on fishing and tourism and recreation when we know the oil companies have millions of acres they can drill on without going to these

areas that are so essential to our economic future just as they are to our environmental future. It looks as though we are going to face that and a vote probably on the Keystone XL Pipeline.

Again, I am very sad we could not come together when we have a bill that got an 85-to-11 vote to proceed to it. We still have to face a filibuster and still we had to lose two votes to cut off debate. But the Senate, being the Senate, this is it.

So now we have to vote. The two leaders can agree. I hope they can work together to achieve an agreement whereby we would have votes on these extraneous matters, and, hopefully, we would not have a prolonged debate on them because this is a highway bill. Thousands and thousands of businesses are waiting for us to act. By March 31, if we don't act, everything stops. In your State and mine all these highway projects will shut down with no Federal contribution at all, which is most of them.

I am hopeful. I cannot report to the Senate that we have an agreement now, but I hope we will have one at some point today. Once we do have that, we have a path forward; and if we work together in goodwill, we can get this done.

Frankly, I don't think we have a choice but to get it done. Everything, as I said, expires March 31. Here it is March 7 and we have a few days left before this whole thing blows up, and we will have no highway bill and people will be laid off.

In this economic time, that is the last result we need. We need to fix our highways, bridges, and roads.

Madam President, the occupant of the chair is a proud member of the Environment and Public Works Committee. She has worked hard to get us to this day. I know she has worked hard to bring this debate to a close and get a path forward. We can all hope that happens today.

I will be back on the floor with Senator INHOFE. I am hopeful the two of us can lead us through this bill and get this bill done. Then I think we can have the House follow our example of Democrats and Republicans working together. If they start that over there, they will have the bill quicker than they think, and we can finally put this behind us and send a message that we are functioning.

This concept of a Federal highway system was brought to us by a Republican President, Dwight Eisenhower. He understood logistics better than most. He knew we could not have a thriving economy if we could not move goods and people. So I am hopeful. I will be back on the Senate floor when we have an agreement and we can move forward.

I will yield the floor, as I know the Senator from Vermont is here. I always look forward to his comments.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

CITIZENS UNITED

Mr. SANDERS. Madam President, over 2 years ago, the Supreme Court rendered what I consider to be one of the worst decisions in the history of the United States Supreme Court, and that is regarding the case of Citizens United. In that case, the Supreme Court, by a 5-to-4 decision, determined that corporations are people, and they have first amendment rights to spend as much money as they want on elections. I think when that decision first came about a lot of people in this country didn't pay attention to it. They looked at it as an abstract legal decision, not terribly important.

Well, today the American people understand the disastrous impact that decision has had because what they are seeing right now on their television screens all across this country is a handful of billionaires and large corporations spending huge amounts of money on the political process, and the American people are asking themselves: Is this really what people fought and died for when they put their lives on the line to defend American democracy? Is American democracy evolving into a situation where a small number of billionaires can put hundreds of millions of dollars into the political process in this State and that State, in Presidential elections, and then elect the people who will govern this country?

I believe very strongly the American people do not think that is appropriate, and I am very happy to say that yesterday, on Town Meeting Day in the State of Vermont—I think my small State has begun the process to overturn this disastrous Citizens United decision. We had 55 towns at town meetings demand the Congress move forward to overturn Citizens United and restore American democracy to the concept of one person, one vote.

What we do on Town Meeting Day in Vermont, all over our State, is people come together and argue about the school budget. They argue about the town budget. They debate the issues, and then they vote. What people in Vermont are saying is they do not want to see our democracy devolve into a situation where corporations are determining who will govern our Nation.

So I am very proud that in the State of Vermont just yesterday 55 separate towns voted to urge the Congress to move forward on a constitutional amendment to overturn Citizens United. I hope we will heed what the towns in Vermont are saying. I hope other towns and cities in States all over the country will move forward in that direction. I hope the day will come—sooner rather than later—where the Congress will entertain a constitutional amendment and bring it back to the States.

Madam President, at this difficult moment in American democracy, it is imperative that we stand and reclaim our democracy and say to the millionaires and billionaires and the large corporations: Sorry, this country belongs to all of us. This democracy belongs to all of us and not just to you.

Madam President, I ask unanimous consent to have printed in the RECORD the names of the 55 towns that passed resolutions yesterday to overturn Citizens United.

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

Bolton, Brandon, Brattleboro, Bristol, Burlington, Calais, Charlotte, Chester, Chittenden, Craftsbury, East Montpelier, Fayston, Fletcher, Greensboro, Granville, Hardwick, Hartland, Hinesburg, Jericho, Marlboro, Marshfield, Monkton, Moretown, Montpelier, Newfane, Peru, Plainfield, Randolph, Richmond, Ripton, Roxbury, Rochester, Rutland City, Rutland Town, Sharon, Shelburne, South Burlington, Thetford Center, Tunbridge, Underhill, Waitsfield, Walden, Waltham, Warren, West Haven, Williamstown, Williston, Windsor, Winooski, Woodbury, Woodstock, Worcester.

I am proud to sponsor a constitutional amendment which would overturn Citizens United and return the power to regulate elections to Congress and the states. In the coming weeks and months I hope to see more towns, cities, counties, and states pass similar resolutions.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue of great importance to millions of my constituents in New York, our Nation's transportation system, particularly public transit. This is the very lifeline that millions rely on to get to and from work, to bring their paychecks home every single day to their families at night. Various proposals that have been put forth throughout the course of the debate in both the House and the Senate would actually slash funding for mass transit. The proposal advanced by the House Republicans last month to eliminate the mass transit account of the highway funds was a stunning misunderstanding of our Nation's transit needs. Cutting off public transit from its traditional funding source without providing viable alternatives is irresponsible. In fact, former Congressman and now Transportation Secretary Ray LaHood called the House bill "the worst transportation bill" he had ever seen.

Let me state some clear facts. New York's Metropolitan Transit Authority is the Nation's largest public transportation system, operating over 8,000 rail and subway cars and nearly 6,000 buses. On an average weekday, nearly 8.5 million Americans ride these trains, subways, and buses operated by the MTA to commute to work or to visit the city, which generates enormous economic revenue, not just for New York but for our country. Moving these riders into cars flies in the face of any

sound environmental public policy and furthers our dependence on Middle Eastern oil.

Increasing costs for our Nation's transit riders should be rejected out of hand by the Senate. I will continue to work with my colleagues to ensure that we do what is responsible and that we maintain transit funding to encourage the use of mass transit and reduce our dependence on foreign oil. I understand we have many very difficult decisions to make as we debate this bill, but I think stopping New York's transit system in its tracks is simply not a credible solution.

I also have a few amendments for this bill. Each of them is equally important and they address different issues. The first one I wish to address affects me as a mom of two young boys who I know will want to be driving at 16. Kids all across America cannot wait for that day when they get their driver's license. But there are terrible statistics about teen deaths. In fact, one statistic showed 11 teens die every single day because of car accidents. I know every family in America has been affected by those horrible high school tragedies, of kids dying in a car accident on their way home from the big game, on their way from the prom, every scenario we can imagine.

We have to give our teens better tools, better training, so when they get to become full-time drivers and have all the various permissions allowed, they are ready for that. We can imagine the scenarios in our own minds as parents, I know. Think about texting and driving. One cannot imagine how deadly distracted driving is in our country. Imagine the young driver who does not have a lot of judgment. Imagine the young driver who has five other kids in the car and they are coming back from the big game and they are all excited and they are all listening to the music and it is nighttime. Those are risky situations where we know if we give those drivers more training before they are in those risky situations, they will be able to handle them better.

Experts agree the graduated driver's license, basically gradually phasing teens into the driving experience with different responsibilities and different permissions as they get older, is the way to begin to address some of these risks. It has been a proven effective method in many States that have already instituted graduated driver's licenses. So I think we need to have a national priority, a priority that says they must as a State put in some basic training requirements, some measure of graduated driver's license, to ensure when these kids get on the road they have the skills and tools they need to keep themselves safe, their passengers safe, and the other drivers on the road are safe as well.

As parents, as people who set public policy for our Nation, we should be making the safety and well-being and the lives of at least those 11 teens every day who die a priority, and this is a proven way to do it and we can do it.

The second amendment basically increases economic opportunity. New York is unusual in that we are a border State. We share a border with Canada. There is so much opportunity for cross-border transactions and cross-border commerce. This change is very simple. It gives authority to our States to invest in critical border crossings, such as freight and passenger rail systems. By providing this very simple change, States such as New York, California, Vermont, and Texas will be able to choose to enhance these crossings and increase many more economic engines to address our tough economy.

The last amendment, equally important, is about jobs. How do we create the economic engine to get America working again? One way is to increase our pipeline, actually do better training for jobs that are available. One of the ways we can do that is this pilot program, already proven effective elsewhere, the Construction Careers Demonstration Project, amendment No. 1648. Basically, it is a proven common-sense strategy for at-risk workers to give them an opportunity to be trained in the building and construction trades so they find employment, they provide for their families, and we reduce unemployment. It is a very simple change. It is just a pilot program.

I urge my colleagues to support these three amendments and focus on how we can pass a good, useful, beneficial transportation bill which will get our economy moving.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MCCASKILL. Mr. President, I ask to speak in morning business for up to 5 minutes.

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

TRIBUTE TO JUDGE JIMMIE EDWARDS

Mrs. MCCASKILL. Mr. President, I rise today to speak about a new and successful program for at-risk youth in St. Louis—the Innovative Concept Academy—and about its founder, my friend, Judge Jimmie Edwards. Before I talk about the school and the incredible work Judge Edwards has done in the St. Louis community, I wish to spend a moment talking about his childhood roots.

Judge Edwards grew up on the north side of St. Louis in the shadows of the city's Pruitt-Igoe housing project. The residents of this housing project faced many challenges, including drug and

gang activity, violence, and sometimes acute poverty. But through discipline, hard work, and determination, Judge Edwards rose above these circumstances. He earned his bachelor's and law degrees from St. Louis University before being appointed to the State bench in 1992, and for 4 years he has served as the chief judge of the St. Louis Family Court's Juvenile Division.

During his service on the bench, Judge Edwards became increasingly concerned about the number of young repeat offenders coming into his courtroom time and time again, only to be sent back to the same troubled environment that negatively influenced their behavior in the first place. From his own experience, he knew that offering these kids the opportunity for a proper education and for mentoring was absolutely critical to breaking the cycle.

