

Mr. President, this amendment deals with the whole issue of off-system bridges. These are bridges that are not part of the State system, are not part of the Federal system, but normally are run by county governments.

In our State, as in most States near or east of the Mississippi River, we have lots of counties. We have 115. They have large numbers of bridges, and for a number of years now they have benefited from 15 percent of the bridge funds that go to States. I think most of us, if we meet with county commissioners or those responsible for county government about their highway concerns, this would be an issue we have all heard about.

The Senator from Pennsylvania Mr. CASEY and I have introduced this amendment. It doesn't change current law. In fact, it just goes forward with current law in this bill. This bill would eliminate the requirement of States to give 15 percent to counties if counties have a use for it, and I think that would be a mistake. So I join Senator CASEY and others in hoping we are able to approve this amendment next week.

Mr. President, I also would like to speak on another amendment, an amendment that we apparently will not vote on; that is, amendment No. 1743. This is not at the desk, I don't think, at this moment, and it doesn't need to be read if it is. But I hope this is an issue that, as this Transportation bill progresses, we can continue to look at.

This is an amendment I have introduced with the Senator from South Carolina, Mr. DEMINT, and the Senator from Utah, Mr. LEE, on the commerce portion of the highway bill. Overall, almost every portion of this bill has gone through the open process of committee hearings, of markups, and now of floor time. The one part of this bill that hasn't had a committee markup or even a committee hearing in this Congress is the rail portion of the bill. In fact, the first time I saw this version of the bill was just a few weeks ago when the underlying bill was already pending and it was too late to have the normal process to look at what could happen and should happen as it relates to railroads.

As a member of the committee of jurisdiction, the Commerce Committee, I am concerned we haven't done our due diligence, and my amendment would simply strike this section of the bill in response to this closed process. I hope that is the final determination of this bill before it goes to the President's desk.

Since the Congress abolished the Interstate Commerce Commission in 1995, there has been no Federal licensing system for entry or exit of new rail passenger operators, only Federal requirements to ensure safety. That meant anybody who wanted to get into this business could, as long as they met the safety requirements. Currently, State transportation agencies increasingly use competitive bidding to

choose a contract rail operator who can provide the best value. As a result, we are starting to see an actual competitive and robust rail passenger market with more than seven companies—which includes Amtrak but isn't limited to Amtrak—competing for these contracts.

Unfortunately, the language in the highway bill requires passenger rail operators, both public agencies and private businesses, to deal with an expensive and time-consuming licensing process in front of political employees at the Surface Transportation Board. However, this new regulation will not apply to Amtrak, putting its competitors at a distinct disadvantage. The bill, as it stands, would subject the passenger rail industry to an ever-changing political dynamic at the discretion of the Surface Transportation Board, likely resulting in a government-sanctioned passenger rail monopoly. The board would also hold broad veto powers to prevent a track-owning railroad to make agreements with any preferred operator other than Amtrak.

This bill would also require passenger rail operators to obtain a new board license every time a contract operator is replaced. This requirement appears to be aimed at preventing competitive selection of private sector contract operators, discouraging the replacement of operators through competitive bidding.

At a time when we are looking to promote private sector job creation, I believe this language is simply a step in the wrong direction. If this language becomes law, it will stifle any kind of private sector competition and job growth. The seven companies that have been formed in recent years and that compete actively against each other will no longer be doing that, and it will promote a government-run, taxpayer subsidized rail system.

My amendment would take this language out of the bill so that we could go through the normal process and decide if that is what we want. If the Congress, through the normal process, decides that is what we want to do, that is one thing. But putting it in a big bill without hearings—a bill we all believe to be important—is the wrong step.

The American Public Transportation Association, the American Association of State Highway and Transportation Officials, the National Railroad Construction and Maintenance Association, the United Brotherhood of Carpenters and Joiners of America all support this amendment.

