

And I look forward to an open and honest debate and to working with my colleagues to strengthen the bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted “nay.”

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

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

NAYS—46

Alexander	Enzi	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Cardin	Johanns	Rockefeller
Chambliss	Johnson (WI)	Rubio
Coats	Kyl	Shelby
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	
DeMint	Merkley	

NOT VOTING—3

Hatch	Kirk	Sessions
-------	------	----------

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. The motion is entered.

REPEAL BIG OIL TAX SUBSIDIES ACT

Mr. REID. Would the Chair be kind enough to announce the pending business?

The PRESIDING OFFICER. S. 2204 is the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1968

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1968.

The amendment is as follows:

At the end, add the following:  
This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1968

Mr. REID. I have a second-degree amendment that has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1969 to amendment No. 1968.

The amendment is as follows:

In the amendment, strike “1 day” and insert “2 days”.

MOTION TO COMMIT WITH AMENDMENT NO. 1970

Mr. REID. I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 1970.

The amendment is as follows:

At the end, add the following:  
This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1971

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1971 to the instructions on the motion to commit S. 2204 to the Committee on Finance.

The amendment is as follows:

In the amendment, strike “3 days” and insert “4 days”.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1972 TO AMENDMENT NO. 1971

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 1972 to amendment No. 1971.

The amendment is as follows:

In the amendment, strike “4 days” and insert “5 days”.

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

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

PROPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 339, the Paying a Fair Share Act, which is S. 2230.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to Proceed to S. 2230, a bill to reduce the deficit by proposing a minimum effective tax rate for high-income taxpayers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SURFACE TRANSPORTATION ACT

Mr. COONS. Madam President, I rise today to address a simple but important issue about what our path forward is to building a stronger and safer America. I was deeply frustrated to hear earlier today that the Transportation bill, which was passed by an overwhelming bipartisan consensus in this Chamber, has gone over to the House and they cannot find a way forward to respond to this bill from us or find any clarity or certainty about whether to simply take up, debate, amend, or consider and enact, hopefully, our bill from the Senate or ask for short-term extensions of 30, 60, or 90 days.

Madam President, as you know as a former Governor and as I know as a former county executive, when investing in work as important as bridges and highways and roads that make infrastructure, transportation, and a reliable and predictable future for our economy possible, nothing is more important than certainty. Financing major highway projects, buying major pieces of equipment, and hiring the crews to do the work are exactly the sorts of things where certainty is critical.

I have a simple question to our friends in the other Chamber, which is when will they take up this bill that passed this Chamber by such an overwhelming margin and when will they take seriously the broad bipartisan input from every imaginable group in support of this.

I was active in my previous elected role as county executive with the National Association of Counties, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, and the AFL-CIO. All have weighed in. In fact, if I remember correctly, the U.S. Chamber of Commerce wrote every single office at the Senate in support of this legislation, calling for specific action that both the Congress and administration could take right now to support job growth and economic productivity without adding to the deficit.

This bill came out of the committee after remarkable work by Senator BOXER of California and Senator INHOFE of Oklahoma, two Senators who are widely viewed as being at the opposite ends of our political spectrum here in this Chamber.

When I go home to Delaware, I hear folks say over and over again: Why can't you work together? Why can't you iron out your differences and put America on a clearer, straighter track toward a stronger recovery?

Well, this is exactly the sort of bill that will accomplish that end. A 2-year reauthorization, a \$109 billion bill that in my small State of Delaware would create 6,700 jobs now hangs in the balance. It will expire at the end of this

month. Rather than take up and consider and hopefully pass this bill, folks in the other Chamber—and frankly, sadly, largely folks on the other side of the partisan aisle here—are refusing to do so and will instead take a short-term chip shot of an extension.

I simply wanted to say, if I might, that certainty is something I respect from my years in the private sector. Certainty is something I hear from the other side of the aisle in the other Chamber all the time. And this is a moment when certainty can be served by the House taking up and passing the Senate-passed bill.

Mr. BEGICH. Will my friend from Delaware yield for a question?

Mr. COONS. Absolutely. I yield to the Senator from Alaska.

Mr. BEGICH. The Senator was a county executive; I was a mayor of a community. We had to deal with the real-life aftermath of what happens around here, especially when it comes to these extensions. I know in my city, when I saw these extensions from that end of the table, we always had to stop projects, slow them down, didn't have the money to finish them, winter shut-down. All it did was add costs, decrease the capacity of roads, and literally take projects off the list.

In his community, the Senator had to deal with this probably like I had to. Did the Senator have the same kind of impact where you had to tell contractors: I am sorry, we don't have the money because the Federal Government has not done their job that they said they would do 20-some times before and never completed it? Is that a similar situation?

Mr. COONS. Madam President, the Senator from Alaska is absolutely right. In my county, we didn't do roads, our State does the roads, but we did sewers, and heavy capital investments in infrastructure would cost our little county tens of millions of dollars. We would be on a project, off a project, on a project, off a project. We were fortunate that our county in good times had enough money in reserve that we could go ahead and authorize the bond issue and authorize the project. But as the economy turned and as our balance sheet got tougher, we had to wait, we had to put things on hold, and we had to put off key projects.

I know the good Senator from Alaska, as a former mayor of Anchorage, also saw that happen in transportation. Is that not the case, that certainty was an enormous challenge when the Senator was relying on a Federal partner who was unreliable?

Mr. BEGICH. Absolutely, I say to the Senator from Delaware. In Alaska, I chaired the Metropolitan Planning Organization, the MPO, which had this money that would come from this legislation. It would come to us, and if they delayed it here or they had these crazy continuations because for some reason they could not get their work done—and now we are seeing that on

the House side. They have had months to work on this. I think they actually banked that we would not work together here, Democrats and Republicans, and get something done. We actually did, and a pretty significant piece of legislation about transportation infrastructure that is crumbling in this country got 74 votes, bipartisan, from all spectra of political persuasions. I think they banked that we would fail, but we didn't. There were five weeks of work and a lot of compromise because we know what the impacts are on the street if we don't do this.

Back home, if the House doesn't take action on a very reasonable bill, a bipartisan bill, what will happen in Alaska is that some of these projects will de-obligate, or not obligate the funds, which means they will delay them. That means the contractors who expected to do work this summer will not. And in Alaska, because we are a winter climate—a lot of Northern States have a similar situation—the plant that provides the asphalt closes usually the first part of October. So you have a window that shrinks very rapidly. If you are not careful, the net result is that you have no projects and you pay more, which means that the delay the House side is doing is going to cost taxpayers more money and there will be less jobs. In Alaska we have 18,000 jobs at risk. And at the end of the day, again, you get less product, fewer roads.

I can only assume the experience I have here matches the Senator's State government that worked with the county when he was county executive; it is the same thing they had to go through, as the Senator explained on his water and sewer projects. But, as he said, times are different. You can't supplement it with local money, the way it used to be, because we don't have it.

The economy is struggling and starting to come back. But here we are at a moment when the economy is moving in the right direction, and what are we doing? The House over there is just waiting. I think that is not the example we are looking for but what we are doing and what we are suffering through.

Mr. COONS. What strikes me most about this, Madam President, and to the good Senator from Alaska, is that of all the sectors in the entire American economy—at least in my home State—that have suffered since the financial collapse of 2008, construction was hit the hardest. We already knew that we were far behind in investment. We have tens of thousands of bridges that are out of compliance with basic engineering standards. Half of our roads are below the standards we would expect from a modern economy. This is money that can and should be invested in putting people to work in construction, which has suffered from the highest unemployment. It has the support from the Chamber of Commerce to the AFL-CIO, where we wrestled through

the tough processes here over several weeks, and we have a strongly bipartisan bill sitting and ready to go.

