

within 5 years of the date the contract is signed, not the date of the first delivery.

So this amendment would give transit operators the chance to sign larger and more cost effective contracts, which in some cases can save substantial money.

The current rules do not make sense for rail operators. They are designed to stimulate competition among manufacturers, and they prevent transit agencies from locking themselves into contracts for outdated buses in a market that is constantly evolving and advancing technologically.

But these rules do not recognize the reality of purchasing and producing railcars.

A light rail system's car designs must maintain a basic design for compatibility reasons, so rules designed to promote innovative design have little benefit.

But by forcing the transit rail agency to buy cars with the same basic design in two orders instead of one, these rules almost certainly increase total costs. It may also lead to the purchase of different models from two different orders, increasing maintenance costs in the future.

For instance, the Bay Area Rapid Transit System, or BART, is replacing its entire fleet of 669 railcars and buying an additional 106 for an expansion project.

BART's railcars have been in use for about 50 years, and they have become too costly to maintain. It is clearly time that they be replaced.

The current 5 year procurement rule, however, would force BART to issue two small procurements, instead of one large one.

BART estimates this will cost taxpayers and transit riders \$325 million and they will buy the same number of cars either way.

This amendment would allow transit agencies like BART to sign one single contract, to purchase in bulk, and to save money for strapped systems.

Buying in bulk means cheaper flooring, seats, and all other component parts needed to build a railcar. BART also risks increased prices of component parts between contracts.

This amendment empowers transit systems to apply lessons learned from the airline industry in order to make transit more efficient and less costly.

As BART has pointed out in their letter on this amendment, Southwest Airlines is their model.

Southwest flies only Boeing 737s, making it the lowest cost maintenance system in the country. BART wants a single railcar design, to bring about the same type of savings.

BART hopes to purchase one model and keep their maintenance costs low as well.

The bottom line is this amendment gets Federal rules out of the way of transit agencies that want to use their market power.

It helps transit get the best possible price when purchasing equipment.

It stretches limited Federal dollars much, much further.

I urge my colleagues to support this amendment and ensure that taxpayers' money is used in an efficient manner. During these critical economic times, every cent of the people's money should be spent wisely.

The PRESIDING OFFICER. The Senator from Ohio.

#### THE AUTO INDUSTRY

Mr. BROWN of Ohio. Madam President, earlier today I toured Alcoa's Cleveland Works plant. The plant houses an engineering and manufacturing marvel of a 50,000-ton Mesta forging press. It stands 87 feet high; 36 feet below the surface, 51 feet above the surface. The press has enough steel to lay 42 miles of railroad track. That is roughly here to Baltimore or Akron to Cleveland. It is massive, and one of only five heavy closed-die forging presses in the United States. It is officially considered by the Mechanical Engineering Association a national historic engineering landmark.

Its original purpose was to build components for large airplanes during World War II. During the war, we discovered that German aircraft were being built with structural elements that could only be made by large forging processes that we thought had not yet been invented. So only as it could do, our government, through the Air Force, initiated the Heavy Press Program to compete with the Germans and to show that advanced manufacturing matters to our country.

After the war, we brought the Mesta supergiant forging press to America and to Cleveland, where it remains critical to the commercial and defense aerospace industries. It formed the basis of a public-private partnership, it stamps the "Made in America" label on some of the world's most advanced technologies and products.

Today Alcoa is investing \$100 million to complete and restart its redesign of the massive press. Alcoa invested in America and it is an investment in Ohio manufacturing. It shows the company's ability to leverage public resources to meet industrial-based needs as well as commercial demands of the market. It is for our national security, and it is for our domestic security to build a middle class. It is an example of how partnerships can still pay dividends six decades later and will do so with continued investment for decades to come.

At the time it was about our national pride and need in times of war. Today it is about creating and retaining jobs. It is about showing that manufacturing is about building and it is about innovation. Manufacturing is about high-tech production, it is sophisticated engineering, it is advanced technologies, and it remains a ticket to the middle-class.

We are finally seeing recognition in Washington that manufacturing is crit-

ical to our economic recovery. For 12 years—from 1997 through the 8 Bush years into 2009—we had seen a decline every single year in Ohio manufacturing and in American manufacturing, but for the last 21 months we have seen an increase in manufacturing jobs in America and an increase in manufacturing jobs in Ohio. It started, in part, with the auto rescue where if some conservative politicians in Washington had had their way, they would have allowed the auto industry simply to declare bankruptcy with no ability to finance or restructure the auto industry. Instead, the President, in working with the Senate and working with the House, rescued that industry by investing in that industry.

Today in my State we are seeing thousands of auto jobs in the auto companies, in Chrysler and in GM, jobs that wouldn't have been there if we had not done auto rescue, and we are seeing all kinds of auto supply jobs. For instance, at the Chrysler Jeep plant in Toledo, where 3 years ago only 50 percent of components came from domestic sources, today more than 70 percent come from domestic sources.

Today plants in Toledo, in Lordstown, and in Defiance are hiring workers. The Chevy Cruze—one of the hottest selling cars in America—is as close to an all-Ohio car as you can get. The engine is made in Defiance, the transmission is made in Toledo, the bumpers are made in Northwood, the stamping is done in Parma, the steel comes out of Cleveland, the aluminum comes out of Cleveland, part of the sound system comes out of Springboro, and the assembly is in Lordstown—thousands and thousands of auto-worker jobs, tens of thousands of jobs of auto suppliers supplying the Cruze, supplying Honda, supplying the Jeep plant in Toledo, supplying the Ford plant in Avon Lake.

In the last year alone, Honda and Chrysler and Ford and GM announced multimillion-dollar investments in Ohio alone and, in many cases, around the country. Honda announced it would build and develop its most state-of-the-art sports car ever right in Ohio. We see the same jobs creating investments from Chrysler, its Toledo assembly complex, from Ford at the Avon Lake plant, from GM at its Defiance powertrain plant.

As it did when the Nation needed the forging press for aerospace manufacturing, our government did only as it could do; it stepped up to invest in America and the American auto industry. So those who complain about the auto rescue need to read a little history to understand that so often American manufacturing partnered with U.S. taxpayers to make sure these industries were strong and solid and created good-paying jobs to build the middle-class. It is paying off dividends today. It will continue to do so in the future.

I have a unanimous consent request after I speak, that the Senator from Oregon is recognized.

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

Mr. BROWN of Ohio. One more point I wish to make. We must remain vigilant in enforcement of our trade laws. Our progress in autos is at risk of being undercut if we allow China to continue to cheat on trade rules, flaunt its predatory auto trade practices in our faces.

Only 10 years ago, our trade deficit in auto parts with China was only about \$1 billion. That has grown 800 percent to about \$9 billion to \$10 billion. That means more than 1.6 million American jobs are at risk. Our trade deficit with China is continuing to cause difficulty for middle-class Americans. China has begun placing tariffs on American-made automobiles. These massive illegal subsidies are worsened by indirect predatory subsidies such as currency manipulation.

That is why I am encouraged by the President's announcement of a new trade enforcement panel. It is borne of the realization that the stakes are too high for our workers and our economy if we don't fight back. We need an all-hands-on-deck approach among the USTR, the State Department, and the Commerce Department to be involved, to be more aggressive, especially by initiating more trade cases.

I know from representing Ohio in the Senate since 2007 what trade enforcement laws do. Trade enforcement by the Commerce Department and the International Trade Commission against China's cheating created jobs in Lorain, OH, in the steel industry; created jobs in Findlay, OH, in the tire industry; created jobs in paper and other industries around the State and resulted in a new steel mill, V&M Star Steel, in Youngstown, OH, where about 1,000 building trades people are building that plant and 500 or 600 steelworkers will be working in that plant that manufactures Oil Country Tubular steel—jobs that would have been in China if the President of the United States and the Commerce Department and the International Trade Commission did not enforce trade laws.

That is why that matters. That is why the new trade enforcement panel that the President is setting up as part of his budget is so very important for the future of our national security and for the future of the middle class and our great country.

I yield the floor.

#### THE HIGHWAY BILL

Mr. MERKLEY. Madam President, I rise to address legislation we hope will soon be pending on the floor of the Senate, the Moving Ahead for Progress in the 21st Century Act, better known as the highway bill. This bill is dedicated to rebuilding both our highway and transportation system. It is a critical downpayment on both America's economic recovery and our long-term economic success.