We will not be voting on it next week. But I hope as this bill progresses toward what could be a signature by the President we at some point take another look at this part of the bill and decide if this is a step that is in the best interest of the country or of rail passengers now and in the future. I think the answer to that is no. I am prepared to live with whatever the answer is, if it is an answer we arrive at through the normal process.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the vote changes entered by Senators MURKOWSKI and COLLINS reflect that the vote on the Vitter amendment was vote No. 28.

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

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 13, the Senate resume the sequence of votes remaining under the previous order at a time to be determined by the majority leader after consultation with the Republican leader, with all other provisions of the previous order remaining in effect.

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### REMEMBERING DONALD E. GIRDLER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a man who has spent his life working to help build a better Kentucky and a better United States of America. Mr. Donald E. Girdler of Pulaski County, KY, better known as simply "Donnie," recently passed away. He was 63 years old.

Mr. Girdler was passionate about politics, and he made it his life's work. He entered the political arena when he first worked on the campaign of my good friend Congressman HAL ROGERS of Kentucky's Fifth Congressional District. Mr. Girdler had worked for HAL as a detective for 5 years before HAL, then a Commonwealth's attorney, decided to make a run at the U.S. House of Representatives. The political savvy and direction that Mr. Girdler would bring to the table would propel HAL ROGERS to victory.

There was a definite sense of gratitude from the Congressman for his trustworthy friend, Donnie Girdler. Mr. Girdler was at home in the world of politics and made connections in Washington, DC, that included becoming personally acquainted with five different Presidents of the United States and becoming personal friends with President George H.W. Bush and President George W. Bush.

Donnie went on to work for over a quarter of a century for Rogers before finally retiring and returning to offer his much sought after insight in local politics. He made friends in several southeastern Kentucky counties and helped many of them get elected to public office. Mr. Girdler became a distinguished political consultant for the Commonwealth of Kentucky because of his years of experience and, most importantly, his absolute love of public service.

Donald Girdler made an everlasting contribution to the world of Kentucky politics, and his motivation and innovation paved the way for others to get involved in their own way by bringing opportunities and jobs to the Pulaski County area. Donnie loved working in politics. He loved serving the public, but he was happiest when he was at his farmhouse in Nancy, KY, and he could fix up a pot of coffee and talk politics with his friends that would drop by from time to time.

At this time I would like to ask my colleagues in the Senate to join me in commemorating Donald E. Girdler, an individual whose hard work and upstanding character, combined with his talents and passion, have forever changed the climate of politics in the Commonwealth of Kentucky.

A news story highlighting the eventful life of Donnie Girdler was recently published in the Somerset, KY, area publication, the Commonwealth Journal.

I ask unanimous consent that said story be printed in the RECORD.

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

[From the Commonwealth Journal, Jan. 9, 2012]

POLITICAL ICON DONNIE GIRDLER DEAD AT 63  
(By Bill Mardis)

A longtime aide to Congressman Hal Rogers and one of the Lake Cumberland area's most savvy political strategists has died.

Donnie Girdler's death Sunday ended a career that evolved through service in the military, local law enforcement, congressional front man, and political adviser to candidates and confidant to presidents. He was 63.

"As one who knew him for 37 years, I will say he was highly motivated," said Dan Venters, justice of the Kentucky Supreme Court.

"I have known Donnie Girdler as long as I have known anyone in Pulaski County," said Venters. "When I first came here to work in (then) Commonwealth's Attorney Hal Rogers's office, Donnie was the first person I met. He was serving as Commonwealth's detective in Hal's office."

"There was something about us that bonded . . . he became one of my closest friends and confidants," said Venters.

Girdler worked for Congressman Rogers for more than a quarter of a century.

"Donnie was one of my closest advisers and served faithfully as a field representative for the Fifth Congressional District," said Rogers. "As a retired member of the honorable U.S. Marine Corps and a former Commonwealth's detective, Donnie was a man of integrity and loyalty."

"With courage of conviction, Donnie played a key role in bringing various opportunities and projects to the region. But it was his passion for politics that many sought during campaigns. His political savvy and insight were invaluable to local, state and federal politicians. He was a true patriot and a true friend," said Rogers.

Girdler was a friend of presidents. He was personally acquainted with five presidents and was a friend of the two Bushes—George W. Bush and his father, George H.W. Bush. He worked in Bob Dole's presidential campaign and was a presidential elector for George W. Bush.

Locally, Girdler managed the successful campaign of Pulaski County Judge-Execu-

tive Barty Bullock and served as Bullock's deputy judge for a year and a half.

"I am very saddened by the recent passing of Donnie Girdler," Bullock said in a statement. "I first met him when I ran for county judge-executive in 2006. As we worked and spent numerous hours together, we became very good friends."

"Since the onset of his illness we have not had as much communication as in the past, but I still think of our friendship fondly. I know that Donnie had many friends, and will be sadly missed by all who knew him," Bullock said.

A political consultant since leaving Congressman Rogers's office, Girdler developed close friendships with politicians and officeholders in wide areas, particularly in McCreary, Whitley, Clay and Knox counties.

Said Lori Hines, a political partner, "He had a great insight into the human mind. He knew how people would react more than anyone I have ever known. He definitely was a people person. His voice was what defined him. People would stop at his farmhouse in Nancy, have a cup of coffee and talk politics," said Hines.

Girdler has been nominated as a member of the Republican Fifth District Hall of Fame. He will be inducted posthumously in March.

His body is at Pulaski Funeral Home where funeral arrangements are pending. A complete obituary will be in Wednesday's Commonwealth Journal.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JOHN BROOKMAN PERRY

• Mr. BLUNT. Mr. President, I wish to honor the memory of a man whose life was dedicated to serving his community and protecting his fellow citizens. One year ago today, Deputy U.S. Marshal John Brookman Perry was killed in the line of duty while serving his country and community. Deputy Perry was assigned to the U.S. Marshals Eastern District of Missouri in St. Louis and was serving a warrant when he was fatally shot. Today we honor his memory and the sacrifices he made for all of us.

Deputy Perry was born on the west side of Chicago in Glen Ellyn, IL, and graduated from Southern Illinois University with a bachelor's degree in geology. He went to work for the Madison County probation office in Edwardsville, IL where he served for 16 years.

In 2001 he graduated from the U.S. Marshals Academy and went to work at the Superior Court of the District of Columbia. Deputy Perry returned to the Midwest in 2005 when he was assigned to the Eastern District in St. Louis. There, he served as a team leader on the fugitive task force and was the district's firearms instructor.

Deputy Perry came from a family dedicated to public service and was a natural fit for the U.S. Marshals Service. His brother, Bart Perry, has worked for the State of Illinois for over 25 years as a probation officer, and both his father and grandfather were Federal judges. His father served as a bankruptcy court judge and his grandfather was a former coal miner who be-

came a district court judge. As a young boy, Deputy Perry was exposed to the Federal courts and became familiar with the U.S. Marshals Service and their work.

We should never forget the sacrifices that men like Deputy Perry and their families make daily to protect all of us. Our society depends on these dedicated individuals who risk their lives to protect the common good. I want to express my gratitude and thanks and ask the Senate to join me in remembering U.S. Deputy Marshal John Brookman Perry.●

#### MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydro-power development under Federal Reclamation law, and for other purposes.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that pursuant to Executive Order No. 12131, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the President's Export Council: Mr. REICHERT of Washington, Mr. GERLACH of Pennsylvania, Mr. TIBERI of Ohio, Ms. SUTTON of Ohio, and Ms. LINDA T. SANCHEZ of California.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2842. An act to authorize all Bureau of Reclamation conduit facilities for hydro-power development under Federal Reclamation law, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

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

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated: