

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

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

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

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

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

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

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows: A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

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

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

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

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

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

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

I know the Presiding Officer has in his State a number of wind facilities and solar facilities. Unfortunately, those areas that need, as well, to be part of our energy mix—the tax treatment that allows those projects to

move forward have been put in limbo because of the failure of Congress to extend the so-called tax provisions, or tax extenders, on a going-forward basis. Wind projects all across the country—in fact, I was visiting with some folks right before coming to the floor, and they have a variety of wind projects that are stopped dead in their tracks because of the uncertainty regarding whether Congress will act.

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1535

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

SEC. __. EXTENSION OF LEASING PROGRAM.

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

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

Mr. VITTER. Mr. President, amendment No. 1535, the Vitter amendment,

is very simple and straightforward, and it goes to an awfully important issue. It goes to the issue of the price of energy, particularly the price of gasoline at the pump. There will be a vote today on this amendment. In fact, it will be the first vote we take this afternoon.

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

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

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

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

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

The problem is the United States is also the only country in the world that puts about 90 percent of those resources off limits and says no, under current Federal law, under the current Obama administration lease plan, to drilling off the east coast, no to drilling off the west coast, no to production

of energy in the eastern gulf—at least as of now—no to most things offshore Alaska, no to ANWR—the Alaska National Wildlife Refuge—and increasingly this administration wants to say no and wants to put up hurdles and blockages on lands where a lot of energy production is happening because of enormous shale finds and relatively new technology.

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

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

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

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

comes to infrastructure, we have found common ground with most of our Republican friends.

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

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

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

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

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

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

On top of it all, this amendment would waive environmental review of

this entire plan—no environmental review. So nobody in the country would know what lies ahead.

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

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

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

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

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

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

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

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

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

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

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

Mrs. BOXER. Yes, I would.

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

Mr. NELSON of Florida. I just wish to underscore the statement of the Senator from California with regard to the Outer Continental Shelf and point

out that the Vitter amendment would allow drilling in the one place on the Outer Continental Shelf that is off-limits in law; that is, the Gulf of Mexico off Florida.

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

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

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

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

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

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

AMENDMENT NO. 1822

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

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

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

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

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

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

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

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

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

The RESTORE Act amendment provides funding to each Gulf State for ecosystem restoration and economic recovery. It also creates a Federal-

State council responsible for developing and executing a holistic plan to increase the resiliency of the gulf ecosystem. Why were baby dolphins dying in record numbers? We don't know. We have to find out. We have to test these results for years to come.

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

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

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

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

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

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

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

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

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

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

The assistant legislative clerk read as follows:

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

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

Mr. NELSON of Florida. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1660

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

manufacturing at a time when our economy can least afford it and when there are alternatives.

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

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

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

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

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

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

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

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

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

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

DEAR SENATOR WYDEN: Thank you for your continuing interest in the air toxics standards for boilers. We are currently in the process of developing final standards and responding to additional, useful information

we received during the public comment period on the reconsidered standards we proposed last December. We intend to finalize the standards this spring. In the proposal, EPA proposed to “reset” the three year compliance clock to give entities the full amount of time available under the Clean Air Act upon finalization of the rule, and, subject to the formal rulemaking process, expects to do so in the final rule. The Act also gives state and local permitting authorities the ability to provide up to a one-year extension of that deadline, on a case-by-case basis, as necessary, for the installation of controls.

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

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

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

Sincerely,

LISA P. JACKSON.

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

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

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

We know because of peer-reviewed science, if this were to pass and we would not have this rule go into effect,

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

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

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

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

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

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

ABMA,

Vienna, VA, January 27, 2012.

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

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

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

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

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

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

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

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

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

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

Don't let the Preoccupation by some with the inadequacies of past rulemaking efforts

lead you into delaying the current December initiated rulemaking process—proposals and a process that provide a flexible, affordable, and achievable pathway to air quality, greater efficiency and the types of long-term boiler room upgrades and modernizations that will lead to sustainable competitiveness and bottom line stability.

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

Sincerely,

W. RANDALL RAWSON,
President/Chief Executive Officer.

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

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

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

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

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

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

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

toxic soot, which results in devastation for our families in very, very, very large numbers.

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

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

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

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

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

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

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

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

I yield the floor.

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

AMENDMENT NO. 1738

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

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

The clerk will report.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. ____ CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

Before I get into the details of this amendment—we need a highway bill. Everybody agrees with that. This is the Senate, and the right to offer amend-

ments has been secured, finally, after 2 weeks of negotiation.

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

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

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

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

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

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

How do you get rid of a \$1.6 trillion deficit? The way you get rid of it is a million here, a billion there, \$10 billion here, \$15 billion there, a billion here. What this amendment would do is save us \$10 billion this year through smart

government. It does not question the motivation. It does not even question whether it is our authority. But it says: Let’s do this.

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

Let’s take some others.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

propriate, to ensure their implementation.

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1660

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

LISA P. JACKSON.

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

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

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

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

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

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

I hope colleagues will look finally at the letter Administrator Jackson has sent me. I think it addresses, in particular, the timetable so many Senators have been concerned about. I have tried to outline some of the other issues that I think are critical, particularly the fact that we have the changes

in the definition of solid waste that is so important. A whole host of materials have been added to that list of fuels. That means we can protect the jobs that stem from countries that use—the products that use these materials and at the same time protect the environment.

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1537

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

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

SEC. ____ . APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

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

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

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

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border

facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

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

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

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

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

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

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

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

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

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

(B) carried out in accordance with—

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

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

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

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

(d) ROUTE IN NEBRASKA.—

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

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which

the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

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

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

(e) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The administration has said no to this project. They continue to say no to the project. They have approved this portion of it. That does not bring one single drop of product to our country. So I do not know. They are kind of con-

fused about exactly what they are doing, but they continue to block this project. So that means 830,000 barrels a day that we have to get from the Middle East. Everybody knows what is going on in the Middle East. They have incredible turmoil. They have incredible tension in the Middle East. Iran may close the Strait of Hormuz; they have threatened to do that. As a result, crude oil prices continue to go up and consumers continue to pay more at the pump.

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

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

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

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

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

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

The second argument that has been put forward is that the crude oil will come from Canada, and it will be then exported to China; we won't use it in

the United States; and it won't help with gas prices. For starters, let's use some common sense on that one. I am pretty sure if we don't build the pipeline, it is for sure going to China. That is just flat-out common sense, for starters.

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

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

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

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

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

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

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

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

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

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

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

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

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

Today we have a clear choice about building a better energy future for our country, more jobs, and more security. I ask my colleagues to vote for the amendment I have put forward, to move the Keystone Pipeline project au-

thority forward so they can advance the project, and vote against the amendment offered as a Democratic alternative, which will block the project.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1817

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

SEC. . KEYSTONE XL PIPELINE.