Infrastructure is a doubly effective investment. First, in the short term,

infrastructure projects create much needed jobs, particularly now when the construction industry is flat on its back. It is one of the hardest hit sectors in this downturn. So rebuilding and repairing our crumbling roads and bridges is one of the best actions we can take to create jobs.

Second, infrastructure investment supports jobs in the long term. Think of how many businesses in this country rely on America's infrastructure to move their goods to consumers—businesses in every State of our Nation, from our most rural communities to our largest cities; small businesses, the largest corporations, and everything in between.

Creating the infrastructure that gives these businesses the tools they need to grow is an essential ingredient for future job growth. Yet, over the past generation, our commitment to infrastructure funding at the Federal level has not reflected its role as a key to our competitiveness.

China is spending 10 percent of its gross domestic product on infrastructure. Europe is spending 5 percent of its GDP on infrastructure. The number here in America is 2 percent—barely enough to keep our roads and transit systems in repair. There are those here in Washington pushing to cut the investment even further.

This is not a recipe for success in the 21st century, nor should this be a partisan issue. When I go home to Oregon I hear from businesses, large to small, from liberal to conservative, telling me that this transportation bill is a good investment in our future. Likewise, more than 1,000 organizations ranging from the U.S. Chamber of Commerce to labor groups to local governments have urged Congress to act without delay and pass this highway bill. It is time for Congress to recognize, as our constituents do, that if we want jobs, if we want growth, if we want competitiveness, this is one of the best investments we can make.

I am very pleased that the committee responsible for this, the Environment and Public Works Committee, was able to pass a strong bill, and it is going to be merged with work done by three other committees, in all cases with bipartisan votes, and they will bring this bill to the floor with significant support on both sides of the aisle. But our work is not going to be done until we pass this bill through this Chamber, until we pass this bill through the House, and until we put it on the President's desk.

This bill is a downpayment on the next phase of our economic growth. It puts construction workers back on the job, creating 1.8 million jobs over the next 2 years. That is a sizable number—1.8 million jobs. That will make a huge difference to construction workers who are still struggling with an unemployment rate of 18 percent—more than twice the national average.

Second, this bill gives States the flexibility to direct more of their own

funds, putting more power in the hands of local communities to decide what their most important transportation priorities are.

Finally, it is an investment in the 21st century system that will move us all forward.

Of course, there are always ways that a bill can be stronger, and I will work with my colleagues to bring a number of amendments to the floor. There are, for example, several loopholes in the "Buy American" provisions that we should fix. We already recognize in current law that if we are spending taxpayer dollars to buy materials for American infrastructure projects, it makes no sense to shift those dollars overseas when they could stay in our economy and support growth and jobs right here. All highway and transit projects have requirements to use American-made materials for public infrastructure and transit. But two specific loopholes have enabled States to buy Chinese steel instead of American steel and shift jobs out of the country. First, we should close the freight rail loophole in our "Buy American" laws. The industrial might of this Nation was built on American railroads, made from American steel. As we update and improve that freight rail system, it is only right that those bridges and tracks continue to be made in America.

This summer, construction of a rail bridge in Alaska to a military base was awarded to a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administrations, doesn't have any "Buy American" provision. An American company was ready to build this bridge but because of this loophole, the contract went to a Chinese company using Chinese steel, paid for with American tax dollars. That is a huge mistake. Let's shut that loophole.

Second, we should close the segmentation loophole. This loophole allows projects to be split into little pieces in order to bypass the requirement for American-made materials. The Bay Bridge in California was split into nine separate projects instead of one bridge project so that Federal funds and, therefore, "Buy American" provisions would only apply to two out of the nine projects. This allowed the bulk of the bridge to be built with Chinese steel and Chinese workers, with American tax dollars. That is a mistake. Even Republican Members of the House know that is a mistake. They have put forward an amendment to close this loophole. Let's close this loophole as well on the Senate side.

In addition to closing these two loopholes, we need to strengthen the bike and pedestrian provisions in this bill. Bike and pedestrian systems are essential components in an integrated transportation system, reducing congestion and reducing pollution in a highly cost-effective manner. With gas prices on the rise, many families are looking for increased opportunities to get around on their bikes and on foot. In many