In 2009 Judge Edwards, together with the St. Louis public school district, the Family Court Juvenile Division, and the nonprofit organization MERS/Goodwill Industries, founded Innovative Concept Academy, a unique educational opportunity for juveniles who had already been expelled from the city's public schools and who were on parole. These young people, whom many would have given up on, found a formidable advocate in Judge Edwards and the academy. From the beginning, Innovative Concept Academy has been devoted to helping at-risk youth achieve success through education, rehabilitation, and mentorship. Its mission—to enrich the learning environment for some of our most troubled kids—has resulted in second chances for these young men and women to dramatically improve their lives.

At the start, Judge Edwards planned on providing educational and mentoring services to 30 students who had been suspended or expelled due to Missouri's Safe Schools Act. When he asked the St. Louis public schools for a building to use for the program for 30 students, they asked him if he wouldn't mind taking on the responsibility of 200 more. This was a challenge he accepted with his usual enthusiasm and can-do attitude.

During the first year of its existence, the academy saw 246 students move through its doors. Today the academy teaches at-risk youth between ages 10 and 18 and has an enrollment of over 375. Some of these students are visiting our Nation's Capital this week with Judge Edwards, his wife Stacy, his daughter Ashley, and his son John, along with chaperones. Here today along with Judge Edwards and his family and chaperones are students Angel Tharpe, Deyon Smith, Tyrell Williams, and Nadia Jones. These are young men and women who have turned their lives around with the help of Judge Edwards and the academy and who serve as an inspiration to others in the community and, frankly, an inspiration to me. I am so proud of what they have been able to accomplish.

The Innovative Concept Academy provides these students and many like them with so many important services—a quality education in a safe environment; one-on-one mentoring with school staff, counselors, deputy junior officers, and police; an array of extra-curricular and afterschool activities, many of which are often new experiences for these students, including golf, chess, dance, classical music, and creative writing; uniforms, meals, and so many other necessities are also provided; and with tough love and important lessons about discipline, respect, anger management, goal setting, and follow-through.

All of this allows the students to meet their full potential, and St. Louis has seen positive results already. The academy has an attendance rate of over 90 percent. Let me repeat that. The academy has an amazing attendance rate of over 90 percent, and we are seeing significant improvement in these young people's grades. And the students are responding positively. For example, at the end of the first semester at the academy, the suspensions of 40 of the students ended and the students were supposed to return to their home school. Almost every student asked if they could stay at the academy because they know the academy is a special place where they can improve their lives.

The innovative program has garnered national attention. Judge Edwards has appeared as a guest on a number of major network shows and most recently was honored by People Magazine as one of its 2011 Heroes of the Year. But, for him, it is not about the magazines or the interviews; for him, it is still about the kids.

I am proud that Judge Edwards hails from my home State of Missouri and from my hometown of St. Louis. His compassion for those whom society may have given up on and his common-sense and innovative approach to solving the problems facing some of our young men and women are inspirational. He is compelled by his duty to serve and uplift the next generation no matter what the circumstances. He said it best when he observed that "if the community, and that includes judges, does not take it upon itself to educate the children, then our community and what we stand for will be no more." This notion that we all succeed when we work together with a common cause and unified purpose is central to our American identity.

I ask my distinguished colleagues to join me in congratulating the Innovative Concept Academy and Judge Jimmie Edwards. The success of the academy and Judge Edwards' dedication and service to the St. Louis community should be an inspiration for everybody serving in this Chamber. If we could have a little bit of Judge Jimmie Edwards' attitude about working together, not worrying about taking the credit, and a can-do attitude, it is amazing what we could accomplish on behalf of the American people.

Mr. President, I yield the floor for my distinguished colleague, the Senator from Missouri, Mr. BLUNT.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. BLUNT. Mr. President, I thank my colleague for all the comments she has made about Judge Edwards, his family, and the school. This is truly a remarkable story. I know both of our staffs have been telling us for some time now of incident after incident of young people's lives that are being changed by this school, by a judge who decided he needed to get outside the courtroom to make a difference in the lives of kids.

In fact, *People* magazine calls this the "School of Last Resort." It is a chance, it is an opportunity of which many are taking advantage.

Judge Ohmer, presiding judge of the circuit where Judge Edwards works, put out the following statement. He said:

The editors of *PEOPLE* magazine have selected St. Louis Juvenile Court Judge Jimmie Edwards as one of the publication's 'Heroes of the Year' for 2011. Judge Edwards was profiled in a recent issue of the magazine and the announcement was made in the November 7, 2011 issue.

Quoted in this comment from his colleague, the magazine said:

"We chose men and women who reached across boundaries to help strangers or worked within their communities to deepen bonds. From Logan, Utah . . . to Judge Jimmie Edwards of St. Louis who started a school for wayward teens, the 2011 winners never let daunting odds stand in their way," said Managing Editor [of *People* magazine] Larry Hackett.

In 2009, after watching a string of teen offenders come through his courtroom, Judge Edwards decided to take action. Along with 45 community partners, he took over an abandoned school that he and I were talking about earlier today and opened the Innovative Concept Academy. Providing strict discipline, counseling, and programs such as, as my colleague mentioned, music, chess, and creative writing, the center literally has changed life after life of young person after young person, giving them the opportunity to graduate from high school and lead successful lives after they had been expelled from high school at an earlier time.

These winners each received an award of \$10,000 that they were able to use for their favorite causes, and certainly Judge Edwards has this cause and others.

Quoting Judge Edwards:

I am thrilled that our school has received this recognition but also amazed at the other individuals across America profiled by the magazine.

Judge Edwards is married to Stacy, and Stacy is here today in Washington with two of their three children—Amy, Ashley, and John.

His colleagues at the circuit court admire what he has done. The families involved, the teachers involved, the community partners involved admire what has happened here. MERS Goodwill, the St. Louis public schools, according to the judge himself, court employees, all the teachers and staff and volunteers at the school have made a difference in the Innovative Concept Academy.

Judge Edwards said:

By supporting our school St. Louis is refusing to give up on troubled juveniles and, in turn, the students are proving that hope for a better life is a universal dream.

What a great story this is. His colleagues see him as a hero among us. *People* magazine has talked about this. I notice and like in the *People* magazine article what they refer to as Judge Jimmie's rules. Here are three of Judge Jimmie's rules.

One headline is, "No Saggy Pants."

Like mumbling, bad grammar and rudeness, droopy pants are big no-nos [at this school]. "Kids need to understand what it means to be civilized," says Edwards.

Another rule: "No Loitering."

Edwards wears his kids out with after-school activities. "I expect them to be so tired that they can't do anything but go [home and go] to sleep, get back up and start [the day] all over again."

Then maybe the best rule of all: "No Quitting."

"As long as you're trying," says Edwards, "you're succeeding."

This is being proven time after time, day after day: One person can make a difference, and the way this one judge has made a difference is inspiring a lot of other people to come together and make that difference, and then inspiring these kids and others who care about them to decide that this is the school of last resort, but the school of last resort can produce lots of great results, and we are seeing that happen. I am proud this is going on in our State and hope that Judge Edwards's example becomes an example for community after community around this country.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. I ask unanimous consent to speak as if in morning business and engage in a colloquy with my colleagues for up to 20 minutes.

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who has practiced medicine in Wyoming for almost one-quarter of a century to give a doctor's second opinion about the health care

law, a law that I believe is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and terrible for taxpayers.

March 23 of this year, a little over 2 weeks from now, will mark the second anniversary of the President's health care law being signed. Two years ago at this time, Democrats in Congress said the Americans would learn to love this law. As a matter of fact, on March 28, 2010, the senior Senator from New York Mr. SCHUMER said: As people learn what's exactly in the bill, 6 months from now by election time—the election of 2010, remember—this is going to be a plus. Because the parade of horrors, particularly the worries that the average middle-income person has that this is going to affect them negatively, those will have vanished and they will see it will affect them positively in many ways.

Here we are 2 years later. We know that is definitely not the case. The health care law is more unpopular today than it was when it was passed and NANCY PELOSI famously said: First, you have to pass it before you get to find out what is in it. The more the American people have learned about the President's new law, the less they like it. Maybe that is why the White House and Democrats in Congress are hoping this 2-year anniversary of the health care law passes quietly and without great fanfare, while Republicans believe the American people deserve to know exactly how this law is going to impact them as well as the health care they receive.

So in the lead-up to the second anniversary of the law, I am going to talk about specific ways the law has actually made it worse for the American people—something I believed from the beginning would happen and now, 2 years later, we are seeing is specifically the case: It has hurt jobs, it has driven up costs, it has given Washington more control over Americans' health care, and I believe it has weakened Medicare.

Today, Senator CORNYN and I are going to focus on how the law threatens Medicare and specifically our seniors trying to get a doctor, our seniors trying to get health care, and how this new Washington board, called the Independent Payment Advisory Board, has had that impact. It is an unaccountable board. It is a group of unelected bureaucrats who will decide how to fund the care that is covered by Medicare.

So I come to the floor with my colleague Senator CORNYN. He has been traveling around the State of Texas as I have been traveling around the State of Wyoming talking with seniors, visiting with them, asking about their needs. They have great concerns about what is happening with this health care law, to the point that this week the House of Representatives is actually working in a bipartisan way to repeal this Board, these unelected, Washington-appointed bureaucrats. To me,

it is the commission that is going to ration seniors' care and make it harder for our seniors to see a health care provider and get the care they need.

I know Senator CORNYN is leading the effort in the Senate to work with the House in an effort to repeal this payment board. I know Senator CORNYN is doing this in an effort to protect our seniors, to make sure our seniors get the care they need. So I would ask that the Senator possibly share with me and others the concerns he has and the concerns he has heard and ways he is hoping to address them.

Mr. CORNYN. Mr. President, I am happy to respond to my colleague from Wyoming Senator BARRASSO, who has been not only a Senator but a medical doctor and who has been on the receiving end of government policy, that while it may be well intended, backfires, particularly this bipartisan support now we have seen in the House of Representatives Energy and Commerce Committee yesterday, where they voted to repeal this Independent Payment Advisory Board—Independent Payment Advisory Board, IPAB—not IPOD, IPAB.

The reason this is so important, and I would like to ask my colleague, from his long experience as a medical practitioner, the purpose of this 15-member, unelected, unaccountable bureaucracy to actually set prices for health care, what happens if, to the exclusion of all other health care reform, the IPAB or the Federal Government generally cuts reimbursement to providers? It would seem to me we get a phenomenon that we get the illusion of coverage, but we have no real access to health care.

The experience we have had in Texas is, for example, Medicaid and the President's health care bill puts a whole lot of people into Medicaid, but only about one-third of Medicaid patients can find a doctor who will see a new Medicaid patient in the Dallas-Fort Worth area, one of the most populous parts of our State. I know, particularly in many rural areas—and I know Wyoming has a big rural population as well—many times it is hard for seniors to find a doctor who will see a new Medicare patient, again, because reimbursement rates are so low.

So I would like to ask the Senator from Wyoming what his experience has been in that area.

Mr. BARRASSO. My experience is exactly what the Senator describes. He said the words "the illusion of coverage." When the President talked about the health care law, so often he wasn't actually talking about care; he was using the word "coverage," and he was trying to use those words interchangeably. But coverage is not care, because someone having a card doesn't mean they can actually see a doctor. We see that with Medicaid now, with its low levels of reimbursement. With seniors already having trouble getting in to see a physician, this has a significant impact when a board, an independent payment advisory board—15

unelected bureaucrats—decides they are going to decide how much to pay for a doctor's visit, how much they are going to pay a hospital for a bypass surgery or a hip replacement, which is an area of my specialty. That hospital has to decide if they are going to provide that service. That doctor gets to decide whether they are going to see that patient.

In rural communities, if the reimbursement is so low—and I have heard this from hospital administrators in Wyoming. If the reimbursement level is so low for a procedure that is primarily, if not exclusively, done on people of Medicare age—and we can think of those things that are more likely to happen with someone over the age of 65—the hospital may ultimately decide they cannot continue to afford to provide those services and keep the doors open to a hospital. So seniors in that community will then be denied access to the care in their own community because the hospital will no longer do or provide that service, whether it is bypass heart surgery, whether it is total joint replacement. That senior then has to travel greater distances to try to find someplace to do that. The hospital may look at reimbursement for a procedure or different kinds of technology and say: The reimbursement is so low we are not going to upgrade our x-ray equipment or our MRI machine. Again, that community would suffer.

Even during the debate of the health care law, we heard in many rural communities that 1 in 10 hospitals was likely to actually be so financially stressed by the health care law that they may end up having to close their doors over the next 10 years. I am hearing that in Wyoming. But it is because of this Board that the President wants to be the one to essentially, it looks to me, do the rationing of care.

Mr. CORNYN. Mr. President, I ask the Senator from Wyoming, it seems to me that what the intent is behind this Independent Payment Advisory Board and the President's health care law, sometimes called the Patient Protection and Affordable Care Act—I think it needs to be named "Unaffordable Care Act" for reasons we can go into later.

But the purpose behind it we can all understand; that is, to try to contain health care costs and spending by the Federal Government because, of course, health care inflation is going up much faster than regular inflation of the Consumer Price Index.

It strikes me that, as in a lot of the policy debates we have in Washington and Congress, we all agree we need to do something to contain costs, but we disagree about the means to achieve that affordability that we all know we need and to contain the inflation of health care costs. I would like to ask my colleague, rather than have Congress outsource its responsibility in this area to an unelected, unaccountable group of 15 bureaucrats, from which there is no appeal and which

would have the consequence, as he said, of limiting people's access—because if all they are going to do is cut provider payments to hospitals and doctors, then fewer and fewer doctors and hospitals are going to be able to see those patients. Does he see an alternative that would perhaps help contain costs more by using transparency, patient choice, and good old-fashioned American competition? I am thinking, in particular, about the rare success we have had in the health care area containing costs in the Medicare Part D Program, to me, perhaps a model even where seniors have a choice between competing health care plans and where they get their prescription drugs. But because of the choices they have and the natural competition that occurs, we get market forces disciplining costs. Indeed, it is a very popular program, but the projected costs for Medicare Part D have come in at about 40 percent less than what was originally projected. It strikes me that is one of the missing elements with outsourcing of this responsibility to this unelected, unaccountable group of bureaucrats, where the only thing they try to do is cut provider payments.

Does the Senator see any alternative along the lines of Medicare Part D or otherwise?

Mr. BARRASSO. I think the two key words I heard the Senator from Texas say are "choice" and "competition" because those things put the patient at the center. It is patient-centered care, not government-centered care, not insurance company-centered care but patient-centered care. It is something we have been talking about for years on the Senate floor, at least on this side of the aisle, to put the patient at the center to give them the choice, as well as have the availability of the competition.

The concern I have—and I was at a statewide meeting in Wyoming with a number of our veterans and their families and I asked the simple question: How many believe, under the health care law as passed, that they are actually going to ultimately end up paying more for their health care? Every hand went up, every hand. Over 100 people there in Casper and over 100 hands went up. They all believe they are going to end up paying more under the President's health care plan than they would have had it not been passed. That is what we are seeing from a lot of the research as well, the admittance that the costs are going up even faster under the health care law than if it hadn't been passed.

Then we ask the critical question the Senator from Texas has referred to about the availability of care, the quality of care. If we asked the question: How many believe the availability of their care and the quality of their care under the President's new health care law will go down, again, every hand in the room went up.

These are all people who believe this health care law, crammed through Congress, crammed down the throats of the

American public at a time when they were shouting: No, we don't want this—the American people believe it made it worse and that they are going to end up paying more and getting less for something they didn't ask for at all.

The American public did have concerns from the beginning, which is what generated the whole discussion about health care and reform. What patients are looking for is the care they need, from the doctor they want, at a cost they can afford. Under the President's health care law, they are losing all three.

Mr. CORNYN. Mr. President, I thank the Senator from Wyoming for his response. I think that shows there is an alternative to this outsourcing of our responsibilities to try to make care more affordable to this group of unelected, unaccountable bureaucrats and cutting provider payments, which actually limits access to health care.

But I tell my colleague from Wyoming, I had an experience a couple years ago visiting with some folks at Whole Foods, the grocery chain that is headquartered in Austin, TX, where I live. John Mackey, the CEO, is very proud of this. They vote each year on their health care plan. What they have chosen—the employees choose year after year—is a high-deductible insurance coverage for catastrophic losses, but then to cover the rest of their care it is a health savings plan that actually Whole Foods makes contributions into, which is owned by the worker and could then be used to pay for their health care for their regular sort of routine needs.

I remember sitting at the table with a number of the workers and talking about why they like this alternative so much, and it is clear: Because it gave them the choices we all would want for ourselves and our families in terms of the doctor we want and the kinds of treatment we want, and it provided incentives because people were spending not the government's money, some sort of a credit card they would never see the bill for, but they were spending their own money in their health savings account; thus, realigning incentives for not only providers but also for consumers in a way that creates more transparency, more choices, and the kind of market discipline to hold down the costs.

I ask my colleague, my impression is, while there was great division in Congress over the passage of the Patient Protection and Affordable Care Act, what some people call ObamaCare—60 Democrats voted for it, 40 Republicans voted against it in the Senate—that on this issue, on the IPAB, Independent Payment Advisory Board, there actually is bipartisan support, particularly in the House Energy and Commerce Committee, to take out that particular provision because people now, on further examination, have seen how it could actually backfire in limiting people's access to health care.

I would ask my colleague, does he see a way for us, on a bipartisan basis, to

narrowly address that provision while we continue to wait on the Supreme Court of the United States to rule on the constitutionality of the individual mandate? We don't know how things, such as the State-based insurance exchanges, will operate and the subsidies and whether those are going to be affordable. But on the narrow issue of repealing the Independent Payment Advisory Board, does he see the possibility for bipartisan support for that?

Mr. BARRASSO. I believe there is going to be bipartisan support. We see bipartisan support in the House. I would like to see bipartisan support in the Senate. When you look at what fundamentally this board does, they make recommendations, and it is practically impossible for the recommendations not to automatically become law. We were elected to make laws, not having independent parties make the laws. American patients are going to be forced to accept whatever this unelected board's recommendations are. It is very hard for Congress to override. I expect, in a bipartisan way, people would say: Let's completely eliminate this board, which I know the Senator's legislation is designed to do.

If American patients, people all across the country, suffer from the recommendations of the board, the way the law is written, they cannot challenge this unelected board in court. Americans have a right to challenge things but not this unelected board, as was written into the health care law.

Those are the sorts of issues I hear about when people say: What if I can't get a doctor? What if I can't get the care I need because of the decisions made by the board?

This fundamentally gets to the issue of the whole health care law, which took \$500 billion from our seniors on Medicare not to save and strengthen Medicare but to start a whole new government program for someone else. This board, which I think we should eliminate and which I think is going to be hurtful for our seniors, is the group responsible for making the sorts of very challenging cuts from our seniors on Medicare—again, not to help save Medicare but to start a program for someone else, which is why this program is even more unpopular today than it was the day it was passed.

I do believe we have a bipartisan reason to eliminate this, and that is why I am supporting this legislation.

Mr. CORNYN. I would like to ask my colleague one final question. Whenever we talk about reforming, saving, and securing Medicare so we can keep the promise we made to seniors that when people reach the appropriate age, they can actually qualify for this benefit and it actually will be there for them—and people do, in fact, pay into this fund, and they expect to get their money's worth back—sometimes the charge is made that various reform proposals will destroy Medicare as we know it.

I would like to ask the Senator from Wyoming, a medical doctor by profes-

sion, whether Medicare as we know it, as currently constructed under the President's health care bill, with this IPAB provision in place—does it have any chance of survival as it currently operates now with this new board of unelected, unaccountable bureaucrats setting prices and limiting access? Because doctors and hospitals simply cannot afford to provide the service at that cost. Doesn't that have the potential to radically transform Medicare as people have come to know it?

Mr. BARRASSO. My view is that people will still get a Medicare card in the mail, but whether there will be doctors or hospitals or nurse-practitioners or others who will accept that card is the bigger concern. Because of what this board may do and is likely to do under the demands of the health care law, those on Medicare today and those coming onto Medicare may have a harder and harder time finding a doctor and a hospital to care for them.

Let's face it, today about 10,000 baby boomers will turn 65. Yesterday about 10,000 baby boomers turned 65. Tomorrow about 10,000 baby boomers will turn 65. We need to make sure Medicare is there and secure for the current generation as well as the next generation and generations to come.

My concern is that this board, which I know my colleague is trying to repeal and which I am trying to repeal, is going to make it that much harder for our seniors to receive the care they need from a doctor they want at a cost they can afford.

Mr. CORNYN. Mr. President, as we approach the 2-year anniversary of the Patient Protection and Affordable Care Act—otherwise known as ObamaCare—there are a lot of things you are going to hear from across the street at the Supreme Court of the United States on the constitutional challenge to this individual mandate, which is a very important constitutional question for the Supreme Court to decide—whether there is any limit to the power of the Federal Government when it comes to forcing you to buy a product approved by the government and penalizing you if you do not do it, whether that is within the constitutional power of the Congress under the commerce clause. Then there are other important questions about the workability of the law, the affordability of the law.

I think today we can just see if we could work together in a bipartisan way to repeal the IPAB requirement. Senator REID is the only one, as the majority leader, who can bring it to the floor, but hopefully, in light of the bipartisan support this has on the House side, he will see fit to do that. I certainly encourage him. I know Senator BARRASSO will encourage him to do that. I hope we can do this and help ensure that people, when they qualify for Medicare, do not just get a card but actually have a good chance—I should say better than a good chance—they will be able to find a doctor who will treat them for the price the government is willing to pay.

Mr. BARRASSO. I thank the Senator for the efforts on his part to repeal this terrible idea that was a fundamental part of the President's proposal. It is one reason I think the health care law is even more unpopular today than the day it was passed and signed into law almost 2 years ago.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator is recognized.

HONORING OUR ARMED FORCES

WISCONSIN CASUALTIES

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor today to pay tribute to America's sons and daughters who have fallen in the line of duty—citizens of this great Nation who gave their lives to preserve the liberties upon which America was founded, the finest among us who, because they cherished peace, risked their lives by becoming warriors on our behalf.

What could be more sacrificial than the lives our service men and women choose to lead? They love America, so they spend long years separated from their loved ones, deployed in faraway lands. They revere freedom, so they sacrifice their own so that we may be free. They defend our right to live as individuals by yielding their own individuality in that noble cause. They value life, yet bravely ready themselves to lay down their own in humble service to their comrades-in-arms, their families, and their Nation.

For more than 234 years, our service men and women have served as guardians of our freedom. The cost of that vigilance has been high. Since the Revolutionary War, more than 42 million men and women have served in our military and more than 1 million of those selfless heroes have given their lives. Wisconsin has borne its share of that great sacrifice. Since statehood, 27,000 of Wisconsin's sons and daughters have died in military service. Since September 11, 2001, we have lost 143 brave souls with ties to Wisconsin. Since I took office last January, 13 more have perished. Statistics cannot possibly convey the weight of these losses. After all, statistics are merely numbers that could never fully communicate the qualities of these fine men and women whose promising lives were cut far too short. Statistics say nothing of their unfulfilled hopes and dreams. So instead of numbers such as 1 million, 27,000, 143, or even 13, I would like to ask everyone to think for a moment about a much smaller but still staggering number, the number 1.

Each of these men and women was a loved one cherished by family and friends. Each was a loss to their community and to this great Nation. Each paid a price that we must never forget. We must also remember the sacrifice made was not theirs alone. Every family member and friend left behind experiences profound loss, sadness, and grief. The tragedy multiplies; it is not contained. For those left behind, the pain may slowly subside, but the wound will never heal.

Two weeks ago I had the privilege of bearing witness to the sacrifice of one of Wisconsin's fallen heroes and the courage of those he left behind. On February 22, a grateful Nation laid 1LT David Johnson of Mayville, WI, to his final rest at Arlington National Cemetery. I was honored to join David's loving and proud parents Laura and Andrew, his sister Emily, and his brothers Matthew and Michael as they said their final goodbyes. Out of sheer coincidence Michael was already scheduled to intern in my office this week and is with us today. It is fitting that we acknowledge his loss and sacrifice.

The Johnson family loved their brother and son. They loved him dearly and our hearts go out to them. I pray that they find God's peace and comfort today and in the tough times ahead as they deal with this overwhelming and tragic loss.

Lieutenant Johnson was only 24 years old when he died of injuries suffered after encountering an improvised explosion device on January 25 while leading his men in Kandahar Province, Afghanistan.

In addition to Lieutenant Johnson, today I would also like to pay tribute to the other Wisconsin heroes who gallantly gave their lives since I took office last January.

Since then Wisconsin has lost SSgt Jordan Bear, U.S. Army. Staff Sergeant Bear, age 25, of Elton, WI, died March 1, 2012, in Kandahar Province, Afghanistan; SSgt Joseph J. Altmann, U.S. Army. Staff Sergeant Altmann, age 27, of Marshfield, WI, died December 25, 2011, in Kunar Province, Afghanistan; SPC Jakob J. Roelli, U.S. Army. Specialist Roelli, age 24, of Darlington, WI, died September 21, 2011, in Kandahar Province, Afghanistan; SGT Garrick L. Eppinger Jr., U.S. Army Reserve. Sergeant Eppinger, age 25, of Appleton, WI, died September 17, 2011, in Parwan Province, Afghanistan; SGT Chester D. Stoda, U.S. Army. Sergeant Stoda, age 32, of Black River Falls, WI, died September 2, 2011, while on recreational leave from duties in support of the war in Afghanistan; CPL Michael C. Nolen, U.S. Marines. Corporal Nolen, age 22, of Spring Valley, WI, died June 27, 2011, in Helmand Province, Afghanistan; SPC Tyler R. Kreinz, U.S. Army. Specialist Kreinz, age 21, of Beloit, WI, died June 18, 2011, in Uruzgan Province, Afghanistan; Private Ryan J. Larson, U.S. Army. Private Larson, age 19, of Friendship, WI, died June 15, 2011, in Kandahar Prov-

ince, Afghanistan; SGT Matthew D. Hermanson, U.S. Army. Sergeant Hermanson, age 22, of Appleton, WI, died April 28, 2011, in Wardak Province, Afghanistan; SPC Paul J. Atim, U.S. Army. Specialist Atim, age 27, of Green Bay, WI, died April 16, 2011, in Nimroz Province, Afghanistan; CPL Justin D. Ross, U.S. Army. Corporal Ross, age 22, of Green Bay, WI, died March 26, 2011, in Helmand Province, Afghanistan; Finally, 1LT Darren M. Hidalgo, U.S. Army. First Lieutenant Hidalgo, age 24, of Waukesha, WI, died February 20, 2011, in Kandahar Province, Afghanistan.

May God bless and comfort their loved ones with peace. May he watch over those who have answered the call and are serving today and those who will serve in the future. May God bless America.

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

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk called the roll.

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

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

HONORING DOUG AND SAMANTHA LEVINSON

Mr. NELSON of Florida. Mr. President, this Friday will mark 5 years since FBI agent Bob Levinson disappeared while on a business trip as a retired FBI agent. He was on a business trip to Kish Island in the Persian Gulf. It is a part of Iran. That is 5 long years that his wife Christine has been without a husband and 5 long years that her seven children have been without their father.

Over those 5 years I have spoken so many times about Bob—a retired FBI agent and a resident of south Florida—from the floor of the Senate and so many other venues. Just yesterday I met with his wife Christine after she joined FBI Director Robert Mueller and Deputy Director Sean Joyce in announcing a \$1 million reward for information leading to Bob's safe return. So in southwest Asia billboards will soon start to appear announcing that \$1 million reward, and it is in southwest Asia that we know Bob is being held.

Today I wish to talk about his children because tomorrow in Miami the Society of Former Special Agents of the FBI will honor Bob's two youngest children—his son Doug and his daughter Samantha, both of whom, along with their other siblings, have persevered through this very difficult time.

Doug was in the seventh grade when Bob disappeared. This year he will graduate from high school, on his way to college. He has excelled academically and athletically and has grown to almost his father's height. Bob will be shocked at how tall Doug is, but he will be even more proud of all that his son has accomplished.

Samantha, Bob's daughter, was in high school when Bob disappeared. In

just a few weeks she will graduate from college. Samantha has been a resident adviser and a proud member of her sorority. She interned at Disney where she hopes to work after graduation. Again, when her father returns, he will be so proud.

To honor Bob's children, and standing in solidarity with one of their own, the Society of Former Special Agents of the FBI will award to Doug and Samantha scholarships to assist with the cost of college. I thank that society and those agents who have protected us so much over the years. I thank them for their service and for their kindness. I congratulate Doug and Samantha for all they have accomplished under such very difficult circumstances.

To Christine Levinson, this heroic woman who has stood so strong in the midst of great adversity for 5 years—I say to Christine and her children that this government will not rest, none of us will rest until we have brought Bob home. I look forward, as do so many, to that day of celebrating with them and celebrating with all of Bob's friends and his former colleagues.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. ENZI. Mr. President, first, I want to say how important roads and bridges are. We are on the highway bill, and that is one of the main advantages the United States has had—having excellent transportation. Of course, that is particularly important in my own State because we want people to be able to get to the first national park, which is Yellowstone National Park, and another gorgeous park, the Grand Teton National Park, and a place called Fossil Butte National Monument, where people can actually fish for 60 million-year-old fish. We have a spot in the middle of the State where people can help dig up dinosaur bones—and if you dig one out by yourself, you get it named after you—or the first national monument, Devils Tower, which is up in the northeast corner. And, of course, we are a corridor between those Western States too. So we know how important roads and bridges are. We need to do that, and we need to do it now, but we should do it the right way.

So I want to refer to an amendment I have filed, No. 1645. My amendment is very simple and straightforward. It would allow the gas tax to be adjusted with inflation—not with the price of gas, with inflation. This is not a new idea, and it certainly is not a very popular discussion point, but this is the debate the Senate needs to have.

The long-term viability of the highway trust fund is incredibly important

to our States. The underlying proposal the Senate is debating would pay for transportation and infrastructure projects and programs for the next 2 years, but it does not address the future of these programs, nor do the financing proposals fit within the timeframe of the bill. I have serious objections to paying for 2 years of spending with 10 years of revenue.

Let me stop on that issue for a moment. We are spending money in 2 years that it will take us 10 years to generate. How can we tell the American people we are serious about the deficit and serious about spending when we allow money to be spent five times as fast as it comes in?

If the Senate wants to keep the highway programs viable through a trust fund instead of subjected to the general fund, which any accountant or banker would say is bankrupt, we need to either cut spending or generate more revenue. Those are the two choices.

A lot of work has gone into the bill before the Senate. Four committees have worked on it. Four committees have filed amendments that have been included in the version we are seeing. I appreciate that many of my colleagues are trying to reduce the mandates on the States as well as consolidate and eliminate programs. That is good. Those are steps we need to take. Even with some serious streamlining, however, the highway trust fund will not have the revenues needed to meet the current obligations of the fund. We can certainly give States more flexibility in how they prioritize the Federal funds they receive.

We should not and cannot ignore that with this bill we are just buying time. Buying time is something the Federal Government has been doing for decades, and that has gotten us into this serious financial mess. We are buying time with borrowed money. The borrowing is pretty dubious, and some of it is from countries we would rather not be borrowing from.

I want to share some charts with you. You may only be able to discern what I say, and what I say is what appears in the Senate RECORD, not the charts.

These have a lot of numbers on them. I am an accountant, so I get excited over numbers. Too many numbers, but it still makes the point. What we have is the highway trust fund balances, starting in 1993, which was the last time we passed the gas tax. That was 18.3 cents. This column shows the total revenue received. For the most part they have been going up, which means more gas has been bought.

But here are the expenditures, and you will see what effect that has had on the closing balance in the trust fund. We have had quite a few years when there was some money in there—right after 1993 when the gas tax more closely matched the cost of construction, and as we get out here in 2001, we can see that it drops significantly and keeps dropping. At balance, at the end

of 2012, it is going to be \$11.4 billion. Of course, we are spending more than that just in this one bill.

So next year it will be a minus \$2.8 billion and \$18.7 billion, and then \$34.7 billion. Those are deficits I am talking about, deficits in the trust fund, which means in those years we are going to have to get the money from somewhere else. It winds up in 2016 at being a \$50.7 billion deficit to the trust fund. That is what we are doing generally with all of our accounting, but it shows up here in something that I do not think anybody in America denies is absolutely necessary. We have to have roads and bridges.

So if my amendment were enacted, what kind of an adjustment to the tax rate would we see? If this amendment had been enacted last year, in 2011, this January—the tax does not go into effect until the year after the inflation is measured. This January the tax would have increased by one-half of one penny—one-half of one penny. The price of a gallon fluctuates more than that on a daily basis. In fact, I was watching on television the other night, and the lady was showing the high price of gas, and she showed a sign out in front of the pumps. Just as she was about to leave, she said: Wait a minute. While I have been talking, the price has gone up 20 cents.

So we are seeing some huge changes there, but not with the gas tax. If we had enacted the indexing in 1993, the last time Congress adjusted the gas tax, there would have been an increase of 11 cents in the gasoline tax over 19 years. Excluding the one-tenth of 1 cent that is added to the base tax rate for the leaking underground storage tanks, the rate would adjust from 18.3 cents a gallon in 1993 to 29½ cents per gallon today.

That is what this chart shows. It shows the amount of inflation there was each of those years, so the amounts the gas tax would have gone up in each of those years to provide a fund that would actually help us with building the roads and bridges, and it would be at 29.5 cents per gallon today.

In that same timeframe gasoline prices have risen from \$1 per gallon to \$3.50 per gallon or more. It was \$4 in the example I was giving off the television. If we had enacted indexing in 2005 under the last highway bill, there would have been only a 3½-cents-per-gallon adjustment. I estimate there would have been increased revenue in the highway trust fund by over \$18 billion from the gas tax alone.

So this is the chart that shows what would have happened if we had indexed it in 2005, what the CPI index would have been and what the adjustment would have been. So that would have been a change of 3.5 cents per gallon, hardly noticeable in the price of gas we have today. But the trust fund would have had \$18 billion, which we need to be able to spend. Very important.

In 1993 the gas tax of 18.3 cents was included in the \$1 of gas, and there was

also State taxes included in the \$1 gasoline price, 18 cents out of a dollar. Now the 18 cents is part of \$4 a gallon.

Don't you think construction costs have increased based on the cost of a gallon of gas alone? Remember, the gas tax is what paid for roads and bridges but cannot anymore, causing us to use very bad financing methods—stealing from pension funds with no way to pay it back, using 10 years' of projected revenue to pay for 2 years' of construction.

What do we do for the money in 2 years? Roads and bridges will always need construction. Our economy runs on construction. The construction industry has mixed feelings about my proposed amendment. They are for it as long as it does not bring the bill down. My intent is not to bring the bill down but, rather, to make it a viable bill. Of course, my amendment will not make it a viable bill all by itself. The Bowles-Simpson Commission deficit report said we needed to increase the gas tax by 5 cents a year for 3 years to have a viable fund.

Here are the quotes from that deficit commission. The President appointed the deficit commission. They looked at everything, and on highways and bridges alone, this is what they came up with: 15-cent-per-gallon increase in the gas tax over a 3-year period; limit spending to match the revenues the trust fund collects. That is what we are failing to do with this current bill.

Once fully implemented, a 15-cent increase would generate an additional \$24 to \$27 billion per year for the highway trust fund. Each 1-cent increase would generate about \$1.6 to \$1.8 billion per year. That is from that deficit commission that was trying to figure out how to get ourselves out of the hole we are in right now. This is what they came up with just for the highway fund.

So with my amendment, it indexes with inflation. It does not start until next year. It is just a way to test the waters to see if there is enough courage in this body to take a very minimal step. My amendment does not solve the shortfall of the highway trust fund, nor would it fully pay for this legislation. It is just a small step in the right direction. It is a step in getting the highway trust fund back to what it was created to be, a dedicated pot of money to pay for the roads, funded by those who use the roads.

We need to take this step and a lot of other steps if we are going to fix our money problems and fund programs as intended. The National Commission on Fiscal Responsibility and Reform—that is that Simpson-Bowles Commission—supported a 15-cent increase in the gas tax to be gradually adjusted over a 3-year period. Once fully implemented, a 15-cent increase, as I said, would provide \$24 to \$27 billion per year. That is what we need for roads and bridges.

The Commission also recommended that Congress enact a limitation so that the spending could not go beyond revenues. That seems like a fairly com-

monsense approach. Spend only what we generate. We could use that around here. Of course, that principle is something we need to enact in the overall budgeting in Washington.

Let's be clear. The tax rate and gas prices are two very separate issues. Folks might think that as the price of fuel goes up, so does the Federal gas tax. That is not true. Whether the price of gas is \$1 per gallon or \$4 per gallon, the Federal tax remains the same. Again, the fund collected 18.3 cents from every dollar of gas in 1993. Construction costs have increased, and now we only collect the same 18.3 cents for a \$4 gallon of gas. If we were being successful with some alternate means of transportation, the amount of gas would go down as people used those other ones, but it is not.

I am sensitive to the fact that the gas prices are high right now. I am always looking for ideas on how we can work to bring those prices down. With the distances we have to travel in Wyoming alone, high fuel prices have a disproportionate effect on the residents of my State.

The President said there is not a silver bullet to bring the prices down. That is certainly true if we look at his administration's policies, having done everything possible to increase the price of fuel. While there might not be a silver bullet, there are a number of actions that will make a real difference.

One reason gas prices are high is that the supply is limited, and tensions in the Middle East have further strained that supply and encouraged speculators.

To fix the supply problem, we should be producing American energy wherever it is possible. Instead of blocking production the President should be encouraging us to develop American energy in Alaska and off the Outer Continental Shelf and on Federal land. Yes, production is up, but it is not from Federal lands. That is shut down. It is coming from private land where a permit does not take a lifetime of investment and delay. Federal lands are down 12 percent in production. We should be enacting policies that encourage energy production on public lands in Wyoming and other Western States rather than relying on oil from the Middle East and Venezuela.

President Obama should approve the Keystone XL Pipeline so we can get as much supply as possible from friendly nations such as Canada before they feel forced to sell it all to China, who is buying up energy worldwide. China understands that in 20 years the country with the energy will have the power. I am not talking about electrical power; I am talking about world power.

Gas prices are high because of the regulatory uncertainty created by the administration's relentless pursuit of policies that are designed to make energy more expensive under the guise of halting climate change. Rather than arguing over new taxes for the oil and

gas industry, we should be working to rein in the Environmental Protection Agency to stop those regulations that make it impossible for businesses to plan.

We have a permitting problem. When I hear the lecture about the number of acres leased for exploration but not being drilled, I get angry. I am usually not angry. Leased parcels include land that has no oil. When you buy a lease, you buy a package, and then you drill where the oil or gas is within that package. Also, there are millions of acres ready to be drilled, but the leaseholder cannot get the bureaucrats to turn loose the permits.

Of course, Energy Secretary Chu recently confirmed that his energy policy is to create conservation by having our gas prices reach the same level as Europe. Well, unless we do something with the gas tax at his desired \$7 a gallon, we will still only get 18.3 cents a gallon for the critical highway fund.

If we were really trying to match cost to construct with revenue, the radical suggestion would be for the gas user fee—and it is a user fee. If you do not drive on the roads, you do not need to buy the gas. You do not need to pay the tax. So it is a user fee. But it would be a percentage of the cost of a gallon of gas if we were really being radical.

But be clear, we are not doing that. We are probably not doing any of this. We need to do everything we can to lower gas prices. I am working to do just that. In fact, we are debating some of these issues on this legislation because the majority refuses to debate them using regular order. However, the issue of gas prices is entirely separate from the issue of determining how we should pay for highways.

We have set up a trust fund that is supposed to take care of road and bridge needs. I might mention that changing the formula to miles driven would just be to increase the gas user fee while hiding the increase. That is not the way to do it. We should be honest about whatever kind of an increase we are putting on this user fee. That is the wrong way to do it. If we do not add more revenue to the trust fund, we should cut our spending to the amount of money we have in the trust fund. That is, again, what the Simpson-Bowles report said.

I know there a lot of sensitivities in talking about the rate of gas tax or any other tax. There is no doubt that individuals and businesses are still stressed in this economy and are struggling to make ends meet. People in rural States such as Wyoming have few options. They have to drive long distances for many of their needs. Several of my colleagues have said to me: This just is not the time to be talking about the gas tax.