(a) ADMINISTRATION.—

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

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

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

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

(b) PROHIBITION ON EXPORTS.—

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

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

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

(i) national security; or

(ii) a natural or manmade disaster; or

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

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

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

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

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

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

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

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

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

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

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

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

Madam President, the pending measure, S. 1813, as amended, will exceed the aggregate level of budget authority

and outlays for fiscal year 2012 as set out in the most recent budget resolution deemed by the Budget Control Act of 2011; therefore, I raise a point of order under section 311(a)2(a) of the Congressional Budget Act of 1974.

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

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

So, Madam President, with due respect but pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

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

The yeas and nays are ordered.

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

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1785

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

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

In an op-ed published in the Washington Post yesterday, Senator CORKER said that finding an offset for the highway trust fund was a small step toward fiscal responsibility and that we should all support this amendment. But in the

opening portion of the editorial, the Senator noted the solid bipartisan support in the Senate for a balanced approach to real deficit reduction. This balanced approach would include revenues, mandatory spending, and discretionary spending.

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

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

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

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

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

AMENDMENT NO. 1738

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

the deficit reduction agreement reached last fall.

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

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

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

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

So we have once again an amendment offered by the Senator from Oklahoma which has become a familiar pattern in the Senate. On its face, the amendment might seem to have some value, but the details of the amendment show that the amendment is a Trojan horse—a disguise with a goal of indiscriminate cutting of discretionary spending without any real base or justification. In other words, this is simply another attempt to circumvent the

deal we reached less than a year ago on spending cuts for fiscal year 2013. Understanding that Senator COBURN doesn't believe those cuts went deep enough into discretionary spending, I and many of my colleagues believe they went too far. But in the end, a deal is a deal. We must honor the agreement reached by leadership and signed into law by the President. Is it really in the best interests of the American people or this institution to force vote after vote on discretionary spending levels because one side did not get everything they wanted in the Budget Control Act?

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

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

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

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

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

fore, I urge a “no” vote on the Coburn amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Indiana is recognized.

INDIANA TORNADOES

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

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

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

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

AMENDMENT NO. 1537

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

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

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

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

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

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

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

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

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

In that circumstance, last December 89 Senators voted to pass into law the Lugar-Hoeven-Vitter legislation, S. 1932, which required President Obama to conclude more than 3 years of analysis. In other words, we tried to give President Obama a chance to finish the

job. Immediately upon passage, the White House complained that they did not have sufficient time to make a decision. In reality, the Obama Administration issued a Final Environmental Impact Statement on August 26, 2011, and pondered the Keystone XL application for 1,217 days before rejecting it in January.

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

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

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

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

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

The Hoeven-Lugar-Vitter bill resets evaluation and permitting for all portions of the pipeline to where it was before November 11, 2011, when the President announced he would delay a decision for more than a year until after

the 2012 election. The Final Environmental Impact Statement issued by the State Department would be reinstated, along with associated Federal permissions. Keystone XL would still be required to go through regular order in receiving permits that it had not received prior to that date, including from the Army Corps of Engineers and Bureau of Land Management.

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

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

In the course of debate we will likely hear a number of Democratic colleagues attest their support for pipelines and for Keystone XL in particular. Surely none will profess their concern for the thousands of workers that would earn incomes with Keystone XL, as well as for the numerous unions that support them. I have no doubt that many Senators, regardless of party affiliation, share those sentiments. Yet, sentiments mean little if in the next breath they oppose reasonable legislation we have offered to make it happen, namely the Hoeven-Lugar-Vitter bill.

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

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

oil from the Middle East and Venezuela.

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

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

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

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

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

Having built-in first access to Canadian crude via pipeline is a strategic and economic advantage when global

oil markets are under threat of shortage, as powerfully illustrated by Iranian threats against 20 percent of world oil that traverses the Strait of Hormuz.

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

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

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

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

Other Indiana firms stand to benefit from the Keystone XL pipeline. I visited Endress+Hauser in Greenwood where they already have manufactured \$600,000 worth of flow and temperature

devices, Caterpillar in Lafayette where they manufacture the engines for the heavy equipment developing the oil sands, and Fairfield Manufacturing in Lafayette where they manufacture large gears and other components of the Caterpillar machines, in addition to other industrial machinery.

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

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

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

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

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

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

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

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

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

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

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

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

Moreover, it is especially curious that the prospect of even a small amount of exports manufactured at U.S. refineries comes under scrutiny since President Obama has identified the doubling of U.S. exports as a goal.

According to the Department of Commerce, the President already has the authority to prohibit petroleum exports if he deems it to be in the national interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

This amendment would also fundamentally weaken the Clean Air Act. It forces the EPA to set the least burdensome standards for industry. Imag-

ine that. Instead of reducing toxins our children breathe, this amendment orders the EPA to reduce the burden on polluters. Under this amendment, children lose and polluters win, and that is inexcusable.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1826

(Purpose: Of a perfecting nature)

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

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

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1822

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

I particularly thank Senator WHITEHOUSE, who led the effort on the Democratic side, as we have shaped, with his help, for the gulf coast, which is represented in this bill, a way to invest in our oceans by smartly using some of the interest earnings. Of course, we

would not be here on the floor without the extraordinary leadership of Senator BOXER from California, whose coast gets virtually no benefit from the RESTORE Act as it was originally introduced, but she was willing to step up because she knows how important the gulf coast is to the United States.

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

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

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

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

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

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

ecotourism, the coast that revels in clean beaches.

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

TransCanada application to the Canadian Government even admits that.

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

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

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

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

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

The only point I would make is the Secure Rural Schools legislation—which we are going to be voting in a few minutes—has always been bipartisan. I have been working with Chairman BAUCUS to ensure that it remains bipartisan. I hope colleagues will keep

faith with rural communities, and when it comes up for a vote here in a few minutes, support the Baucus amendment and our rural schools and law enforcement and road programs that are a lifeline to those rural communities.

The PRESIDING OFFICER. The Senator from Georgia.

GIRL SCOUTS 100TH ANNIVERSARY

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1825

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

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

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

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

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

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

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

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

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1535

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

Who yields time?

The Senator from California.

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

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

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

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 28 Leg.]

YEAS — 44

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

NAYS — 54

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

NOT VOTING — 2

Kirk Thune

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

The PRESIDING OFFICER. The Senator from Maine.

CHANGE OF VOTE

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

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

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

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

The PRESIDING OFFICER. The Senator from Alaska.

CHANGE OF VOTE

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

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

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

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

AMENDMENT NO. 1825

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

The Senator from Montana.

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

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

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

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

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

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

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

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

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

The county payments program included increased and more equitably

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

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

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

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

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

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

by the Forest Service, will result in timely elections for the remainder of the Secure Rural Schools Program.

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAPO. I yield back our time.

The PRESIDING OFFICER. Time is yielded back.

The question is on agreeing to amendment No. 1825.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

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

[Rollcall Vote No. 29 Leg.]

YEAS—82

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

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

NAYS—16

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

NOT VOTING—2

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

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

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

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1660

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

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

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

The Senator from Maine is recognized.