There are other things we debate in this Chamber that will maybe create jobs, maybe won't. There is no question—even those who have the strongest concerns about the Federal role in our economy cannot disagree that Federal highway projects put people to work, strengthen our economy, and make us more competitive. This bill is ready to go. Why you would not take it up and enact it today, I cannot imagine.

To the good Senator from Alaska, I might say Alaska may have a shorter summer season than we do, but if you have 18,000 jobs at risk, I can only imagine the kinds of calls the Senator is getting from his home State, as I am getting from my State, urging that the House of Representatives take up this strong and bipartisan bill and pass it so we can all move forward and create some real jobs.

Mr. BEGICH. The Senator and I have the same situation he has described: Yes, we are getting those calls and they are not just—people say this is a union thing. No, it is union, nonunion, chamber, environmentalists, neighborhoods, community councils. It is everybody you can imagine because these are real jobs, about real people, about real communities.

Over there I think they think it is some theory that if they delay it, nothing will happen. They are wrong because the Senator and I have lived on that other side and had to live with the consequences of inaction. This is one of those bills where there is bipartisan support, all the groups out there from all walks of life support it, and everybody people understand it.

When I was back in Anchorage getting some gas at the gas station, someone came up and they asked me, because why? We are about to start our season in the bidding process because you have to take 30, 60, 90 days to get the bids out and then you actually have to construct. I think sometimes in the House they think it is some fantasy land that whatever they do has no effect. This does. I think the Senator said it very clearly, and I appreciate being allowed to ask a few questions and comment here. But it seems the most ridiculous thing to have Alaskans telling me every day to work together, create bipartisan legislation, whatever it might be. Here is one we have done successfully and now we are ready. But over there they are playing politics. They have now tried twice to do something this week and they still cannot get it moving.

I would encourage those on the other side to move forward on the bipartisan bill that the Senate has passed when I know they were banking we would not pass it. We did it; we did our work. The American people are waiting for these jobs, the contractor community is ready, and the communities are ready. It is time to move forward.

I thank the Senator and the Presiding Officer for allowing me to ask a few questions and give a little commentary.

Mr. COONS. I thank the Senator from Alaska. As we both know from our former roles, when you have a short-term extension, there are costs. It means that folks getting mobilized, getting organized, getting ready—you have to pull them back. When the State coffers, the county coffers, the municipal coffers don't have the ability to float and put in place the Federal funds they are waiting for, it means projects get canceled, people lose their jobs, opportunity and optimism that were moving forward get pulled back.

We have folks in this Chamber and the other, former Governors, former mayors, former county executives, former business leaders, who know the importance of a strong and reliable Federal partnership in strengthening infrastructure in this country.

I congratulate Senator BOXER and Senator INHOFE for working together so well to craft a tough, strong, capable bipartisan bill, and it is my plea that the Members of the other Chamber will promptly take it up, consider it, and pass it so we can get America back to work.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before they leave the floor, I thank Senator COONS and Senator BEGICH and Senator SHAHEEN for the very important words they gave today on behalf of the House taking up and passing the bipartisan Senate Transportation bill. It is interesting to know we also have the senior Senator from Alaska, Senator MURKOWSKI, speaking out in favor of the House picking up and passing the Senate bipartisan bill. I also served as a county supervisor a long time ago, but I think we all understand that what we do here makes a difference.

This is one Nation under God, indivisible. There cannot be a circumstance where one State puts their own funding from their State into highways but the State next door does nothing. They cannot have commerce. That is why I thought Dwight Eisenhower, when he was a Republican President in the 1950s, said it well. He was a logistics expert. He is the one who started the National Highway System. He knew from his experience in war that you have to move goods and people. He also knew, in his role as President, that in order to have a strong economy, we have to do the same thing here at home.

For me to see this House dither as they are doing—they are dithering on a bill. All they have to do is take up the bipartisan bill. For goodness sake, they have three-quarters of the Senate to support it, and all we need is 218 votes. When I served in the House for 10 years, what did I learn? You needed 218

votes. Tip O'Neill never cared where he got his votes, he just got the votes for the American people. So I have written letters to Speaker BOEHNER and Leader CANTOR, and I have begged them to please work with us on this bill, and all we get back are statements from their staff, saying: Well, we are going to do it our way. As Congresswoman PELOSI, the Democratic leader, said today: When you say my way or the highway about the highway bill, you don't get much done.

I also wanted to thank Senator KLOBUCHAR. She also held office at the State level. She was a district attorney, and she understands what happens when the Federal Government, State government, local government, all work together for jobs, and that is what this bill is about.

So I am going to call today on the House to immediately take up and pass the bipartisan Boxer-Inhofe bill. I am going to ask them to abandon their goal of a series of extensions.

When someone goes to buy a house, they need a mortgage. Maybe it will be a 10-year mortgage, 15-, 20-, or a 30-year mortgage. If the banker looked at them and said, We can only give you a mortgage for 30 or 60 days, it would be very difficult, to put it mildly. It is disruptive. You don't know how to plan, you don't know what it is going to cost, you don't know if you are ever going to get the money for the house. So the House, by taking up these extensions, has to understand the impact.

Today I called a press conference to let the press know what the impact is of these extensions. The extension means job losses. We started to put together a list that is coming to us from the States of job losses already happening in the field because of the lack of action by the House. I spoke to the Secretary of Transportation in North Carolina today. He has delayed the remaining 2012 projects totaling \$1.2 billion that would employ 41,000 people. So 41,000 people do not have work, as we speak today, because the House is dithering and not passing the bipartisan Senate Transportation bill.

I spoke to the officials in Nevada. As we speak, thousands of jobs have been lost there because the House is considering an extension instead of passing a bill such as our bill.

I spoke to the officials in Maryland. Same thing, thousands of jobs. I spoke to the officials in Michigan. Same thing. Right now we are putting together a list from all across the country of job losses in all of our States as a result of the House failing to take up and pass the bipartisan Senate bill. What more bipartisanship do they need than to have 75 Senators support the bill? One of them was absent due to a funeral. So we have 74 votes for it and 22 against it. What more do they want?

Anyone watching the Senate today sees how paralyzed we are. We have not been able to do a thing. There are filibusters on fixing the post offices. There are filibusters on making sure that Big

Oil doesn't keep ripping off consumers at the pump. Filibuster, filibuster, filibuster, filibuster. But we were able to get over all of that and pass a transportation bill. Why wouldn't the House be thrilled about that? Why wouldn't the House embrace what we did? Why would the House instead stand up again today and say, We are going to have a 60-day extension. Guess what. They pulled it. They are not having a vote on that today because of the uproar it is creating in the States and on the House floor. The House has not delivered on its promise for a bill. All the leadership does is complain about our bill.

Today—I couldn't believe it—Chairman MICA said this bill is not paid for. Senator BAUCUS, Senator THUNE, and others worked across party lines to pay for our bill. It is 100 percent paid for. And guess what it does. It protects 1.9 million jobs and creates another million. That is what our bill does. So they are pulling this vote. They are pulling this vote today. Good. I am glad they are pulling this vote because they ought to instead pass the bipartisan Senate Transportation bill.

I want to tell you a story about what is actually happening out there in the economy. If we do nothing, 1.9 million jobs are gone on March 31. If we do an extension, then you have death by a thousand cuts, a proportion of these jobs is lost, and it keeps getting worse with every extension. So it is the end of these jobs, a slow torturous end of these jobs.

I want to show how many unemployed construction workers there are—1.4 million. Why is that? When the unemployment rate is 8.3 percent, the unemployment rate among construction workers is 17.1 percent. Why is that? Because we were having a very tough housing crisis, and we are not out of it yet. So all of these workers who were building houses now were hoping to be able to build highways, build freeways, and fix bridges. And our bill does that. Our bill will take these people and put them to work. We could get this unemployment rate down to 400,000 because we will take a million off this with the expansion of the TIFIA Program, which stands for Transportation Infrastructure Finance and Innovation Act, which gives the money upfront for cities and States and gets projects built faster.

I want to show you what it would look like if you put every unemployed construction worker into a football stadium. This is a Super Bowl stadium, and it is filled. Imagine each and every one of these seats is filled by an unemployed construction worker, and then close your eyes and imagine 13 more stadiums for a total of 14 stadiums. Fourteen stadiums full of unemployed construction workers, that is what we are facing. Yet, the House will not take up and pass the bipartisan Transportation bill. They are flirting with extensions, which is the end of these jobs, but slower and more excruciating.

We talked about jobs, but we have to talk about businesses. These jobs are private sector jobs, and these businesses—over 11,000 of them—are construction companies that would be adversely impacted.

I met with business owners. One man was teary eyed. He said, Senator, I have had to lay off 1,000 people because of the indecision here, because of the constant extensions we have had on the highway bill. We need your bill now. I said I understood. He said, I cannot look at another worker. He said, Extensions are like living hand to mouth. It doesn't work.

If you know, again, that all you are going to get is 90 days' worth of Federal funding, how can you let a contract for a year? No one is going to go out and let a contract for 90 days for a big program that lasts for a year or a year-and-a-half of construction. So we just have to remember we are not just talking about workers; we are talking about the businesses that support those workers.

I am going to show my colleagues a series of editorials. They have run in red States. They have run in blue States. They have run in purple States.

I am going to make a statement, and I am going to stand by it: Everyone in America gets this except the House of Representatives. Everyone in America gets this except the Republicans in the House of Representatives, save a few of them who are courageous. Four of them have broken off—one of them from the Presiding Officer's home State, two of them from Illinois, and one of them from North Carolina. They said: We stand with those who say take up and pass the Senate bipartisan bill. Good for them for showing that kind of courage.

I say to my colleagues now, it is a quarter to 5 in the evening. If any of them are tuning in to this discussion, listen to what these newspapers are saying: "House should pass transportation bill."

The No. 1 priority for the House of Representatives should be passing a bipartisan transportation bill—as the Senate already has done on a 74–22 vote. . . .

The Senate has done its job. . . . House Speaker Boehner should drop the notion of passing an extreme Republican-only House bill and do as the Senate did—craft a bipartisan bill that can pass both Houses.

This is in the Fresno Bee. It is in the reddest part of California. Trust me when I say that. I know. It is the reddest part of California, and they are asking the House to pass the Senate bill.

Then we have, in Michigan, the Detroit News: "Congressional Waffling Hurts State Roads."

The U.S. Senate . . . has approved a bipartisan plan. While imperfect, it's better than another reprise of an outmoded transportation act that already has been extended eight times. . . . The disarray hardly gives States the kind of revenue certainty they need to get from a Federal plan, but if Boehner and House Members can't agree on their own plan, they would probably be wise to

take what is politically possible and pass it. Pass the Senate bill.

Newspapers all over the country—look at this one: "Road to Compromise." One would think the House would embrace this. What are the American people telling us? We are viewed—we in the Congress—as fighting constantly. Our approval rating is 10 percent. I don't know who represents that 10 percent, but it is probably the Presiding Officer's family, my family, and the family of my colleague from Missouri.

Why is that? We can't work together. We proved today on two bills that we can't get together. But we proved a couple of weeks ago, after 5 weeks of debate, we could do it on the Transportation bill.

When Senator INHOFE and I agree, my goodness, that is a day. We don't agree on so many things, believe me. We are struggling over anything that has the word "environment" in it. He is fighting to overturn the EPA clean air rules, and I am fighting him to keep them. He doesn't want that much oversight on nuclear accidents; I want more oversight. He says I don't do enough oversight on things he wants oversight on. Listen, we argue. We respect each other. We like each other. We disagree with each other. But on this we came together. What more does BOEHNER want? What more does CANTOR want?

Speaker BOEHNER is putting at risk 55,000 jobs in Ohio, and Leader CANTOR is putting at risk 40,000 jobs in Virginia. Don't they care about the businesses and the workers there?

This headline says the "Road to Compromise." This is the Ohio Akron Beacon, from the heartland:

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year bill. . . . The timing couldn't be better. . . . What will the House do? It should take the cue of the Senate and quickly approve the legislation that won bipartisan support.

It couldn't be more clear. That is Ohio.

I will tell my colleagues I have never seen such an array of newspapers from all over the country.

This one is the Chicago Sun-Times: "For a Better Commute, Pass Transportation Bill."

The Senate just delivered a gift to the House: A bipartisan transportation bill at a time when America really could use a lift. Here's hoping the House Republicans don't mess it up. . . .

Well, hope against hope. So far, I feel very worried—very, very worried. The whole program expires on Friday and all they can come up with is extensions, and then they don't even have the votes for that. How bad would it be for them to give me a call, give Senator INHOFE a call, and say: We are going to come over and sit down and bring the bipartisan leadership of the committee—there are four of them—bring the bipartisan leadership of the Senate, and let's hammer out something.

What is happening over there? Speaker BOEHNER is the Speaker of the House not Speaker of the Republicans. He needs to work with the Democrats. I don't expect they will love each other, my goodness. We don't expect miracles, but we should expect them to work together.

I remember fondly my days in the House with Tip O'Neill and Bob Michel. Couldn't have better friends. Did they agree on everything? No. Did they work on everything? Yes. I remember those days. I was a whip at a certain point in the House, and they used to call us together and we would come back and say: There are 25 Democrats who can't vote for this Democratic bill. You know what Tip O'Neill would do? He would say: Fine, I will call Bob Michel and see if he has 25 votes for me. They saw that they might have had 20 and they didn't have 25 and they had to compromise the bill. And they did it. That is why I decided I loved legislating.

I loved working on this bill with my friend Senator INHOFE. I loved working with my staff and his staff. Our staffs became almost like family. I would encourage Speaker BOEHNER to take a page out of this book.

I see the Senator from Louisiana on the Senate floor. He and I go at it on a number of issues. We work together. We even put on this bill the Restore Act—a bipartisan piece of legislation that is going to make sure the gulf can rebuild and get paid back for the suffering that went on there. Did California get a lot out of that? No. But the country will get a lot out of that because the gulf is a region we care about. It is where we get a lot of our energy. It is where we get a lot of our seafood. We need to work together.

So Senator VITTER and I don't agree on a lot of subjects, and we go at it pretty hard in the committee. But on this we agreed.

So let's look at a few others, and then I will yield the floor after we go through the rest of these.

"Highway Bill Would Boost Stability." This is Mississippi. This is one of the reddest States in the Union. I beg Speaker BOEHNER to open his ears and hear me:

A two-year, \$109 billion highway bill that passed the U.S. Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prodded by the Senators' action to pass its own bill before a March 31 expiration date. . . .

This bill has no earmarks. . . .

Mississippi could derive major benefits.

I am just saying, when we have editorials from Mississippi for a bill, we know it is a bipartisan bill.

Let's take a look at some others: "A Solid Transportation Bill." This comes from Oregon, the Register Guard, an editorial:

By an impressive bipartisan vote of 74 to 22, the Senate on Wednesday passed a two-year blueprint for transportation. The House should move quickly to approve the Senate measure. If a transportation bill is not ap-

proved and signed into law by April 1, the government will lose its ability to pay for Federal transportation projects.

So now we have Mississippi, Oregon, Illinois, and Ohio. I don't remember all that I read.

"Bipartisanship in Senate Moves Transportation Bill." This is Oklahoma, another deeply red State:

With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .

The country's infrastructure has been ignored for too long and is in dire straits. This is an important and necessary extension of the transportation bill. It will make needed improvements to our infrastructure, and it is a real job-creator. . . .

I am telling my colleagues that I am buoyed by these editorials because these editorials from Republican papers and Democratic papers are non-partisan. They are all urging us to act.

"Transportation Funding Held Hostage in the House." Fort Worth Star-Telegram, Texas—another red State:

What an exciting thing to see the Senate pass a surface transportation bill last week on a 74 to 22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .

At one point, [House Speaker Boehner] said he would put the Senate bill before the House. Earlier, he said House Republicans might go for an 18-month extension. . . . It's beginning to look like Boehner doesn't have a clue what the House will do. . . .

Does this sound familiar? Does it remind you of the congressional follies of last summer, the reality-TV drama and brinksmanship of the debate over raising the federal debt limit.

I can't reach Speaker BOEHNER. He doesn't answer my letters. CANTOR doesn't answer my letters. They just have spokespeople who put something out there. What is wrong with talking to each other? What happened to those days?

Now, it goes on, and I am going to go through these: "Pass This Transit Bill." This one is the Miami Herald:

In an all too rare display of bipartisanship, the Senate, by a vote of 74 to 22 last week, passed a transportation bill of vital interest to South Florida and the rest of the country. . . .

This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

So here is the thing—I will wrap up—there is a clear path to success, and it is not painful. It is not painful. Speaker BOEHNER and Leader CANTOR should abandon their idea of these endless extensions. We have proven today through the State organizations and by talking to State officials in all of our States that jobs are already being lost because of the uncertainty, the dithering—that is my word—and the fact that they are talking about extensions. Extensions are no good. Exten-

sions mean job losses—41,000 jobs already lost today as of now in North Carolina and thousands in other States because States do not have the ability to up-front the Federal share. They are counting on us.

Our bill is fully paid for in a bipartisan way. Our bill has not one earmark. Our bill takes 90 programs down to 30. It is streamlined. It is made efficient.

We have, in a bipartisan way, added the Restore Act. We added ways to fund rural districts for their schools by the timber receipts. This is a good bill, and this is a bill that is truly a work product of everyone in this Chamber. Even those who ended up voting no had something to do with it and helped us get it through.

So there is a clear path. They pulled their 60-day extension off the floor of the House, and that is a good thing. Now they should put the Senate bill on the floor and both sides should embrace it and pass it.

Let me tell my colleagues a signal it will send to our people at home: It will send a signal of job growth in the future, a signal that we are working together, a signal that we are going to get out of this recession, a signal that we put aside politics for the good of these hard-hat workers and the companies that employ them. They deserve it. They got hurt by Wall Street. Everybody in the country did. But for these construction workers, because of all this messing around with these mortgage-backed securities, it killed the construction industry and housing.

We have a chance to help some of the hardest working people in our Nation. I call on the House leadership to take a page out of our bipartisan book here and pass the Senate bill.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Missouri.

#### GAS PRICES

Mr. BLUNT. Mr. President, this week the majority brought a bill to the floor to talk about gas prices and energy-producing companies. That was yesterday. Today the majority brought another bill and tried to move away from that bill. We ought to be talking about gas prices. We should be talking about what impacts so many families and so many businesses and so many individuals.

I talked to somebody on the phone just yesterday, a friend of mine from St. Charles, MO, where gasoline is about \$3.50 a gallon. That is a little lower than it is maybe in other places where it is \$3.90, the national average, though I am sure we can find a place in St. Charles where the gas is \$3.90. But my friend talked about gas prices, how it affects his business, the restaurant business.

I have said on this floor before, when American families stand before that gas pump and the cost goes from \$40 to \$50 to \$60 to \$70, almost every family in America watches those numbers and

thinks of something they were going to do that week or that weekend that they are not going to do. Certainly, if you are in the restaurant business, as my friend is, you know that.

But he said: I was at the gas station just yesterday, and there was a woman there in a car with a child. She said: Could you just give me \$5? I don't think I can get home with the gas I have. I don't have any money. I need to put a little more than a gallon of gas in the car just to know I can get home. Could you put \$5 of gas in the car for me?

He said: I put \$20 of gas in the car. And \$20, at \$3.90 a gallon—the national average—does not last very long.

People who are putting \$5 or \$10 in their gas tanks are not doing it because they love to go to the gas station. They are doing it because they cannot afford to put the gas they need in the car to do the things they need to do.

The national average hit \$3.90 just a day or two ago, and it is on the way up now. It is more than double what it was in January 2009 when gasoline was about \$1.90 or \$1.91 a gallon.

People feel this. I cannot think of a meeting I have had in the last 2 weeks with any group who did not have some story about how energy and gas costs were impacting them.

Now, why we would have a bill on the Senate floor that would raise gasoline prices I have no idea. But that is the bill that is on the floor. I think the idea is that the majority is wanting to blame somebody else rather than the President's energy policies. The American people do not accept that.

I asked people in Missouri to talk to me about some of the challenges they are having with these skyrocketing fuel prices. Remember, the President, in the fall of 2008, said at the San Francisco Chronicle, under his energy policies, energy costs would "necessarily skyrocket." So I guess he has to believe his policies are doing exactly what he thought they would do. But here is what they are doing to people all over America.

Trent Drake, a farmer in southwest Missouri, who raises soybeans, corn, wheat, and cattle, told me—of course, like every farm—he is heavily dependent on fuel, in his case diesel fuel. His fuel bill went up 125 percent over last year. That is more than twice the fuel bill he had last year.

Roger Lang, who owns a company, Byron L. Lang Inc., in Jackson, MO, told me a majority of all the profits they are making are now going back into paying the fuel costs, which, of course, means they cannot look at profits they made and think: What can we do for better benefits or better wages or to hire more employees? They have to think: How much higher is this gasoline bill going to go? How much higher is my energy bill going to go under the energy policies we are working under now?

According to Roger Lang, if something is not done, he believes this one

issue will end his business. A business his family has been operating since 1947 would be ended because we have energy policies that do not make sense.

Linda Yaeger, who is the executive director of the Older Adults Transportation Service—I do not know what it is called everywhere else; it is called the OATS system in Missouri—provides transportation for seniors and people with disabilities in 87 of our 115 counties.

For every penny gas goes up, Linda said it costs her program \$15,250. For every penny that gas goes up in 87 counties all over Missouri—essentially, for vans and buses that take seniors and handicapped people where they need to go—for every penny gas goes up, it costs \$15,250. And for every penny that is a loss of the equivalent of 10,000 one-way trips for the people they serve. Multiply that \$15,250 by the 200 pennies gasoline has gone up in the last 3 years and suddenly we have a budget that does not do what we would hope it could do for the people they serve.

The Ozarks Food Harvest in Springfield, MO, where I live is a regional food bank that serves one-third of the State of Missouri, delivering about 1 million pounds of food a month. Bart Brown, who runs the Ozarks Food Harvest, cannot, obviously, predict—as none of us can—these gas prices. But they did just have to raise their delivery costs from 4 cents a pound to 6 cents a pound. So there is a 50-percent increase in the delivery costs to the Food Harvest in getting food to people's homes.

The charities of America are incredible in their ability to make money last, to stretch a dollar, to do everything they can to make their contributions have real impact. The Food Harvest—I have been to a lot of these food banks, and they benefit from getting food from people who are food producers, the processors who have an overrun or they have a damaged box or they have whatever is still perfectly good, but they are willing to make it available to somebody else because it does not quite fit the way they do business.

But when they have to increase their delivery costs by 50 percent just because gas has gone up—gas has gone up 100 percent. So if they increase their delivery costs by 50 percent, I guess they are still trying to make the most of the situation in which they find themselves. It is not the only part of the cost, but it is a big part of the cost. That is going to have a big impact on all the people in one-third of the counties in Missouri that get food from the Ozarks Food Harvest.