I must ask: When will the time be right? Members of Congress do not want to tackle this topic when the economy is strong nor do they want to tackle the topic when we have economic challenges. When revenues to

the highway trust fund were meeting the needs of the highway program, no one wanted to consider that there might be a time when the revenue could not keep up with the needs to maintain our highway system.

We are pennies away from insolvency of the highway trust fund. When is the right time to talk about the revenue stream for the highway trust fund? We need to start today. My amendment is a small step to address the long-term viability of the highway trust fund. It is a small step to get us moving toward living within our means and maintaining our roads with the money we have not the money we wish we had.

I probably cannot get a vote on this minimal increase, but it does test the water. I would be happy to revise my amendment to any reasonable level that Senators would support. We cannot continue to kick this conversation down the road for another 2 years. We cannot lie to our constituents about the state of the highway trust fund. We should not steal from other trust funds, and we should not do unapproved long-term financing for short-term projects. We have a mechanism to pay for the road programs, a dedicated funding stream paid for by those who use the roads.

I hope my colleagues will take a hard look at my amendment, take a look at the plan under Simpson-Bowles, and study the numerous ideas out there. Let's have a real debate on how to preserve this dedicated funding for our roads.

In Wyoming, we have an optional sales tax for projects by communities and counties. The construction project is stated, and the people get to vote for this increase in their taxes. As long as the money is used to pay for the promised projects, the voters continue to approve additional projects with additional taxes. It has happened for 30 years in Wyoming. People will allow focused taxes for what they know they need if they believe that is what it will be spent for. And I say they know the needs for roads and bridges.

When is it the wrong time to do the right thing? I believe most everyone in this Chamber knows this is the right thing. Most of our constituents will see it that way too. A vocal few won't, but the reason congressional approval is at a record low is because so many live in fear of taking the votes that will fix the problems. We have a chance to change that with this amendment. I hope my colleagues will take a serious look at it and fund the highway fund the way it was intended.

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

BENEFITS OF FREE ENTERPRISE

Mr. KYL. Mr. President, last week I came to the floor to talk about how free enterprise helps people achieve earned success and thus helps them pursue true happiness. Today I want to talk about another moral benefit of free enterprise—its effectiveness in reducing poverty and promoting economic mobility.

This is an important conversation to have since President Obama has made income and class inequality the centerpieces of his reelection campaign. For example, in his Osawatimie, KS, speech last year, he said:

This is a make-or-break moment for the middle class and all those who are fighting to get into the middle class. I believe that this country succeeds when everyone gets a fair shot, when everyone does their fair share, and when everyone plays by the same rules.

He followed up with similar themes in the 2012 State of the Union speech, saying that he believes in “an America where hard work paid off, responsibility was rewarded, and anyone could make it if they tried—no matter who you were, where you came from, or how you started out.”

Of course, these are quintessential American values in no dispute. But the President's soaring rhetoric is at odds with his main policy, which is to achieve greater economic equality not by equal opportunity but through forced redistribution of wealth. For example, the President has proposed a litany of tax increases, such as the so-called Buffet rule, higher marginal income tax rates, and higher taxes on investment. New taxes don't lift anybody, but they do tear some people down.

The President also proposes more government spending to redistribute the new tax dollars collected. Redistributionist programs have a role, of course, as government safety nets. They help, for example, people who are ill temporarily, down on their luck, or not able-bodied. But, unfortunately, they do not cure poverty. If they did, poverty would no longer exist in America.

The only permanent cure for poverty and the only system capable of producing massive increases in economic mobility is free enterprise. Senator MARK RUBIO put it well when he said that “the free enterprise system has lifted more people out of poverty than all the government anti-poverty programs combined.” As we will see in a moment, economic data confirms this is true.

As Arthur Brooks and Peter Wehner wrote in their book called “Wealth and Justice: The Morality of Democratic Capitalism,” before the rise of free enterprise; that is, for most of human history, life was “bleak, cruel and short.” Life expectancy was low, infant

mortality was high, disease was rampant, and food was scarce. Education was only for the wealthy. Indeed, the wealthy were the only people who lived in relative comfort.

But the emergence of free enterprise roughly two centuries ago helped to change all that. As the free enterprise system took root, particularly in Western Europe, protectionist measures eased, trade increased, and businesses accumulated capital to grow and create new jobs. People pursued their self-interests free of state coercion or corruption, and the economic benefits flowed to every strata of society. As Brooks and Wehner note, “Markets, precisely because they are wealth generating, also end up being wealth distributing.”

By every universal measure, life has improved dramatically in free market societies. Literacy, basic living standards, and life expectancy have increased, while disease and starvation have plummeted. Child labor has been eradicated. As free enterprise has spread during the last two centuries, the world's average per capita income has skyrocketed by about 10 times. These are major moral achievements. Yes, some people are richer than others, and that is true in all nations whether characterized as market economies or not. But where it exists, free enterprise has helped make the poor make tremendous gains, and they continue to climb. In the modern era of globalization, we have seen this on an unprecedented scale. Since 1970, as economic freedom has grown in developing countries such as China and India, the number of people living on \$1 a day has plunged by 80 percent, according to a recent study.

What about President Obama's arguments that free enterprise has harmed middle-class prosperity? Over the past quarter century, economic studies have shown otherwise. Indeed, as Hoover Institution fellow Henry Nau pointed out in a recent Wall Street Journal article, middle-income earners have become richer and many have leaped into the upper-middle class. Between 1980 and 2007, a period Nau calls “the Great Expansion,” the United States grew by more than 3 percent per year and created more than 50 million new jobs, “massively expanding a middle class of workers,” in Nau's words.

Nau continues:

Per capita income increased by 65 percent, and household income went up substantially in all income categories. . . . In the past three decades, households making more than \$105,000 in inflation-adjusted dollars doubled to 24 percent from 11 percent.

These are remarkable increases in wealth. What policies produced this expansion? Again quoting Nau:

Precisely the free-market policies of deregulation and lower marginal income-tax rates that [President] Obama decries.

If the President wants to increase class mobility and prosperity and build on the successes of the “Great Expansion,” then he must turn away from

the statist policies that have dominated his 3 years in office. As Brooks and Wehner write:

The answer is not less capitalism, it is better capitalists.

And I would add, that includes the President and his advisers.

Most fundamentally, our policies must reward hard work and merit for the simple reason that people are more successful and industrious when they get to keep more of the fruits of their labor.

That is what we call earned success. Their prosperity flows to others when they open businesses, create jobs and new products, compete for workers, raise wages, and invest their profits, which can then be lent to other entrepreneurs. But when market forces are restricted—when taxes are too high and regulations are too stifling—entrepreneurship loses its appeal. If people think outcomes are predetermined by the government, they don't have incentives to compete.

A 2005 study by economists Alberto Alesina and George-Marios Angeletos underscores the point. They found that beliefs about meritocratic rewards are self-fulfilling. They concluded that if a society thinks people have a right to enjoy the fruits of their effort, it will choose low taxes and have lower tolerance for redistribution. Effort will be high in these places. Conversely, they found that if citizens believe the system is rigged and that luck and connections, not merit, are the key determinants of success, then they will demand forced wealth redistribution and effort will be lower in these places.

Simply put, if people think the system is inherently unfair, it will wind up that way. That is precisely what has happened in countries such as Spain and Greece, where outcomes are divorced from effort, and, to a large measure, bureaucrats and special interests dictate who gets economic rewards.

Since everyone does better when effort is rewarded, then protecting merit-based success is a moral issue. Indeed, the first American immigrants left countries with too little opportunity for advancement to come here and earn rewards based on merit and be the masters of their own destiny. Polls have shown that, over the years, Americans have not grown tired of the merit-based system but instinctively support it. U2 singer Bono colorfully explained why individual determinism in America is so great:

In America, the guy looks up at the mansion on the hill and says, "One day, if I really work hard, I am going to live in the mansion on the hill." In Dublin, they look at the mansion on the hill and say, "One day I'm going to get that [guy]."

Free markets breed a culture of aspiration and mobility, in which people reject the politics of envy and instead focus on their own advancement and their own success. If our goal is to foster such a positive culture of achievement, then we must eschew class war-

fare in favor of the free-market policies that have done so much to boost prosperity both at home and abroad.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BLUNT. Mr. President, I wish to speak on the amendment I have offered with my friend, Senator CASEY from Pennsylvania, on the highway bill, amendment No. 1540.

In my State, and I think in the whole country, the question we hear over and over again is: Where are the private sector jobs? What can we do to get the economy back on track?

There are very few places the Federal Government can create private sector jobs. One of the few places we can do that is in public works, such as the highway bill, where most of the work to build a new bridge or a new highway is done by competitive bid and by private sector employers and private sector employees. While we probably take a different approach to how we get there, I think all of us understand it is critical we work together to find common ground to create jobs and to create economic growth.

This infrastructure bill could be—and I hope it turns out to be—a good start. There is no doubt that infrastructure is the foundation of our economy. Quality transportation is vital to connect people and communities, to connect people to the places they work, to connect the products they make to the places they need to go. That doesn't happen without a good infrastructure program and one that maintains and expands as needs to be the infrastructure that we have. I am very hopeful this bill can provide that additional element to getting our economy back on track.

At the heart of the problem for small towns and for local governments in so many States, and particularly in Missouri, is the bridge system that is not part of the Federal structure. It is the so-called off-system bridge network, where local communities are responsible for bridges.

Missouri has perhaps more bridges than any other State. I was in one of our counties just recently where the county itself—and we have 115 counties. So unlike some of the Western States, the counties aren't huge. They are designed to be compact, and people could get across them in the 1820s and 1830s in 1 day, before automobiles. So we have lots of counties, and 1 of them has 148 bridges. Our smallest county by population, with only 4,000 people, has 100 bridges. So every 40 people in that county are essentially responsible for maintaining a bridge, and bridges are expensive. That off-system bridge network carries schoolbuses, emergency vehicles, lots of agricultural products,

families going about their daily routine. Without those bridges, that local infrastructure doesn't work.

What we are suggesting and calling for in this amendment is simply to continue the current policy. I am not talking about any new money for bridges. We are not talking about any new program for bridges. But the bill itself doesn't continue the 15 percent of the bridge funds that has been allocated for some time now to local government. This would continue to have that same 15 percent going to local governments.

There are almost 600,000 bridges in the country—more than 590,000, and 50 percent of those are considered off-system, and approximately 28 percent of that 50 percent are currently considered deficient. Thirty-two percent of the bridges in Missouri in the off-bridge system are considered deficient. They either aren't adequate for the traffic they now carry or are in need of repairs. One out of three bridges in our State needs an investment.

The new penalty section of the underlying bill that would replace the current off-system bridge program makes that program even more uncertain at times when communities and job creators need it the most. Without our amendment, States would only have to sustain the previous number of deficient bridges every other year in order to avoid investing in their off-system bridges. It is a formula that doesn't work. It might work in big communities that have lots of miles that they maintain, but I doubt that. I think this makes an inconsistent investment in bridges all over the country.

Our amendment ensures that counties are not left bearing the full responsibility of these off-system bridges. If they are left bearing that full responsibility, many of these bridges will not be fixed. This has been a major source of funding for counties working on bridges. This amendment would give States and counties the proper tools and resources and the assurance of a steady flow of funding in order to invest in the Nation's bridges.

Additionally, the amendment establishes a procedure where the Transportation Secretary can rescind this requirement if State and local officials determine they have inadequate needs to justify these expenditures. In other words, if they can't justify spending the money in their State, then the Federal Government clearly doesn't have to allocate that 15 percent to local communities and to States for the off-system program.

When I listen to community leaders, and certainly when I listen to county commissioners, this is a topic that comes up in most of our counties with great concern. The counties where it doesn't come up wouldn't have to apply for the money. That 15 percent, allocated appropriately, will make a big difference.

Community leaders and job creators are looking for things that allow them

to prepare for a more certain future. They need the ability to look beyond 6 months or 1 year to plan and anticipate how they are going to repair bridges, which bridges they are going to look at this year, which bridges they will then put off until next year. But right now, they would have no way of knowing whether there would be any Federal assistance to these communities. We need to be sure we provide this certainty for off-system bridges if we are going to promote job creation and economic development. We have to work together in the Nation's Capital to make smart investments in our Nation's transportation system if we are going to provide communities and job creators with greater certainty to prepare for the future.

I wish to thank Senator CASEY for his hard work on this issue. I am glad to join him on this amendment. It is critical to the State of Missouri and many other States. The National Association of Counties, the National League of Cities, the National Conference of Mayors, the National Association of County Engineers, the American Public Works Association, the National Association of Regional Councils, and the National Association of Development Officials are all in support of this amendment. I hope we have it included in the amendments we get to vote on, and I urge my colleagues to join in this bipartisan effort to create more certainty for local governments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

WIND TURBINE SUBSIDIES

Mr. ALEXANDER. Madam President, today in the Wall Street Journal there coincidentally was an editorial on the subject about which I speak, and this was entitled "Republicans Blow With the Wind. Another industry wants to keep its tax subsidies." It is about the possibility that the Senate will be asked—maybe as early as the next few days during the debate on the Transportation bill—to extend yet 1 more year the Federal taxpayers' subsidy for large wind turbines.

I would like to take a few minutes to say why I don't believe we should do that, and I ask unanimous consent that following my remarks the Wall Street Journal editorial be printed in the RECORD.

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

(See exhibit 1.)

Mr. ALEXANDER. Madam President, I believe it is time for Congress to stop the Big Wind gravy train. Subsidies for developers of huge wind turbines will cost taxpayers \$14 billion over 5 years, between 2009 and 2013, according to the Joint Tax Committee and the Treasury Department. This is more than the special tax breaks for Big Oil, which Congress should also end. \$6 billion of these Big Wind subsidies will come from the production tax credit for renewable energy, which Congress temporarily enacted in 1992. The prospect for the expiration of this tax break at the end of this year has filled the Capitol with lobbyists hired by investors wealthy enough to profit from the tax breaks. President Obama even wants to make these tax credits permanent. According to the Wall Street Journal, this is a "make or break moment" for wind power companies.

There are three reasons the Big Wind subsidies should go the way of the \$5 billion annual ethanol subsidy, which Congress allowed to expire last year. First, we cannot afford it. The Federal Government borrows 40 cents of every dollar it spends. It cannot justify such a subsidy, especially for what the Nobel Prize-winning U.S. Energy Secretary calls a "mature technology."

Second, wind turbines produce a relatively puny amount of expensive, unreliable electricity. Wind produces 2.3 percent of our electricity, less than 8 percent of our pollution-free electricity. One alternative is natural gas, which is abundant, cheap, and very clean. Another alternative is nuclear. Reactors power our Navy and produce 70 percent of our pollution-free electricity. Using windmills to power a country that uses one-fourth of all of the world's electricity would be the energy equivalent of going to war in sailboats.

Finally, these massive turbines too often destroy the environment in the name of saving the environment. When wind advocate T. Boone Pickens was asked whether he would put turbines on his Texas ranch, Mr. Pickens answered: No, they're ugly.

A new documentary movie, "Windfall," chronicles upstate New York residents debating whether to build giant turbines in their town. A New York Times review of this film reported this:

Turbines are huge: Some are 40 stories tall, with 130-foot blades weighing seven tons and spinning at 150 miles per hour. They can fall over or send parts flying; struck by lightning, say, they can catch fire. Their 24/7 rotation emits nerve-racking low frequencies (like a pulsing disco) amplified by rain and moisture, and can generate a disorienting strobe effect in sunlight. Giant flickering shadows can tarnish a sunset's glow on a landscape.

Let's consider the three arguments one by one. First, the money. For all we hear about Big Oil, you may be surprised to learn that special tax breaks for Big Wind are greater. During the 5 years from 2009 to 2013, Federal sub-

sidies for Big Wind equal \$14 billion. I am only counting the production tax credit and the cash grants that the 2009 stimulus law offered to wind developers in lieu of the tax credit. An analysis of that stimulus cash grant program by Greenwire found that 64 percent of the 50 highest dollar grants awarded—or about \$2.7 billion—went to projects that had begun construction before the stimulus measures started.

Steve Ellis, the vice president of Taxpayers for Common Sense, told Greenwire:

It's essentially funding economic activity that already would have occurred. So it's just a pure subsidy.

According to President Obama's new budget, Big Oil receives multiple tax subsidies. Doing away with them would save about \$4.7 billion a year in fiscal year 2013 or about \$22 billion over 5 years it says. So far it sounds like Big Oil with \$22 billion, is bigger in subsidies than Big Wind with \$14 billion. But here is the catch: Many of the subsidies that the President is attacking oil companies for receiving are regular tax provisions that are the same or similar to those other industries receive. For example, Xerox, Microsoft, and Caterpillar all benefit from tax provisions like the manufacturing tax credit, amortization or depreciation of used equipment that the President is counting as Big Oil subsidies.

Of course, wind energy companies also benefit from many similar tax provisions. But the production tax credit that benefits wind is in addition to the regular Tax Code provisions that benefit many companies. So the only way to make a fair comparison is to look only at subsidies that mostly benefit only oil or only wind, and by that measure wind gets more breaks than oil.

The Heritage Foundation has done an analysis showing that if Big Oil received the same type of production tax credit as Big Wind, then the taxpayer would be paying Big Oil about \$50 per barrel of oil when adjusted for today's prices. According to a 2008 Energy Information Administration report, Big Wind received an \$18.82 federal subsidy per megawatt hour, 25 times as much as per megawatt hour as subsidies for all other forms of electricity production combined.

The production tax credit became law in 1992. Its goal was to jump-start renewable energy production. While it is advertised as a tax credit for renewable energy, according to the Joint Committee on Taxation, 75 percent of the credit goes to wind developers. Here is how it works: For every kilowatt hour of electricity produced from wind, turbine owners receive 2.2 cents in a tax credit. For example, if a Texas utility buys electricity from a wind developer at 6 cents a kilowatt hour, the Federal taxpayer will pay the developer another 2.2 cents per kilowatt hour. This 2.2-cent subsidy continues

for the first 10 years that the turbine is in service. This 2.2-cent credit is worth 3.4 cents per kilowatt hour in cash savings on the tax return of a wealthy investor. Wind developers often sell their tax credits to Wall Street banks or big corporations or other investors who have large incomes. They create what is called a tax equity deal in order to lower or even eliminate taxes. This is the scheme our President, who is championing economic fairness, would like to make permanent.

Energy expert Daniel Yergin, the Pulitzer prize winner, says the price of oil during 2011, when adjusted for inflation, is higher than at any time since 1860. It therefore makes no sense whatsoever to give special tax breaks to Big Oil. Neither does it make sense to extend special tax breaks to Big Wind, a mature technology. For every \$3 saved by eliminating these wasteful subsidies, I would spend \$2 to reduce the Federal debt and \$1 to double research for new forms of cheap, clean energy for our country.

The second problem with electricity produced from wind is there is not much of it, and since the wind blows when it wants to, and for the most part, it cannot be stored, it is not reliable. For this reason the claims in newspapers about how much electricity wind produces are misleading because of the difference between the capacity of an energy plant and its actual production.

Daniel Yergin says the U.S. installed capacity for wind power grew at an average annual rate of 40 percent between 2005 and 2009. In terms of absolute capacity, Yergin writes in his book *The Quest*, that growth in capacity was the equivalent to adding 25 new nuclear plants. But Yergin writes: In terms of actual generation of electricity, it was more like adding nine reactors. This is because nuclear plants operate 90 percent of the time while wind turbines operate about one-third of the time.

As an example, the Tennessee Valley Authority constructed a 29-megawatt wind farm at Buffalo Mountain at a cost of \$60 million. It is the only wind farm in the Southeast.

We read in the papers about a 29-megawatt wind farm, but that is not its real output. In practice, Buffalo Mountain has only generated electricity 19 percent of the time, since the wind doesn't blow very much in the Southeast. So this wind farm, sounding like a 29-megawatt power plant, only generates 6 megawatts. TVA considers Buffalo Mountain to be a failed experiment. In fact, looking for wind power in the Southeast is a little like looking for hydropower in the desert.

So one problem with this Big Wind subsidy is that it has encouraged developers to build wind projects in places where the wind doesn't blow or the wind doesn't blow.

Finally, there is the question of whether in the name of saving the environment wind turbines are destroying the environment. These are not

your grandma's windmills. They are taller than the Statue of Liberty, their blades are as long as a football field, and their blinking lights can be seen for 20 miles. Not everyone agrees with T. Boone Pickens that they are ugly but, when these towers move from television advertisements into your neighborhood, you might agree with Mr. Pickens. Energy sprawl is the term conservation groups use to describe the march of 45-story wind turbines onto the landscape of "America the Beautiful."

If the United States generated 20 percent of our electricity from wind, as some have suggested, that would cover an area the size of West Virginia with 186,000 wind turbines. It would also be necessary to build 12,000 new miles of transmission lines.

The late Ted Kennedy and his successor Senator SCOTT BROWN have both complained about how a wind farm the size of Manhattan Island will clutter the ocean landscape around Nantucket Island.

Robert Bryce told the Wall Street Journal that the noise of turbines, the "infra sound" issue, is the most problematic for the wind industry. "They want to dismiss it out of hand, but the low frequency noise is very disturbing," he explains. "I interviewed people all over, and they all complained with identical words and descriptions about the problems they were feeling from the noise."

Theodore Roosevelt was our greatest conservation President, and his greatest passion was for birds. Birds must think wind turbines are Cuisinarts in the sky.

Last month, two golden eagles were found dead at California's Pine Tree wind farm, bringing the total count of dead golden eagles at that wind farm to eight carcasses. And the Los Angeles Times reports that the U.S. Fish and Wildlife Service "has determined that the six golden eagles found dead earlier at the 2-year-old wind farm in Kern County were struck by blades from some of the 90 turbines spread across the 8,000 acres at the site." That puts the death rate per turbine at the Pine Tree wind farm at three times higher than at California's Altamont Pass Wind Resource Area, which has 5,000 turbines that kill 67 golden eagles each year.

Apparently eagle killing has gotten so commonplace that the U.S. Department of the Interior will grant wind developers hunting licenses for eagles. In Goodhue County, MN, a company wants to build 48 turbines on 50 square miles of land, and to do that it has applied for an "eagle take" permit which will allow it to kill a certain number of eagles before facing penalties.

I have figured out how such a hunting license squares with federal laws that will put you in prison or fine you if you kill migratory birds or eagles. Nor have I figured out how it squares with the Fish and Wildlife Service fining Exxon \$600,000 in 2009 when oil

development harmed protected birds. Do not the same laws protecting birds apply to both Big Wind and Big Oil?

Surely, there are appropriate places for wind power in a country that needs clean electricity and that has learned the value of a diverse set of energy sources. But if reliable, cheap, and clean electricity without energy sprawl is our goal, then four nuclear reactors—each occupying 1 square mile—would equal the production of a row of 50-story wind turbines strung along the entire 2,178-mile length of the Appalachian Trail from Georgia to Maine.

According to Benjamin Zycher at the American Enterprise Institute, a 1,000-megawatt natural gas powerplant would take up about 15 acres while a comparable wind farm would take up 48,000 to 60,000 acres. And, of course, even if someone built all of those turbines, you would still need the nuclear or gas plants for when the wind doesn't blow.

Our energy policy should to be, first, double the \$5 billion Federal energy budget for research on new forms of cheap, clean, reliable energy. I am talking about such research for the 500-mile battery for electric cars, for commercial uses of carbon captured from coal plants, solar power installed at less than \$1 a watt, or even offshore wind turbines.

Second, we should strictly limit and support a handful of jumpstart research and development projects to take new technologies from their research and development phase to the commercial phase. I am thinking here of projects like ARPA-E, modeled after the Defense Department's DARPA, that led to the internet, stealth, and other remarkable technologies. Or the 5-year program for small modular nuclear reactors.

Third, we should end wasteful, long-term, special tax breaks such as those for Big Oil and Big Wind. The savings from ending those subsidies should be used to double clean energy research and to reduce our Federal debt.

For a strong country, we need large amounts of cheap, reliable, clean energy, and we need a balanced budget. This is an energy policy that could help us do both.

EXHIBIT 1
REPUBLICANS BLOW WITH THE WIND
ANOTHER INDUSTRY WANTS TO KEEP ITS
TAXPAYER SUBSIDIES

Congress finally ended decades of tax credits for ethanol in December, a small triumph for taxpayers. Now comes another test as the wind-power industry lobbies for a \$7 billion renewal of its production tax credit.

The renewable energy tax credit—mostly for wind and solar power—started in 1992 as a "temporary" benefit for an infant industry. Twenty years later, the industry wants another four years on the dole, and Senator Jeff Bingaman of New Mexico has introduced a national renewable-energy mandate so consumers will be required to buy wind and solar power no matter how high the cost.

The truth is that those giant wind turbines from Maine to California won't turn without burning through billions upon billions of taxpayer dollars. In 2010 the industry received

some \$5 billion in subsidies for nearly every stage of wind production.

The "1603 grant program" pays up to 30% of the construction costs for renewable energy plants (a subsidy that ended last year but which President Obama calls for reviving in his budget). Billions in Department of Energy grants and loan guarantees also finance the operating costs of these facilities. Wind producers then get the 2.2% tax credit for every kilowatt of electricity generated.

Because wind-powered electricity is so expensive, more than half of the 50 states have passed renewable energy mandates that require utilities to purchase wind and solar power—a de facto tax on utility bills. And don't forget subsidies to build transmission lines to deliver wind power to the electric grid.

What have taxpayers received for this multibillion-dollar "investment"? The latest Department of Energy figures indicate that wind and solar power accounted for a mere 1.5% of U.S. energy production in 2010. DOE estimates that by 2035 wind will provide a still trivial 3.9% of U.S. electricity.

Even that may be too optimistic because of the natural gas boom that has produced a happy supply shock and cut prices by more than half. Most economic models forecasting that renewable energy will become price competitive are based on predictions of natural gas prices at well above \$6 per million cubic feet, more than twice the current cost.

The most dishonest claim is that wind and solar deserve to be wards of the state because the oil and gas industry has also received federal support. That's the \$4 billion a year in tax breaks for oil and gas (which all manufacturers receive), but the oil and gas industry still pays tens of billions in federal taxes every year.

Wind and solar companies are net tax beneficiaries. Taxpayers would save billions of dollars if wind and solar produced no energy at all. A July 2011 Energy Department study found that oil, natural gas and coal received an average of 64 cents of subsidy per megawatt hour in 2010. Wind power received nearly 100 times more, or \$56.29 per megawatt hour.

Most Congressional Democrats will back anything with the green label. But Republican support for big wind is a pure corporate welfare play that violates free-market principles. Last week six Republican Senators—John Boozman of Arkansas, Scott Brown of Massachusetts, Charles Grassley of Iowa, John Hoeven of North Dakota, Jerry Moran of Kansas and John Thune of South Dakota—signed a letter urging their colleagues to extend the production tax credit.

"It is clear that the wind industry currently requires tax incentives" and that continuing that federal aid can help the industry "move towards a market-based system," said the letter. What's the "market-based" timetable—100 years? In the House 18 Republicans have joined the 70-Member wind pork caucus. Someone should remind them that in 2008 and 2010 the wind lobby gave 71% of its PAC money to Democrats.

Here's a better idea. Kill all energy subsidies—renewable and nonrenewable, starting with the wind tax credit, and use the savings to shave two or three percentage points off America's corporate income tax. Kansas Congressman Mike Pompeo has a bill to do so. This would do more to create jobs than attempting to pick energy winners and losers. Mandating that American families and businesses use expensive electricity doesn't create jobs. It destroys them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6:30 p.m.

Thereupon, the Senate, at 5:03 p.m., recessed until 6:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Pennsylvania.

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

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

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Continued

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

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

CAPITAL FORMATION

Mr. TOOMEY. Mr. President, it is probably clear to all of us that the American people have a very high level of frustration with the lack of productivity of this Congress. The fact is, when we go home to our respective States, I am sure we are all hearing what I heard last week as I traveled across Pennsylvania. People ask me: Why can't you guys work together? Why can't you get something done? Why does it seem there is so much partisan bickering that you can't come together even on simple things that could help grow this economy, help make progress in these very difficult times?

Well, on this front I think we have some good news, and I am delighted to talk about this tonight. I hope this early sign of good news reaches fruition and we actually have a meaningful accomplishment soon in this body as well as the other body.

Specifically, I am referring to the work that has been coming together of late on a series of capital formation bills that will help small and growing companies raise the capital they need to expand, to hire new workers, to help improve our economy and give us a healthier economy with the job growth we badly need.

In particular, I want to thank House majority leader ERIC CANTOR. Congressman CANTOR took the step of pull-

ing together a series of separate bills and putting them together in a package—a capital formation package. There is very broad support for this package in the House. I think under his leadership it is very likely to pass the House and will present a tremendous opportunity for us because there is broad bipartisan support for these commonsense reforms that will help companies raise capital and grow.

The bipartisan support includes the President of the United States. Much to his credit, the President—I believe just yesterday—issued a formal Statement of Administrative Policy indicating his full support for the passage of the measure that Leader CANTOR is proposing in the House. Many of these proposals come from the work that the President initiated. Some of them are included in the startup America jobs plan that the President proposed. Some of them were recommended by commissions that the President assembled. The President spoke about the need for enhancing small- and medium-sized companies' access to capital in his State of the Union Address. So I think the President has been very clear and very strong in his support as the House Republican leadership has been.

In this body I think the leadership on both sides of the aisle has indicated support. The majority leader and the minority leader have both indicated their support for moving in this direction. The chairman and the ranking member of the Banking Committee have expressed a desire to move forward with the capital formation package, and there is wide support among outside groups. In fact, there is very broad support and very little opposition. The support includes support of entrepreneurs, whether they be from convenience stores, financial services firms, or high-tech firms.

In Pennsylvania, the life science companies feel very strongly about this because for them access to capital is a huge challenge. It is the absolutely essential precondition for their growth, and they are not alone. Manufacturers generally, supermarkets, all kinds of trade associations, the support for these kinds of capital foundation bills is very broad.

I want to touch specifically on three of the bills that I have been working on for quite some time now, and I am very hopeful and optimistic. First of all, these three bills are among six bills. The House companion version of these bills is in the package that Leader CANTOR has proposed, and I believe there is broad support in this body for these bills as well.

The first I want to refer to is a bill that I have introduced with Senator TESTER. It is S. 1544, and it is called the Small Company Capital Formation Act. It is more commonly known as the reg A bill. What it does is lift the current ceiling on the amount of money that a business can raise under the regulation provision of the securities law. That is a provision that allows a small