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

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

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

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what we do here makes a difference in people's lives. We have peer-reviewed studies that show if the Collins amendment passes and we go back to square one, we will see 8,100 premature deaths per year, 5,100 heart attacks per year, 52,000 cases of aggravated asthma, and—talk about jobs—400,000 lost workdays per year. Why is that? What the EPA is trying to do under the

Clean Air Act is make sure we don't have too much arsenic in the air or too much chromium, lead, or mercury. These are devastating toxics, especially to our children.

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

Please vote no on this amendment.

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 30 Leg.]

YEAS—52

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

NAYS—46

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

NOT VOTING—2

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1738

There is now 2 minutes of debate equally divided prior to a vote in rela-

tion to the Coburn amendment No. 1738.

The Senator from Oklahoma.

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

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

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

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

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

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 31 Leg.]

YEAS—52

Alexander	Coats	Graham
Ayotte	Coburn	Grassley
Barrasso	Cochran	Hatch
Baucus	Collins	Heller
Blunt	Corker	Hoeven
Boozman	Cornyn	Hutchison
Brown (MA)	Crapo	Inhofe
Burr	DeMint	Isakson
Chambliss	Enzi	Johanns

Johnson (WI)	Moran	Shelby
Klobuchar	Murkowski	Snowe
Kyl	Nelson (NE)	Stabenow
Lee	Paul	Tester
Lugar	Portman	Toomey
Manchin	Risch	Vitter
McCain	Roberts	Wicker
McCaskill	Rubio	
McConnell	Sessions	

NAYS—46

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

NOT VOTING—2

Kirk Thune

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

AMENDMENT NO. 1822

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate, equally divided, prior to a vote in relation to the Nelson-Shelby-Landrieu amendment No. 1822. The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are going to divide 1 minute; 15 seconds here, 15 seconds there, and 30 seconds for Senator SHELBY.

I will just say this is the BP fine money to come back and restore the Gulf of Mexico and people who earn their living from the gulf.

Ms. LANDRIEU. Madam President, this money will be shared with all the States. It is appropriate new money paid by BP—not taxpayer money—to the Gulf.

Let me thank Senators BOXER, WHITEHOUSE, and BAUCUS for their extraordinary help on our side and thank Senator SHELBY.

I don't know if Senator VITTER wants to say a word.

Mr. VITTER. Madam President, I urge support of this amendment. It is bipartisan.

This concept is supported by multiple outside groups, as well as the administration, and it is fully offset. It does not increase the deficit.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. I yield back all time.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Illinois (Mr. KIRK) and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—76

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

NAYS—22

Barrasso	Grassley	McCain
Burr	Hatch	McConnell
Coats	Heller	Paul
Coburn	Johanns	Risch
Corker	Johnson (WI)	Rubio
DeMint	Kyl	Toomey
Enzi	Lee	
Graham	Lugar	

NOT VOTING—2

Kirk Thune

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

Mrs. BOXER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1817

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1817, offered by the Senator from Oregon, Mr. WYDEN.

The Senator from Oregon.

Mr. WYDEN. Madam President, this amendment ensures that the Keystone Pipeline is built by American workers using American steel; that our priority is reasonably priced energy for American families and American businesses, rather than their Chinese competitors. It contains an expedited approval process so that when air and water and environmental laws are complied with, the pipeline application must be approved within 90 days. Put simply, when you build a pipeline that is 2,000 miles across the Nation, our challenge is to do it right.

Madam President, there are two alternatives. This one gives us a chance to do it right for our workers, our busi-

nesses, the well-being of all our communities. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. I rise in opposition to this amendment. The Keystone XL Pipeline will bring more than 830,000 barrels a day of crude oil from Canada and also from States like mine, such as North Dakota and Montana. We need that crude oil rather than relying on the Middle East.

This is a vote to block the project. Make no mistake, this not only requires the TransCanada start-over, it says start over after 3½ years. What does that mean, another 3½ years before they can go forward? And it adds additional impediments to the project. With gasoline prices going up every day, we need more supply, we need it from Canada, we need it from North Dakota and Montana, not from the Middle East.

Please vote no on this amendment and yes on the next one, which will allow us to move forward for American workers, American consumers, for our businesses, for our economy, and for national security.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1817.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—33

Bingaman	Franken	Merkley
Blumenthal	Harkin	Mikulski
Boxer	Inouye	Murray
Brown (OH)	Johnson (SD)	Nelson (FL)
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Lautenberg	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Tester
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Wyden

NAYS—65

Akaka	Corker	Kerry
Alexander	Cornyn	Kyl
Ayotte	Crapo	Landrieu
Barrasso	DeMint	Leahy
Baucus	Enzi	Lee
Begich	Gillibrand	Lugar
Bennet	Graham	Manchin
Blunt	Grassley	McCain
Boozman	Hagan	McConnell
Brown (MA)	Hatch	Moran
Burr	Heller	Murkowski
Casey	Hoeven	Nelson (NE)
Chambliss	Hutchison	Paul
Coats	Inhofe	Portman
Coburn	Isakson	Pryor
Cochran	Johanns	Reed
Collins	Johnson (WI)	Risch

Roberts	Shelby	Warner
Rubio	Snowe	Webb
Sanders	Toomey	Whitehouse
Sessions	Udall (CO)	Wicker
Shaheen	Vitter	

NOT VOTING—2

Kirk Thune

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

The PRESIDING OFFICER. The Senator from Massachusetts.

CHANGE OF VOTE

Mr. KERRY. Mr. President, on roll-call vote No. 33, the Wyden amendment No. 1817, I mistakenly voted aye and meant to vote no. It will not change the outcome. I ask unanimous consent that my vote be reflected as a no.

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

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

AMENDMENT NO. 1537

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1537, offered by the Senator from North Dakota, Mr. HOEVEN.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak in support of this amendment which would authorize the Keystone XL Pipeline project to move forward. It provides an authorization after more than 3½ years of study. It incorporates all of the safeguards that have been developed through the environmental impact statement process with both EPA and the Department of State, and it allows whatever time may be necessary for rerouting in Nebraska. So it addresses the concerns that have been raised as far as the environmental impact statement but authorizes the project to proceed.

This project will bring 830,000 barrels a day of crude to our refineries, as I mentioned earlier, not only from Canada but from my home State of North Dakota, as well as from Montana. This is about not only producing more energy both at home and with our closest friend and ally, Canada, but it is also about national security. It is about reducing our dependence on oil from the Middle East.

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

Mr. HOEVEN. I urge my colleagues' strong support for this amendment on behalf of American workers and consumers.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I urge opposition to this amendment. I wish to outline just very briefly why.

First, under this amendment the oil is not going to be going to the United States. This oil is going to be going to the export market, and the Trans-Canada application to the Canadian Government showed this beyond any question. The Canadian oil companies expect to reap as much as \$3.9 billion

more in annual revenue from the higher prices they can tap once their oil reaches the gulf coast. It competes at the same price as other oil supplies on the global market—no protection for workers, no protection on the environment, and, I believe, higher prices for American businesses and American consumers.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1537.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 56, nays 42, as follows:

(Rollcall Vote No. 34 Leg.)