Meanwhile, a lot of my colleagues on the other side have already admitted this tax hike on American energy producers would do nothing to lower gas prices. This clearly is a messaging bill. But why, if they were trying to divert attention away from the President's energy policies, they bring this bill to the floor is a surprise to me.

In May 2011—a year ago—the bill's sponsor, Senator MENENDEZ, acknowledged:

Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things that would reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes "won't decrease prices at the pump for our families and small businesses." He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator BAUCUS noted "this is not going to change the price at the gasoline pump. That's not the issue."

Well, what is the issue? Maybe we ought to figure out what the issue is. Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator SCHUMER admitted this bill "was never intended to talk about lowering prices."

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn't we want to talk about that? Why wouldn't we want to have more American energy of all kinds?

Senator LANDRIEU told Americans this bill "will not reduce gasoline prices by one penny." She is absolutely right.

Even the majority leader, who brought the bill to the floor, said this bill "is not a question of gas prices."

So, really, this bill maybe is not a question of anything we ought to be talking about, so let's talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe, where at that moment they were \$8 or \$10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food

products and other products that come from 5 or 10 miles away. That is not who we are. That is not who we are going to be. We need to have energy policies that work for us.

Congressional Republicans in the House and the Senate have long supported a plan that uses all American energy. In fact, at the State of the Union Message, one of the few smiles on the Republican side of the aisle that night was when the President said he was for an “all-of-the-above” energy strategy because that is what we have been for for a long time, and mean it. That can include wind and solar, renewable, biomass, shale gas, shale oil, coal, nuclear—all of the above.

It seems to me the message has not gotten through to the regulators and the legislators that we need to be doing all we can to find more American energy—all of these things, every one I mentioned: Nuclear, big and small; natural gas. We now think we have more natural gas than anybody in the world. Let’s go after it. Let’s use that resource to the advantage of our economy.

They all have bipartisan support, and I think there is bipartisan support for investing in the future. Let’s figure out what comes next in the energy world, but it will not come quickly, and our economy could not afford for it to come quickly. If we decide: OK, tomorrow we are not going to drive cars powered by gasoline, that would be a huge mistake. It would be an equally huge mistake if we decided 10 years from tomorrow none of us will be driving cars powered by gasoline. We do not even know what the next power source will be. We are going to use these fossil fuels for a while, and we should use them to our benefit.

Instead, my colleagues on the other side of the aisle want to talk about raising taxes on domestic energy and domestic energy manufacturers—tax hikes that absolutely will be passed along to consumers. Some of these things in the Tax Code are to encourage American energy production. There is energy all over the world. Why wouldn’t we want to encourage the energy production jobs to be here rather than somewhere else?

I know the President said we are going to give money to Brazil, and we want them to drill in the deep water, and we will be glad to buy some of their oil and gas when they produce it. But why would that be our alternative when we could, in fact, do things that encourage American energy production or, if it is not from the United States of America, what about our neighbors? The Keystone Pipeline—80,000 barrels of oil a day is going to go somewhere because they are going to use that resource to their benefit, and it is either that the pipeline is going to come south to our refineries or it is going to go west and be sold to Asia.

Why we would not want the 20,000 jobs to build that pipeline—not taxpayer-paid jobs but jobs for people who

pay taxes, working for companies that pay taxes—why we would not want those jobs to be right here in the United States rather than in Canada, sending that pipeline west to eventually have that same oil sold to Asia, is a mystery to me.

If the President wants to support an “all-of-the-above” energy strategy, he should stop blocking all this energy. The President should work to enable all sources of energy we have in the United States. The best place for us to meet our own energy needs is right here. The next best place is our best trading partner, our biggest trading partner, our closest neighbor, Canada. Then even the Mexican energy appears to be on a rebound in a positive way that could benefit us.

Let’s be as independent as we can be on energy and the energy that relates most directly to American jobs.

The responsible development of more domestic energy will help create jobs, bring down prices at the pump, and position our country to have greater energy security. The shortest path to more American jobs is more American energy. Let’s get on that path instead of this path that is discouraging the very thing that can help us the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too come to the floor to talk about the most pressing issue facing so many millions of Louisiana and American families; that is, the price at the pump. Sometimes we seem to get ourselves in a cocoon in Washington, DC, divorced from the real world.

We need to reconnect to the real world. Back in Louisiana, Pennsylvania, and every State across the country, middle-class, lower middle-class families are struggling with this ever-increasing price at the pump. When President Obama was sworn into office a little over 3 years ago, that price was about \$1.84 a gallon. Today, it is over double that, \$3.80 and beyond.

That is a big hit to American families. That hits folks where it counts and where it hurts—in the wallet, in the pocketbook, in the family budget. All around Louisiana families are huddled around the kitchen table trying to figure out how to make it work because gasoline, transportation, driving is not a luxury. Sure, they can cut back a little bit, but for the most part it is a real necessity; it is going to work; it is getting the kids to school; it is doing absolute necessities.

This is a big hit to middle-class, lower middle-class families’ budgets and wallets and pocketbooks. So let me suggest the obvious; that we focus on what truly matters to American families, that we focus on that in the Senate, here in Washington, and we do something about that.

That is why I favored moving to the Menendez bill on the Senate floor. That is why I voted against moving off the bill today, not because I agree with

that solution—it is not a solution—but at least we can talk about the topic, at least we can offer amendments on what is to millions of Louisiana and American families the biggest day-to-day challenge they face; that is, that ever-increasing price at the pump.

The Menendez “solution,” the Democratic plan, will not help bring down the price at the pump. In fact, it will do the opposite. I think the American people with good old-fashioned American common sense get it. Look, we can love the oil companies, we can hate the oil companies, but the Menendez bill increases taxes on U.S. energy companies and on U.S. energy production.

It increases taxes on those folks and on that activity. What do we think is going to be the result of that in terms of the price at the pump. The American people know. The American people get it. It is obvious. It is going to increase the price at the pump. It is certainly not going to leave it alone or decrease it. Why? It is economics 101. When we give business a new additional cost, almost all the time that is going to be passed on to the consumer.

The American people get that. They see that. They feel it. They deal with it every day. Also, when we increase taxes on something, we produce less of it in the market. In this case, the Menendez bill is increasing taxes on energy production, in particular, ironically, U.S. energy production, which I thought we wanted to increase and maximize.

So when we tax something more, we get less of it. Supply goes down. Guess what happens when supply goes down and demand is the same. Price goes up. So I not only agree with, but I go further than some of the Democrats who were quoted by the previous speaker saying this bill is not about reducing the price at the pump. It is not only about not reducing the price at the pump, it will have the impact of increasing the price at the pump.

Conservatives have a different suggestion that will decrease the price at the pump; that is, to use the resources we have in this country, to open our ability to use those energy resources, to produce more good U.S. American energy for ourselves, to increase supply, and to thereby lower the price at the pump. We can do that and we should do that.

A lot of Americans do not realize the United States is actually the most energy-rich country in the world, bar none. When we look at total energy resources, when we compare countries in terms of their total energy resources, the United States is the richest in energy, bar none. This chart shows that. The United States is top. Russia comes second. Saudi Arabia is third. But look at Saudi Arabia and all Middle Eastern countries—way below our total U.S. energy resources. We are very rich in terms of energy.

This map shows just how rich we are in terms of U.S. resources. We have

enormous recoverable natural gas, particularly with new technology and horizontal drilling that has been developed. That is these green circles. That represents, conservative estimate, 88 years of natural gas using just that for U.S. use.