YEAS—56

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Baucus	Grassley	Murkowski
Begich	Hagan	Paul
Blunt	Hatch	Portman
Boozman	Heller	Pryor
Brown (MA)	Hoeben	Risch
Burr	Hutchison	Roberts
Casey	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Snowe
Cochran	Kyl	Tester
Collins	Landrieu	Toomey
Conrad	Lee	Vitter
Corker	Lugar	Webb
Cornyn	Manchin	Wicker
Crapo	McCain	

NAYS—42

Akaka	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Cooms	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Kirk Thune

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

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is 4:15 p.m. We have a matter that I believe will be decided by voice in just a few minutes. This will be the last vote until Tuesday, when we finish this bill. I appreciate everyone's cooperation. I have talked before about how fortunate we are to have the two managers we

have on this bill—Senators BOXER and INHOFE. They have done a remarkably good job.

We have a locked-in set of amendments now. There is no reason to work into the night. We have had a good week. We will have a good week next week, and I wish everyone a good break.

MOTION TO WAIVE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the vote on the motion to waive all applicable budget points of order.

Mrs. BOXER. Mr. President, colleagues, we must waive the Budget Act in order to continue working on this bill. My friend from Tennessee will tell you otherwise. This bill is 100 percent paid for. The CBO score actually shows a \$5 billion surplus over the next 10 years.

How is it paid for? I can tell you, my friend JIM INHOFE made sure it would be paid for, and we agreed on it. Through the highway trust fund, plus the bipartisan work of the Finance Committee, we have filled this trust fund to cover this bill.

Mr. President, 2.8 million jobs hang in the balance. All the work we did today hangs in the balance. We need 60 votes. So if one is for the Transportation bill, please vote aye so we can continue our work next week.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, let me first say I am a very strong supporter of a highway bill and of infrastructure but also believe we should have integrity as it relates to this issue of spending.

Last August, the world and the country watched as our Nation almost came to a halt, and we agreed, in order to raise the debt ceiling, we would pass the Budget Control Act, which puts strict limitations on spending for last year and this year. We are making a mockery of what happened during that time if we waive this Budget Control Act point of order that I have put in place.

Basically, what we have said—and we have had all kinds of Senators on both sides of the aisle who have focused on the deficit issue in good faith, but what we basically are saying is we cannot make it 7 months without violating the Budget Control Act which we put in place to create discipline in this body.

I urge a "no" vote on waiving this motion.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent for 30 seconds.

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

Mr. INHOFE. Mr. President, I have had rankings as the most conservative Member of this body many times, and I have often said there are two areas where I am a big spender: one is national defense, one is infrastructure.

We desperately need this bill. It is interesting to me that so many of my good friends—and they are friends, including the Senator from Tennessee—will vote as they did back in 2008 for \$700 billion for a bailout and then something such as this comes up and somehow this is an excuse to kill the bill. You can kill the bill and we can go back and start all over again. I wish and I think the Finance Committee is going to come up with something that is going to allow us to get this done by the time we get into conference.

I urge my conservative friends particularly to go ahead and vote for the highway bill.

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

The Senator from Tennessee.

Mr. CORKER. Just 30 seconds.

The PRESIDING OFFICER. The time has expired.

The Senator asks for 30 seconds.

Without objection, it is so ordered.

Mr. CORKER. Mr. President, the fact is, the amount of money it would take to not have a budget point of order is so small that we ought to just offset discretionary caps for this year by the amount we are spending above that for this highway bill.

It is ludicrous that we cannot set priorities in a way that calls us to live within the Budget Control Act and break it within 7 months of passing it and break faith with the American people.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I would note—

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

Mr. INHOFE. Mr. President, I ask unanimous consent for 10 seconds.

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

Mr. INHOFE. We do not have Senator THUNE here, who is doing a great job in the Finance Committee. Unfortunately, his mother died and he is not here. We would be able to sit down and solve this problem and not delay this bill. Right now it is set up so we can have a highway bill.

This could kill it. I hope folks will talk to their people at home. You cannot do it before this vote, but afterwards I might suggest you do that.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—66

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

NAYS—31

Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Burr	Hatch	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (WI)	Rubio
Corker	Kyl	Sessions
Cornyn	Lee	Toomey
Crapo	Lugar	Warner
DeMint	McCain	
Enzi	McConnell	

NOT VOTING—3

Kirk	Paul	Thune
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The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order fails.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues. Most of them have gone, but I feel it is important that the RECORD reflect this last vote that we had. Basically, it was a vote to undo everything we worked so hard on all day. It was basically a backdoor way of killing the transportation bill—a bill that is fiscally responsible. It is at current levels plus inflation fully paid for. Senator INHOFE and I agreed at the outset in the EPW Committee we would only support a bill that was fully paid for.

I was honored that we got so many Republican votes on that. I am looking forward to next week when we get this done. I understand the Senator from Michigan has something he wants to get accomplished by a voice vote. I ask unanimous consent that he be able to explain that so that we can continue making progress, and then he will yield the floor to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

AMENDMENT NO. 1818

Mr. LEVIN. Mr. President, the next item on the unanimous consent agreement is my amendment No. 1818. It is my understanding now that this amendment can be adopted by a voice vote. It has been cleared for that.

I ask unanimous consent to set aside the pending amendment and I call up my amendment No. 1818.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. CONRAD, proposes an amendment numbered 1818.

The amendment is as follows:

(Purpose: To authorize special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement)

At the end, add the following:

TITLE _____—STOP TAX HAVEN ABUSE

SEC. _____ . AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement”;

(2) in subsection (a), by striking the subsection heading and inserting the following:

“(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO SIGNIFICANTLY IMPEDE UNITED STATES TAX ENFORCEMENT.—”;

(3) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

“(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE SIGNIFICANTLY IMPEDING UNITED STATES TAX ENFORCEMENT.—”; and

(B) by inserting at the end of paragraph (2) thereof the following new subparagraph:

“(C) OTHER CONSIDERATIONS.—The fact that a jurisdiction or financial institution is cooperating with the United States on implementing the requirements specified in chapter 4 of the Internal Revenue Code of 1986 may be favorably considered in evaluating whether such jurisdiction or financial institution is significantly impeding United States tax enforcement.”;

(4) in subsection (a)(1), by inserting “or is significantly impeding United States tax enforcement” after “primary money laundering concern”;

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting “in matters involving money laundering,” before “shall consult”;

and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and”;

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting “or to be

significantly impeding United States tax enforcement" after "primary money laundering concern" each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

"(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be significantly impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

"(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

"(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument."; and

(8) in subsection (c)(1), by inserting "or is significantly impeding United States tax enforcement" after "primary money laundering concern";

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking "bank secrecy or special regulatory advantages" and inserting "bank, tax, corporate, trust, or financial secrecy or regulatory advantages";

(B) in clause (iii), by striking "supervisory and counter-money" and inserting "supervisory, international tax enforcement, and counter-money";

(C) in clause (v), by striking "banking or secrecy" and inserting "banking, tax, or secrecy"; and

(D) in clause (vi), by inserting ", tax treaty, or tax information exchange agreement" after "treaty";

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting "or tax evasion" after "money laundering"; and

(B) in clause (iii), by inserting ", tax evasion," after "money laundering"; and

(11) in subsection (d), by inserting "involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement" after "such action".

Mr. LEVIN. Mr. President, this has been on the list for unanimous consent. I will let the Chair rule on this and see if there is something else. If not, I will speak for a few minutes afterward.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1818) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I will use 3 minutes to very briefly explain.

Under the PATRIOT Act, Congress gave the Treasury the power to take a range of measures against foreign financial institutions, or jurisdictions that are defined as being of primary money-laundering concerns.

The Levin-Conrad amendment just adopted would authorize the Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be impeding U.S. tax enforcement. This amendment had been the subject of a bill for a number of years, and it comes out of the hearings of the Permanent Subcommittee on Investigations, which I chair. Those investigations show each year the United States loses tens of billions of dollars in tax revenue from people using offshore tax havens to dodge U.S. tax obligations, including through hidden accounts at tax haven banks. We issued a lengthy, bipartisan report in the subcommittee. We detailed case history involving tax haven banks that help thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks that make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore.

Our amendment offers one provision from the Cut Unjustified Tax Loopholes Act, S. 2075, which Senator CONRAD and I introduced some weeks ago. I continue to hope and believe that momentum is building behind the idea of real tax reform and in support of legislation like the CUT Loopholes Act to comprehensively tackle the many tax loopholes that favor a few taxpayers over ordinary American taxpayers. Closing tax loopholes is critical to real deficit reduction, and restoring lost revenue that will allow us to cut the deficit without slashing important programs. With the threat of sequestration looming at the end of this year, it is more vital than ever that we find bipartisan agreement on closing tax loopholes.

Our amendment hopefully will advance that goal. The full CUT Loopholes Act attacks loopholes in two areas. First is closing offshore tax loopholes, a subject that the Permanent Subcommittee on Investigations, which I chair, has explored for years. Second is the stock-option loophole, a corporate tax giveaway that forces American taxpayers to subsidize corporations for the stock-options granted to their executives. The Levin-Conrad amendment takes one provision from the offshore portion of the CUT Loopholes Act.

Our amendment would give regulators a powerful tool to stop offshore tax havens and their financial institutions that impede U.S. tax enforcement from doing business in the United

States. The Levin-Conrad amendment is modeled on the successful provision in the Patriot Act now used to combat foreign financial institutions and jurisdictions engaged in money laundering.

Under section 311 of the Patriot Act, Treasury can take a range of measures against foreign financial institutions or jurisdictions that it finds to be of "primary money laundering concern." The Levin-Conrad amendment would authorize Treasury to impose the same types of measures on the same types of entities if Treasury finds them to be "significantly impeding U.S. tax enforcement." Treasury could, for example, prohibit U.S. banks from accepting wire transfers or honoring credit cards from those foreign banks. The provision would not require Treasury to act; it would give Treasury the authority and discretion to take action against foreign jurisdictions or banks that are facilitating U.S. tax evasion and tax avoidance.

Over the last several days, we have worked with the administration and others to improve our amendment. We have made changes to clarify that it covers significant impediments to tax enforcement, and that foreign jurisdictions and financial institutions that are complying with the Foreign Account Tax Compliance Act will be viewed favorably with respect to their level of assistance with our tax enforcement efforts.

Each year, the United States loses an estimated \$100 billion in tax revenue from U.S. taxpayers using offshore tax havens to dodge their U.S. tax obligations, including through hidden accounts at tax haven banks. My Subcommittee has held several hearings and issued a lengthy bipartisan report showing how some tax haven banks have used an array of abusive practices to help U.S. clients hide assets and income from Uncle Sam. We presented detailed case histories involving tax haven banks that helped thousands of U.S. clients dodge their U.S. taxes, banks that used a long list of secrecy tricks to make it nearly impossible for U.S. tax authorities to trace funds sent to them offshore. Those tricks included using code names for clients to disguise their identities; directing personnel to use pay phones instead of business phones to make it harder to trace calls back to the bank; providing bankers with encrypted computers when traveling to keep client information out of the reach of U.S. tax authorities; funneling money through offshore corporations to conceal incriminating wire transfers and make audits difficult; opening accounts in the names of offshore shell companies to hide the real owners; and providing bankers with counter-surveillance training to detect and deflect inquiries from government officials.

That kind of conduct, which actively facilitates tax evasion, amounts to a declaration of war by offshore secrecy jurisdictions against honest, hard-working taxpayers. It's time to fight

back and end the abuses inflicted on us by those tax havens. Congress took one step two years ago by requiring foreign banks with U.S. investments to disclose accounts opened by U.S. persons or pay a hefty tax on their U.S. income. But that law doesn't apply to tax haven banks that avoid U.S. investments. The United States needs authority to take special measures against foreign banks that not only refuse to disclose accounts opened by their U.S. clients, but also significantly impede U.S. tax enforcement efforts. Our amendment would enable the United States to fight back by authorizing the Treasury to tell U.S. banks to stop doing business with those aiders and abettors of U.S. tax evasion.

According to the Joint Committee on Taxation, we could, by adopting this amendment, reduce the deficit by \$900 million over 10 years. That is an indication of how closing just one of many loopholes can raise significant revenue. The CUT Loopholes Act would, conservatively, reduce the deficit by \$155 billion over 10 years. And other tax loopholes not addressed in the CUT Loopholes Act, such as the carried-interest and blended-rate loopholes, offer additional opportunities for deficit reduction.

Mr. President, we face difficult choices in the months ahead. We all agree that we must reduce the deficit. But the American people also expect us to make sure that we are protecting national security, that parents can still send their kids to college, that our citizens still have health care, that we are repairing roads and bridges. We must do both—reduce the deficit and protect important priorities. But we cannot accomplish those twin goals unless we restore revenue lost in part to the gaping loopholes in our tax law. With this amendment, we can take a step down the path of closing abusive loopholes, and continue building momentum for the work we must do in the months ahead.

Mr. President, I thank Senator CONRAD, Senator WHITEHOUSE, and many others who cosponsored this amendment.

Mr. JOHNSON of South Dakota. Mr. President, I wish to note for the RECORD that I agree with Senator LEVIN on the need to address the problem of tax havens, and it is certainly true that the provision of the Bank Secrecy Act that he seeks to amend has been important in dealing with the matters for which it was intended—jurisdictions of primary anti-money laundering concern—when it was made part of the PATRIOT Act.

However, neither I, as Banking Committee Chairman, nor other members of the Committee, were consulted by Senator LEVIN as this amendment was being developed, although the Bank Secrecy Act is clearly within the Committee's core jurisdiction. Consequently, Committee staff have not had adequate time to review and assess responsibly the amendment and its

possible ramifications, and have had no chance to vet it with appropriate parts of the Treasury Department, including the Office of Terrorism and Financial Intelligence, and the Financial Crimes Enforcement Network, which administers the Bank Secrecy Act, with the Nation's tax administrators, with the Department of Justice, or with other interested parties. That is normally how changes to the Act are made.

Thus it is impossible for us fully to assess the implications of these major changes in the law, or to discern any unintended consequences that may arise from them. Making such significant changes should not be done on the fly, on the floor, without adequate consultation and an appropriate regular order process within the committee of jurisdiction. While I believe we should address the problem of tax havens, and I understand the urgency of finally, after 4 weeks, getting a unanimous consent agreement that allows this bill to move forward, I must also insist that we follow a careful, responsible, deliberative process when making major changes in areas of the law that are squarely within the jurisdiction of the Banking Committee.

As we move to conference on the transit bill, a conference on which I will play a significant role, I will make sure that we carefully vet this provision and assess whether this is in fact the best solution to the tax haven problem identified by Senator LEVIN, whether it works as it is intended to, and if so whether the provision requires any further amendment to make it as effective as possible.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Merkley amendment relative to farm vehicles listed in the previous order be changed from No. 1653 to No. 1814.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1669, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1669, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. REID, Mr. HELLER, and Mr. KYL, proposes an amendment numbered 1669, as modified.

The amendment is as follows:

(Purpose: To enhance the natural quiet and safety of airspace of the Grand Canyon National Park and for other purposes)

At the appropriate place, insert the following:

SEC. . AIRCRAFT NOISE ABATEMENT.

(a) IN GENERAL.—Section 3(b)(2) of Public Law 100-91 (16 U.S.C. 1a-1 note) is amended by adding at the end the following: "The plan shall not apply to or otherwise affect the regulation of flights over the Grand Canyon at altitudes above the Special Flight

Rules Area for the Grand Canyon in effect as of the date of the enactment of the MAP-21, or as subsequently modified by mutual agreement of the Secretary and the Administrator."

(b) SAVINGS PROVISIONS.—

(1) JURISDICTION OF NATIONAL AIRSPACE.—None of the recommendations required under section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), including recommendations to raise the flight-free zone altitude ceilings, shall adversely affect the national airspace system, as determined by the Administrator of the Federal Aviation Administration. If the Administrator determines that implementing the recommendations would adversely affect the national airspace system, the Administrator shall consult with the Secretary of the Interior to eliminate the adverse effects.

(2) EFFECT OF NEPA DETERMINATIONS.—None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions. Nothing in this section may be construed to limit the ability of the National Park Service to use its own methods of analysis and impact determinations for air tour management planning within its purview under the National Parks Air Tour Management Act of 2000 (title VIII of Public Law 106-181).

(c) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of the enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of the enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of the enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENTS NOS. 1785 AND 1810, EN BLOC

Mr. CORKER. Mr. President, I ask unanimous consent that amendments Nos. 1785 and 1810 be made pending en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. CORKER) proposes amendments numbered 1785 and 1810, en bloc.

The amendments are as follows:

AMENDMENT NO. 1785

(Purpose: To lower the FY13 discretionary budget authority cap as set in the Balanced Budget and Emergency Deficit Control Act of 1985 by \$20,000,000,000 in order to offset the general fund transfers to the Highway Trust Fund)

At the end of division D, add the following:
SEC. _____ . DISCRETIONARY SPENDING CAP ADJUSTMENT FOR FISCAL YEAR 2013.

Paragraph (2)(A)(ii) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985(2 U.S.C. 901a) is amended by striking "\$501,000,000,000" and inserting "\$481,000,000,000".

AMENDMENT NO. 1810

Purpose: To ensure that the aggregate amount made available for transportation projects for a fiscal year does not exceed the estimated amount available for those projects in the Highway Trust Fund for the fiscal year)

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

SEC. _____ . LIMITATION ON EXPENDITURES.

Notwithstanding any other provision of law, if the Secretary determines for any fiscal year that the estimated governmental receipts required to carry out transportation programs and projects under this Act and amendments made by this Act (as projected by the Secretary of the Treasury) does not produce a positive balance in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for such a program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENTS NOS. 1736 AND 1742, EN BLOC

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendments Nos. 1736 and 1742 and ask they be considered en bloc.

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

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes amendments numbered 1736 and 1742, en bloc.

The amendment (No. 1742) is as follows:

(The amendment (No. 1736) is printed in the RECORD of Monday, February 27, 2012, under "Text of Amendments.")

AMENDMENT NO. 1742

(Purpose: To allow States to permit non-highway uses in rest areas along any highway)

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

SEC. 15 _____ . NONHIGHWAY USES IN REST AREAS.

(a) IN GENERAL.—A State may permit any nonhighway use in any rest area along any highway (as defined in section 101 of title 23, United States Code), including any commercial activity that does not impair the highway or interfere with the full use and safety of the highway.

(b) PRIVATE PARTIES.—A State may permit any private party to carry out a nonhighway use described in subsection (a).

(c) REVENUES GENERATED BY NONHIGHWAY USES.—A State may use any revenues gen-

erated by a nonhighway use described in subsection (a) to carry out any project (as defined in section 101 of title 23, United States Code).

Mr. PORTMAN. Mr. President, I encourage my colleagues to support these amendments. The first one gives the States the freedom to keep their gas taxes. For decades, Washington has collected State gas taxes through its highway program, taken its cut off the top, and then attached burdensome mandates to the funds before sending them back to the States.

It hasn't worked. Since 2008, the highway trust fund has been bailed out three times from the Treasury's general fund to the tune of about \$35 billion. During that time, the Federal Government has required that 10 percent of all surface transportation funds be spent on wasteful "enhancements," which has included archeological planning and research, transportation museums, and scenic "beautification" along highways, and so on.

The GAO has found that between 2004 and 2008, at a time when our bridges and roads have been in disrepair and have needed all the help they could get, the highway trust fund spent \$78 billion on projects not related to the support of our Nation's network of highways and bridges.

With the economy struggling, we need to provide States with the ability to move quickly and innovatively to implement their transportation priorities instead of a one-size-fits-all solution from Washington.

Ohio's gas taxes should not be watered down, shouldn't be wasted by costly Federal mandates, regulations, and bureaucracies that Ohio doesn't think are necessary. Rather, States should have the freedom to use the revenue collected from highway users within their own States in the way the State sees fit to get more money into infrastructure.

This amendment will give States the freedom they need to do that, while ensuring that States maintain the current Interstate State Highway system in accordance with current standards. We need to pass this amendment today so that States can get back on track.

Let me give you an example I recently heard about over the weekend. This comes from Jeff Linkous, who is the Clinton County, OH, engineer. It is an example of how the Federal Government sometimes gets in the way and escalates the cost of projects.

Todds Fork there is a local stream. It is crossed by two roads, Prairie Road and Starbuck Road. For each of the roads, Clinton County has built a bridge over Todds Fork. The same firm designed both bridges. They are the same length, but there was one major difference. The bridge for Prairie Road was built using Federal money, while the bridge for Starbuck Road was built using Ohio funds.

According to Jeff Linkous, the federally funded bridge cost about 20 percent more than the State-funded

bridge. I hear this all over the State, as I am sure my colleagues do as well. It took more time from design to bid, so it was more expensive and took more time, and was more costly in both respects.

The Federal project costs more in a lot of areas, including Federal bureaucracy, more environmental studies, more historical and archaeological studies, more right-of-way expenses, more design and review costs. The stakes have never been higher. The Federal Government cannot continue the current course of wasting our State's gas taxes.

Since the last transportation authorization bill, called SAFETY-LU, back in 2005, the outlays have exceeded revenues from the gas taxes every single year. We have to get back on a fiscally sustainable path, eliminate the waste, and allow the States the flexibility to maintain their roads, bridges, and highways. This amendment would do that. It is an opt-out, not a mandate. States could choose to opt out or not.

The second amendment also is a fiscally responsible one that helps the taxpayer. It lifts an antiquated one-size-fits-all government mandate that dates back to 1956, and it would allow the States the freedom to make their own decisions on how to manage their rest areas, which the Federal Government forces States to pay to maintain and improve.

The current approach would set up a patchwork of exemptions, acceptance, and special permits that allows some States to commercialize rest areas, while prohibiting other States from doing the same. Under this amendment, States would have the freedom to commercialize interstate and non-interstate rest areas, as long as they don't impair the highway or interfere with the full use and safety of the highway. At a time when America's core transportation infrastructure—highways, roads and bridges—needs all the help it can get, the Ohio Department of Transportation spends \$15 million a year on rest area upkeep in Ohio alone. The high cost of maintaining and improving these rest areas is handcuffing the ability of Ohio and other States to spend more money on core infrastructure, roads and bridges.

This is a fiscally conservative taxpayer amendment that would help States such as Ohio recover some of these losses or maybe even break even or maybe add some revenue, by allowing restaurants, gas stations, convenience stores, or other entities to lease spaces at rest areas. It is a common-sense approach that is supported by the American Association of State Highway and Transportation Officials and by a lot of the private sector as well.

This amendment is a way to give core infrastructure projects more funding, while enacting a proposal that actually helps the States to be able to make the decision. In Ohio alone, if you take out \$50 million a year cost for rest areas and calculate it over the

next 20 years, that is \$1 billion that could go into highway infrastructure.

This amendment doesn't direct or mandate States to commercialize rest areas or commercialize in any specific way. It leaves it up to the States, and it gives States the flexibility they want to be able to make their own decisions on how best to use those rest areas.

I urge colleagues to join me in voting to lift the Federal mandate and give States the freedom to develop their own underused and expensive rest areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENTS NOS. 1779, 1589, AND 1756, EN BLOC

Mr. COATS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1779 on behalf of Senator ALEXANDER, and amendments Nos. 1589 and 1756 on behalf of Senator DEMINT, en bloc.

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

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. ALEXANDER, proposes an amendment numbered 1779, and, for Mr. DEMINT, amendments numbered 1589 and 1756, en bloc.

(The amendment (No. 1589) is printed in the RECORD of Tuesday, February 14, 2012, under "Text of Amendments.")

(The amendment (No. 1756) is printed in the RECORD of Wednesday, February 29, 2012, under "Text of Amendments.")

(The amendment (No. 1779) is printed in the RECORD of Monday, March 5, 2012, under "Text of Amendments.")

AMENDMENT NO. 1517

Mr. COATS. Mr. President, I now call up my amendment No. 1517, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for himself and Mr. LUGAR, proposes an amendment numbered 1517.

The amendment is as follows:

(Purpose: To modify the apportionment formula to ensure that the percentage of apportioned funds received by a State is the same as the percentage of total gas taxes paid by the State)

In section 11005(a), in the amendment to section 104(c)(1) of title 23, United States Code, strike "carry out section 134 shall be determined as follows" and all that follows through subparagraph (B) and insert the following:

"carry out section 134 shall be a percentage of the total amount available for apportionment to all States that is equal to the proportion that—

"(A) the amount of gas taxes paid by the State for a fiscal year; bears to

"(B) the aggregate amount of gas taxes paid by all States for the fiscal year.

Mr. COATS. Mr. President, this amendment No. 1517 is of major significance to Indiana, as well as to a majority of the States across this country. Most people are familiar with the fact

that when they pull up to the pump, they are not only paying for the cost of gas, they are paying the tax on the cost of that gas. The Federal tax on that gasoline pumped into the tank is then sent to Washington and put into a so-called Federal gas tax fund—a trust.

The word "trust" is somewhat of a misnomer because, like so many trusts that we create, it doesn't live up to its name. A trust means that it is safeguarded, and nobody else can touch it or use it. The trust fund was designed to collect taxes from the sale of gasoline at the Federal level and then, under a provision, return that tax back to the State.

The bottom line is that the majority of States in this country are not getting back what they put in. This amendment is designed to correct that flaw, or at least that current provision, in terms of the way the trust fund is operated. My colleague from Ohio, Senator PORTMAN, just announced an amendment that I think makes a great deal of sense. I intend to support that. This is somewhat of a similar amendment, except that what this requires is that a State receives its fair share of what it puts into the trust fund.

My State, like many across the Nation, draws the short end of the stick in terms of getting our money back, in that it turns the trust fund into a distribution fund, based upon the outdated formula and continuation of the broken earmark process. In reality, many States receive less than they put in. The interesting part of this is that there is a formula created by which an average of the amount of money spent by States is calculated, and States are rewarded on that basis, and the money is distributed on the basis of how that historical average is calculated. So States that have had very efficient Members of Congress creating earmarks and pouring more money into their States by earmarking end up with a higher historical average. As a result those States benefit now from the distribution from the trust fund to a greater degree. In fact, they are called the donee States because they receive more than what is put in from the donor States.

So those States that have taken more responsible fiscal measures in terms of how they spend their money and how they spend the taxpayers' dollars, such as the State of Indiana, end up being shortchanged simply because we have been more prudent in terms of how we spend our money. We haven't relied on earmarks over the years in Indiana, which under the current version of this bill would have raised our historical average. As a consequence we end up being a donor State donating more money to Washington than we receive in return.

The Senate has recently passed legislation to end the practice of earmarking. I think this is a very positive step forward. But we now have a Federal program that, in a sense, is calculated and based on the practice of

past earmarking. So if we are serious about eliminating earmarking, we are also going to need to fix the formulas used in current programs that are rewarding States with more money than they deserve because these states received more earmarks in previous years. My amendment fixes this inequity and restores the trust fund to its original intent—to give taxpayer money back to them in the amount they deposited.

Under my amendment each State will get back what it put in out of the total available funds. It is a fairness issue and the trust fund is truly a trust fund. This amendment will send a message to the American people and the administration that Congress is serious about changing the culture in Washington. The American people have rejected earmarking, and it would be irresponsible for this institution to reward that practice under this highway bill.

So I urge my colleagues to support this important amendment. It takes a stand for fairness and fiscal integrity. It will be brought up on Tuesday. I urge my colleagues to support this both from the standpoint of fairness—which gives back to every State and every taxpayer the money a fair share of what they put into the trust fund as ending the practice of rewarding States that benefitted from earmarks and punishing those that have been fiscally prudent.

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

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Missouri.

AMENDMENT NO. 1540

Mr. BLUNT. Mr. President, I call up my amendment No. 1540, which is at the desk, and I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT], for himself and Mr. CASEY, proposes an amendment numbered 1540.

The amendment is as follows:

(Purpose: To modify the section relating to off-system bridges)

Beginning on page 94, strike line 6 and all that follows through page 95, line 7, and insert the following:

"(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

Mr. BLUNT. I thank the clerk for reporting.

Mr. President, this amendment deals with the whole issue of off-system bridges. These are bridges that are not part of the State system, are not part of the Federal system, but normally are run by county governments.

In our State, as in most States near or east of the Mississippi River, we have lots of counties. We have 115. They have large numbers of bridges, and for a number of years now they have benefited from 15 percent of the bridge funds that go to States. I think most of us, if we meet with county commissioners or those responsible for county government about their highway concerns, this would be an issue we have all heard about.

The Senator from Pennsylvania Mr. CASEY and I have introduced this amendment. It doesn't change current law. In fact, it just goes forward with current law in this bill. This bill would eliminate the requirement of States to give 15 percent to counties if counties have a use for it, and I think that would be a mistake. So I join Senator CASEY and others in hoping we are able to approve this amendment next week.

Mr. President, I also would like to speak on another amendment, an amendment that we apparently will not vote on; that is, amendment No. 1743. This is not at the desk, I don't think, at this moment, and it doesn't need to be read if it is. But I hope this is an issue that, as this Transportation bill progresses, we can continue to look at.

This is an amendment I have introduced with the Senator from South Carolina, Mr. DEMINT, and the Senator from Utah, Mr. LEE, on the commerce portion of the highway bill. Overall, almost every portion of this bill has gone through the open process of committee hearings, of markups, and now of floor time. The one part of this bill that hasn't had a committee markup or even a committee hearing in this Congress is the rail portion of the bill. In fact, the first time I saw this version of the bill was just a few weeks ago when the underlying bill was already pending and it was too late to have the normal process to look at what could happen and should happen as it relates to railroads.

As a member of the committee of jurisdiction, the Commerce Committee, I am concerned we haven't done our due diligence, and my amendment would simply strike this section of the bill in response to this closed process. I hope that is the final determination of this bill before it goes to the President's desk.

Since the Congress abolished the Interstate Commerce Commission in 1995, there has been no Federal licensing system for entry or exit of new rail passenger operators, only Federal requirements to ensure safety. That meant anybody who wanted to get into this business could, as long as they met the safety requirements. Currently, State transportation agencies increasingly use competitive bidding to

choose a contract rail operator who can provide the best value. As a result, we are starting to see an actual competitive and robust rail passenger market with more than seven companies—which includes Amtrak but isn't limited to Amtrak—competing for these contracts.

Unfortunately, the language in the highway bill requires passenger rail operators, both public agencies and private businesses, to deal with an expensive and time-consuming licensing process in front of political employees at the Surface Transportation Board. However, this new regulation will not apply to Amtrak, putting its competitors at a distinct disadvantage. The bill, as it stands, would subject the passenger rail industry to an ever-changing political dynamic at the discretion of the Surface Transportation Board, likely resulting in a government-sanctioned passenger rail monopoly. The board would also hold broad veto powers to prevent a track-owning railroad to make agreements with any preferred operator other than Amtrak.

This bill would also require passenger rail operators to obtain a new board license every time a contract operator is replaced. This requirement appears to be aimed at preventing competitive selection of private sector contract operators, discouraging the replacement of operators through competitive bidding.

At a time when we are looking to promote private sector job creation, I believe this language is simply a step in the wrong direction. If this language becomes law, it will stifle any kind of private sector competition and job growth. The seven companies that have been formed in recent years and that compete actively against each other will no longer be doing that, and it will promote a government-run, taxpayer subsidized rail system.

My amendment would take this language out of the bill so that we could go through the normal process and decide if that is what we want. If the Congress, through the normal process, decides that is what we want to do, that is one thing. But putting it in a big bill without hearings—a bill we all believe to be important—is the wrong step.

The American Public Transportation Association, the American Association of State Highway and Transportation Officials, the National Railroad Construction and Maintenance Association, the United Brotherhood of Carpenters and Joiners of America all support this amendment.

We will not be voting on it next week. But I hope as this bill progresses toward what could be a signature by the President we at some point take another look at this part of the bill and decide if this is a step that is in the best interest of the country or of rail passengers now and in the future. I think the answer to that is no. I am prepared to live with whatever the answer is, if it is an answer we arrive at through the normal process.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the vote changes entered by Senators MURKOWSKI and COLLINS reflect that the vote on the Vitter amendment was vote No. 28.

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

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 13, the Senate resume the sequence of votes remaining under the previous order at a time to be determined by the majority leader after consultation with the Republican leader, with all other provisions of the previous order remaining in effect.

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

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

REMEMBERING DONALD E. GIRDLER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who has spent his life working to help build a better Kentucky and a better United States of America. Mr. Donald E. Girdler of Pulaski County, KY, better known as simply "Donnie," recently passed away. He was 63 years old.

Mr. Girdler was passionate about politics, and he made it his life's work. He entered the political arena when he first worked on the campaign of my good friend Congressman HAL ROGERS of Kentucky's Fifth Congressional District. Mr. Girdler had worked for HAL as a detective for 5 years before HAL, then a Commonwealth's attorney, decided to make a run at the U.S. House of Representatives. The political savvy and direction that Mr. Girdler would bring to the table would propel HAL ROGERS to victory.

There was a definite sense of gratitude from the Congressman for his trustworthy friend, Donnie Girdler. Mr. Girdler was at home in the world of politics and made connections in Washington, DC, that included becoming personally acquainted with five different Presidents of the United States and becoming personal friends with President George H.W. Bush and President George W. Bush.

Donnie went on to work for over a quarter of a century for Rogers before finally retiring and returning to offer his much sought after insight in local politics. He made friends in several southeastern Kentucky counties and helped many of them get elected to public office. Mr. Girdler became a distinguished political consultant for the Commonwealth of Kentucky because of his years of experience and, most importantly, his absolute love of public service.