We have enormous recoverable oil—again, very conservative estimates. But in the gulf, where we do produce, also on the east and west coast and Alaska, there is lots of oil, and we have enormous recoverable oil from shale, particularly out West. That is being blocked now. It is off-limits. But we have these resources.

The problem is—and I said we are the single most energy-rich country in the world, bar none. We are. The problem is we are the only country in the world that puts well over 90 percent of our resources off-limits. We are the only country that does that. East coast production, no, absolutely not; west coast production, no—big red no; ANWR, Alaska National Wildlife Refuge, where we could access millions of acres of lands from a very select footprint, smaller than an area the size of Dulles Airport in suburban Virginia, no; western shale production, where we saw so much of the resource potential on the previous map, no; even production in the eastern Gulf of Mexico, no. Under Federal law, because of this administration, because of this Senate, we keep saying no, no, no to our U.S. resources.

A good example of that is President Obama's 5-year lease plan for offshore production. Under Federal law, every President has to develop and issue a 5-year plan about leasing the Outer Continental Shelf offshore. President Obama's 5-year plan is half of the previous plan. We have very little we are able to touch as it is, and President Obama has backed us up from this, has turned us around, moved us in the wrong direction from there. His plan is literally half the previous plan. So we are moving there in absolutely the wrong direction.

This map shows that. This map is what was available for potential drilling under the previous plan. We were finally moving forward on the east coast, on the west coast, offshore Alaska. We have been in the gulf. But under President Obama's very different lease plan, we are back to saying no, no, no, no, no, no—backing up, moving in the wrong direction.

We are moving in the wrong direction in other areas too under this administration. In the Gulf of Mexico near where I live, traditionally, the area where we produce the most U.S. energy, even in the Gulf of Mexico we are moving in the wrong direction. Production is down 17 percent in 2011. It is projected to go down more in 2012. Permitting is down over 40 percent compared to the pre-BP levels of permitting. I know with the BP disaster there had to be a quick pause. We had to change some rules. But it is still down over 40 percent. Production is down 17

percent in one of the few areas we allow activity. We cannot afford that. We need to produce more good U.S. energy.

Oil production on Federal property, again, is down on all Federal property, down 14 percent. Federal offshore is down 17 percent in the last couple years. We need to do better.

Of course, perhaps the clearest example of this approach to energy by President Obama is his recent veto of the Keystone Pipeline, a true shovel-ready project, truly ready to go. It is not U.S. energy, but it is the next best thing, from our biggest trading partner, a very good friend and reliable trading partner, Canada. The President has vetoed it and with it the 20,000 jobs it would have created—no; 700,000 barrels a day of oil from Canada, no; \$7 billion of economic investment when we are trying to come out of this horribly weak economy, no; help to lower prices at the pump, no—again, No, no, no, no, no, no.

We can do better. We can do better as a country. We certainly can do better in Washington and say yes. We can do better by accessing more domestic energy resources. Again, we are the most energy-rich country in the world, bar none. But we are the only country that puts over 90 percent of that off-limits. We need to change that. We can create more great U.S. jobs. Let us say yes to that. By the way, those are jobs which by definition cannot be outsourced to China or India or anywhere else.

If we are creating energy in the United States, that job has to stay in the United States. We can build greater energy independence. Let us say yes to that. We can dramatically increase revenue to the Federal Government and thereby reduce deficits and debt. After the Federal income tax, the second biggest source of revenue the Federal Government has is revenue on domestic energy production, those royalties, second only to the Federal income tax.

Let's say yes to that new revenue, deficit and debt reduction, and we can help lower the price at the pump because supply does matter. Increasing supply does matter. It will lower prices.

Again, I disagree with the Menendez approach. The Menendez approach will increase the price at the pump and increase taxes on an industry and that is going to be passed on to the consumer. Taxing something more produces less of it. Less oil means the price goes up. But we can have an American solution. We can open access to our own resources and thereby gain control of our own future. We do not have to beg Saudi Arabian princes. We can regain control of our own destiny and our own future. Let's do it. The American people want us to do it. Common sense dictates that we do it. Let's move forward together and do it for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, I come to the floor this evening to join my colleagues who were here earlier to talk about the bipartisan Senate-passed Transportation bill. I give credit to Senator BARBARA BOXER, Chair of the Environment and Public Works Committee, and Senator INHOFE from Oklahoma, the ranking member, for all of their good work on this legislation. They joined three other committees that also passed their portions of the bill with strong bipartisan support.

I think we could all agree that transportation is one of the Federal Government's core responsibilities. It has been far too long since Congress updated and reformed Federal transportation programs. Every committee that worked on the Senate's long-term Transportation bill passed it with a strong bipartisan vote. When the bill came to the floor, 74 Senators from both parties voted in favor of the Transportation bill.

Now I urge the House of Representatives to follow our lead in the Senate and act on a long-term bipartisan transportation bill. I think they ought to take up the Senate bill. The Senate's Transportation bill is about strong bridges, good jobs, and dependable roads that businesses count on to move goods and reach customers.

The Senate bill reauthorizes transportation programs for 2 years, it maintains current funding levels, and it does not increase gas taxes. Repeating that, it doesn't increase gas taxes, and it is fully funded. Cutting funding for transportation right now would be a very dangerous choice.

We are seeing emerging economies, such as China and India, spending roughly 9 percent of their gross domestic product per year on roads, bridges, public transportation, and infrastructure. At the same time, in the United States, we are spending about 2 percent. That is half of what we were spending in the sixties. At this rate, we will not be able to stay competitive with the rest of the world. That is a macro reason why we need to pass the Transportation bill. The bill is fully paid for, it doesn't increase the deficit, and most of the funding comes, as usual, from the gas tax.

To make up the gap in funding, we came up with bipartisan ways, including stiffer penalties on tax delinquents and by shifting unused funds designated to clean up underground storage tanks.

The Senate's Transportation bill is about making our investments more efficient so that we spend less on overhead and more on roads and bridges. I think several people have talked about the fact that this is a good time for States to be able to borrow. There are low interest rates. We can get a lot for our money. That is what I heard in New Hampshire when I talked to our transportation officials, that interest rates are very low right now.

This bipartisan bill streamlines the number of Federal transportation programs from over 90 to 30. For the first time it requires States to collect data so we can measure what kind of bang we are getting for our buck. Not only is it a reform bill that is more efficient, but it is more accountable. I think that is why groups from the AFL-CIO to the U.S. Chamber of Commerce support this bill. They have come together to support a bill that is truly bipartisan and that would support nearly 2 million jobs nationwide and, in my State of New Hampshire, about 6,600.

There have been a lot of reports about the difficulties facing the House in finding an agreement on a transportation bill. I think the Senate has provided a very good model that maintains current funding levels and avoids an increase in both the deficit and gas taxes.

What we need now is for the House to join the Senate and produce a reasonable, bipartisan, long-term transportation bill that can give local governments and businesses some certainty before the height of the construction season. State and local transportation projects budget and plan based on the idea that the Federal Government will provide a consistent level of long-term funding. When you are planning a multimillion dollar project that employs hundreds of people, it is critical to know what your budget is going to be more than just a couple months in advance. We would not run a business that way, and we should not expect the government to run that way.

If the House doesn't pass a bipartisan, long-term, transportation bill, States and towns won't have the certainty they need from us in Washington to plan their projects and improve their systems.

According to numerous studies, deteriorating infrastructure costs businesses more than \$100 billion a year in lost productivity. This is no time to stall programs that encourage economic growth and create the climate that our businesses need to succeed.

In New Hampshire, we have seen firsthand the real-world consequences of uncertainty in Federal transportation funding. Our Interstate 93 corridor runs from the capital in Concord down to the Massachusetts border. It runs pretty much the length of the State. Right now we have a project underway that would spur economic development in the southern half of that highway. It has been underway for several years, but the pace of the project has lagged because there has been no certainty around our highway bill.

It has been impossible for businesses and developers around the I-93 corridor to predict the future of the project. At a time when the number of people working in the construction industry in New Hampshire is the lowest in a decade, it is unacceptable that we cannot provide certainty for this project. We know highway projects like Interstate 93 produce good jobs. New Hamp-

shire's Department of Transportation has said that just one section of Interstate 93, between exits 2 and 3 close to the Massachusetts border, created 369 construction jobs.

All around the country, there are projects just like Interstate 93 that are stalled while we wait for the House to pass a bipartisan long-term transportation bill. We need to come together and make the Federal investments that are necessary to get these projects moving and get people back to work. Investing in transportation creates jobs and the conditions that our companies need to succeed. It is, as the U.S. Chamber of Commerce says, a core function of government. It should not be an issue for politics or partisanship.

I urge the House to take up the Senate bill. Congress needs to work together to pass a transportation reauthorization bill before the March 31 deadline.

The PRESIDING OFFICER. The Senator from South Carolina.

#### UNANIMOUS CONSENT REQUEST

Mr. DEMINT. Mr. President, I rise today to talk about the new Federal regulation that many may or may not be aware of. According to the Department of Justice, every swimming pool of "public accommodation," meaning any pool at a hotel, motel, lodging establishment, recreation center, YMCA, apartment complex, condominium complex, school, or community pool, is to install a large, expensive permanent pool lift for the disabled, or else face steep fines from the Department of Justice and the threat of lawsuits.

We must make sure that we have accommodations for the disabled in every public place. This is happening around the country. But to do this with very little thought of the implications and the cost and the actual service to the disabled is a huge problem.

As we have seen time and time again, one-size-fits-all mandates from Washington don't work. We want public pools to have the flexibility to work with people with disabilities to ensure success.

On January 31 of this year, 2012, the U.S. Department of Justice Civil Rights Division published revised requirements for swimming pools and their means of entry and exit. This was 2 months ago.

The DOJ has now put forth new requirements for all facilities "of public accommodation" that go beyond those contained in the final rule issued in 2010 giving hotels and other residential communities insufficient time to comply with this burdensome new rule.

We need to think about it for a minute, because their lack of planning here is pretty evident by the fact that they are suggesting that this already be in place in less than 2 months, when the equipment is not even available in the country to do it. So it is clear that they have not thought through how to best serve the disabled, how to make sure that these services are available, and to do it in a way that does not put

an undue burden on businesses that want to provide this service.

Senator GRAHAM and I have a bill that nullifies the requirement and stops the Attorney General from enforcing this requirement or any "guidance" associated with it. It also prevents against any third party using this rule or guidance in any manner.

To be clear, our bill will allow public pools to work directly with people with disabilities to meet their specific needs. Hotels, motels, and other public pools already have financial incentives to meet the needs of people with disabilities that use their facilities. They have been working diligently to do that. Our bill simply says the DOJ should not impose a national mandate for a one-size-fits-all solution that may not be appropriate for every facility.

This new burdensome rule seriously changes the obligations of public facilities around the country. There are an estimated 309,000 public spas and pools in the United States. The number of businesses—and not just the large hotels and resorts—that will have to comply is staggering.

The rule requires a permanent pool lift be installed for every pool or spa. So if a hotel, resort, or community association has more than one pool, they will have to get multiple lifts, instead of what is being done now, which is using a portable lift that can be moved around the facilities as needed.

A pool lift can run from \$4,000 to \$10,000, and the installation could run \$5,000 to \$10,000, depending on how much work needs to be done. So we are talking about billions of dollars being spent on something that could perhaps help the disabled but also become an obstacle and danger to others using the pool if this is not thought out and done in a careful manner.

The last thing we need to do right now is to add burdensome rules and requirements on businesses across the country. Hotel owners want to work in good faith to make sure pools are accessible to everybody, but we have to make sure that here at the Federal level we are not killing off more businesses by imposing mandates.

Mandates such as these are burdensome on businesses, and we all know these costs will be passed on to consumers—including the disabled—in the form of higher hotel costs for rooms and services.

The Department of Justice has left many questions from the hotel industry and others unanswered on issues such as compliance ability, timeframe, and economic cost, as well as rising insurance premiums.

It is clear that the deadline for compliance should be extended to allow hotels and other places of public accommodation flexibility in providing access to guests with disabilities. We should start over. They have given a 60-day relief period, but that is not enough time for this to be planned or for the equipment to be manufactured. The companies cannot comply in this period of time.

We need to guarantee that services are available to the disabled, but the quickest way to do the wrong thing is the way the Justice Department is doing it now. So instead of us letting this go into effect and letting large fines be put on businesses all around the country, even community pools and YMCAs, let's set this judgment aside by unanimous consent today, and if we want to debate and work with the Department of Justice to come up with a rule that works for the disabled and works for America, we can do that. But I have a unanimous consent request here that I wish to read.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 336, S. 2191, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as one of the Senators who wrote the Americans With Disabilities Act and whose name appears as the lead sponsor of that bill that was passed 22 years ago, I oppose Senator DEMINT's effort to bypass the regular order and to amend the ADA to remove the ability of the Justice Department to regulate the accessibility of swimming pools. Twenty-two years have passed and periodically things such as this come up, but I believe the ADA has withstood the test of time.

We look around at an America that has been transformed, not just for the disabled but for everyone. Everyone utilizes universal design now in the fact that things are easily accessible for everyone. When we initially started putting in ramps, we thought only people using wheelchairs would use those ramps. I ask anyone here, go out and watch who uses those ramps. It is not just people in wheelchairs. The elderly use it, mothers with baby carriages use those ramps. You would be amazed how many people find those ramps a lot easier than climbing up and down stairs. That is one example. But I want to be clear about what is at stake here.

The Americans With Disabilities Act is a civil rights law that guarantees equal rights and equal opportunities for individuals with disabilities. Senator DEMINT's legislation attempts to interfere with the Justice Department's ability to enforce the statute, a civil rights statute. Again, it would be a dangerous precedent for the Senate to set, and that is why I object to his bill. Let me get to the point here on the swimming pools.

In September of 2010, the Justice Department published final regulations implementing title II and title III of the ADA. These new regulations addressed a number of issues that have arisen over the past 22 years, one of

those being access to swimming pools and other recreational facilities. The requirement that has prompted Senator DEMINT's bill has to do with swimming pool accessibility.

Under the new regulations, newly constructed or altered pools covered by the ADA are required to provide at least one accessible means of entry into the water for people with disabilities, which must either be a sloped entry into the water or a pool lift that is capable of being independently operated by a person with a disability. Larger pools—pools larger than 300 feet in length, which is a big pool, Olympic size—are required to provide a second accessible means of entry. Again, these were promulgated in September of 2010, so it has been almost 1½ years. These requirements apply in the case of a newly constructed pool or one that has been significantly altered as a part of a renovation. Again, new pools or pools undergoing significant renovation.

In addition, since the ADA requires that public accommodations remove architectural barriers where it is readily achievable to do so, some existing public accommodations may be required to also increase access to pools for people with disabilities under title III's readily achievable standard. Let me repeat: readily achievable standard. The readily achievable standard is not one-size-fits-all. I heard my friend from South Carolina saying this is a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. It is very flexible. It means "without much difficulty or expense." That is the law.

So what constitutes readily achievable in a particular case is an individualized analysis based on a number of factors, such as what the cost would be, the resources of the entity involved. In short, it is what a business can afford to do. So readily achievable for a Fairmont Hotel would be a lot different than readily achievable for a mom-and-pop motel that has a small swimming pool—much different. It is what the business can afford to do.

I know the American Hotel and Lodging Association has been upset about the application of this readily achievable standard and what their members may be required to do. But again, keep in mind, the pool requirements from September of 2010 were required to go into effect by March 15 of this year, 1½ years later. But there were some misunderstandings, and so the Department of Justice has extended the deadline to May 21. Again, I understand that the Justice Department has issued a notice of proposed rulemaking asking for comments about extending the deadline an additional 4 months, until Sep-

tember 17 of this year. The deadline for those written comments is April 4. Again, the process is working just as it has worked for the last 22 years.

When we were working on the ADA back in the 1980s, we heard from a number of industries that requiring accessibility for entities such as restaurants, retail stores, theaters was going to create serious problems for small businesses. I remember having numerous hearings in my subcommittee about that. So in an effort to address this concern and to help small businesses comply with the ADA, we created a disabled access tax credit. We heard Senator DEMINT talk about the costs, but we instituted a tax credit in the IRS Code.

The two sides: For businesses with 30 or fewer full-time employees or with total revenues of \$1 million or less per year, they get a tax credit. It can be used for adaptations to existing facilities. The amount of credit is 50 percent of eligible access expenditures. It is up to \$5,000 a year. I don't know what a lift might cost. I think the figures my friend used were a little high, but let's say it costs \$10,000. You get a tax credit of up to 5,000 for that, so it really only costs you up to \$5,000. You get a 50-percent tax credit for that.

In addition, section 190 of the IRS Code provides a tax deduction. For businesses of all sizes for costs incurred in removing barriers to meet the requirements of the ADA, the maximum deduction is \$15,000 per year that they can deduct. So these two tax incentives certainly help the hotel industry offset any expenses associated with installing access to swimming pools.

Again, I want to say the rule does not require a permanent pool lift, as my friend from South Carolina said. That is not so. It is a flexible standard under readily achievable. If it is not readily achievable for existing pools, it is not required. So if you had a mom-and-pop motel with a very small swimming pool, if a permanent lift is not readily achievable under the outlines I have just stated, then it is not required.

Again, we have had 22 years, a lot of court cases. Some went to the Supreme Court. Then in 2008, this body unanimously—without one dissenting vote, this body and the House passed the ADA Act amendments to overcome three rulings by the Supreme Court. We passed it unanimously. The second President Bush signed it into law. And, again, we moved the ball forward in making this country more accessible for everyone, including people with disabilities. So as I say, it has stood the test of time. There is no reason to curtail the Department of Justice enforcement authority. There is no reason to bypass the regular process and to do what Senator DEMINT is trying to address.

Let's remember how popular the accessible improvements that the ADA required turned out to be for all Americans. I mentioned earlier the curb cuts, elevators, captioning on television

screens, all of the things that seem to be commonplace today that we take for granted.

I am confident that the improvements in swimming pool access that these new regulations will require will turn out to be popular. Actually, they may turn out to be very popular with hotel guests who don't have disabilities. But think about it in terms of families who are traveling—it may be an adult, may even be a child with a disability, and they want to use the hotel pool, yet there is not a lift or there is not a ramp. So one person from that family is barred from using those facilities.

As I said, keep in mind, it is readily achievable. If it is not readily achievable, they don't have to do it. That is why I objected to Senator DEMINT's request to bypass the regular process. I hope the Justice Department will continue. I don't have a view one way or the other on the extension to September. If the Justice Department feels that is okay and most of the comments that have come in ask for that extension, I see nothing wrong with extending it another 5 or 6 months. But at some point the law must take hold, and we have to meet our obligations to remove the barriers to accessibility in our country. We have come a long way since the ADA. Let's continue the wonderful progress we have made in the last 22 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT OF 2012

Mr. DURBIN. Mr. President, my colleagues Senator BOOZMAN and Senator COONS and I are on the floor to speak to an issue relative to Africa. It is my understanding the majority leader is coming to the floor to make a unanimous consent request. With the understanding of my colleagues that we will interrupt our presentation for his request, I think we can proceed, if it meets with the approval of my colleagues. Since I was the last to arrive, I want to defer to Senator COONS and Senator BOOZMAN to start the conversation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator DURBIN and Senator BOOZMAN for up to 30 minutes. And, as Senator DURBIN indicated, we will suspend when Leader REID arrives.

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

Mr. COONS. I want to briefly lay the groundwork for the conversation we are going to have in this colloquy about the Increasing American Jobs Through Greater Exports to Africa Act of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and I have joined him as original sponsors.

The core question is, what is it about the rapid growth in Africa and the economic opportunity in Africa that

should concern Americans, that should concern our constituents at home, and that should occupy our time and attention.

Back on November 1 of last year, the African Affairs Subcommittee of the Foreign Relations Committee delved into this. Senator DURBIN, Senator ISAKSON, and I looked hard at the ongoing developments in Africa. As this first chart suggests, there has been a dramatic change in the amount of exports from China to Africa relative to the exports from the United States to Africa. In fact, since 2000, Chinese exports to Africa have outgrown U.S. exports to Africa by a more than 3-to-1 ratio.

Why does that matter? Why does it matter if American workers and American companies are losing out on a continent that I think many Americans view as having relatively modest opportunity? Frankly, Africa is a continent of enormous opportunity. In fact, out of the 10 fastest growing economies in the last decade, 6 of them were in Sub-Saharan Africa. That is not a widely known fact. So part of why I lay this groundwork to start this colloquy is to help folks who are watching at home and to help our colleagues understand why Senator DURBIN has taken the lead in making sure that we focus America's efforts on strengthening our exports to Africa, a continent of enormous opportunity.

Senator DURBIN.

Mr. DURBIN. I say to my colleague from Delaware that the Commerce Department estimates we can create jobs here in America capitalizing on the opportunities in Africa, and that is a good starting point in the midst of a recession, to know that in Delaware, Arkansas, Pennsylvania, and Illinois there are jobs to be created, good-paying jobs right here at home, taking advantage of these export markets.

The chart Senator COONS has brought to the floor at this point indicates the dramatic growth that is occurring right now in Africa, and I think it would surprise a lot of people, as he said, who believe this is still a continent which is struggling with age-old problems.

In the past 10 years, 6 of the world's 10 fastest growing economies were located in Sub-Saharan Africa, and in the next 5 years it is expected that 7 of the world's 10 fastest growing economies will be in Sub-Saharan Africa.

The bill which we are bringing here is an effort to focus America's export market on this great continent and this great opportunity, creating jobs at home and a better working relationship with the countries and leaders of Africa.

I went to Ethiopia last year and met with the Prime Minister of Ethiopia. As I have done in the times when I have traveled to other countries, I asked: What has been the impact of China on your country? We stayed and spoke for another 30 minutes as he explained to me the dramatic changes

taking place in Ethiopia because of China.

The numbers tell the story. When we look at what China offers to Ethiopia and the continent of Africa, they are offering concessional loans. What it means is, if it is a \$100 million project that you need to start in Africa, the Chinese will give you \$100 million and say "but you only have to pay back \$70 million." What a great deal that is, a 30-percent discount—with a few conditions: that you use Chinese engineers and Chinese construction companies and half the workers will be coming over to your country from China.

They are building a base of economic support within Africa. Between 2008 and 2010, China provided more to the developing world than the World Bank, loans totaling more than \$110 billion. What we are suggesting is that as this is a growing opportunity for exports, we need to grow with it.

I would like to yield to my colleague from Arkansas who has been kind enough to join us in this effort.

Mr. BOOZMAN. I thank the Senator from Illinois for doing that. It is a pleasure being with him and the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman CHRIS SMITH, and also BOBBY RUSH from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chairman who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They like American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

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

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

#### UNANIMOUS CONSENT REQUEST— H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment