

sustainable, we know we have to make changes—and I realize it is very unlikely those changes are going to happen this year—and yet we would go ahead and do what I think is unbelievably irresponsible, which is that we would go ahead and pass this highway bill where we are going to spend all the money in 2 years and pay for it over 10. So I am here to appeal to people on both sides of the aisle.

This is a bipartisan issue. It is a bipartisan bill. This isn't one of those things where one side of the aisle is trying to pass something over the objections of the other side of the aisle. But I want to appeal to the conscience of the people in this body, to the moral high ground that sometimes this body can exhibit in representing the American people, that we not do the same kind of thing we have done with SGR—the doc fix and Medicare—to the highway bill. We ought to spend the amount of money we have coming in. If we don't think that is enough money to pay for it annually, we ought to change the way the revenue structure is coming into the program.

There is no way in the world households in Maryland or Tennessee or any other place would possibly consider doing this. We know fiscally this doesn't work. Financially, it doesn't work. So I am hopeful enough people in this body will put aside expediency, put aside making everybody feel good back home in the short term, and not create a crisis.

By the way, at the end of 2013, if we pass this bill as it is laid out now by the Finance Committee—even with the tweak they are looking at on IRAs—what we are looking at doing is putting in place a \$10 billion cliff.

Again, I think it is unbelievably irresponsible that we would transfer the same woes we have in our entitlement programs to the highway program. We ought to either spend the amount of money that is coming in annually and reduce the amount of outflows or we ought to do something different with the gas tax or some other revenue stream. But we should not put our heads in the sand and say, even though we know this doesn't work, it is an election year and we want to get a highway bill behind us. We know it is going to be bad news for our country down the road, but it is good news for us today. To me, that is irresponsible. So I am appealing to both sides of the aisle. I am appealing to all those people who have been to numerous meetings trying to figure out a bipartisan way—not as Republicans or Democrats, but in a bipartisan way—we can deal with our country's financial problems in an appropriate way, a pragmatic way, that doesn't jerk the rug out but gets us where we need to go over the next 10 years. I am appealing to all those people who act very sincerely in these meetings and speak with passion about where our country is going. I am appealing to their goodwill. I am appealing to their conscience. I am sug-

gesting that we take the moral high ground and not let a bill pass like this—a bill that uses the same budget gimmickry we have used for so many years and that has put us in the place we are now in.

I hope, in a bipartisan way, we will say, no, stop. Let's do this in the appropriate way that reflects the trust the American people have placed in us to handle their finances, their tax money, and this country.

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

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

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

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

Pending:

Reid (for Johnson (SD)/Shelby) amendment No. 1515, of a perfecting nature.

AMENDMENT NO. 1515 WITHDRAWN

Mr. REID. I withdraw the pending amendment No. 1515.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 1633

Mr. REID. I have a first-degree amendment, which is a perfecting 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 1633.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, 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 legislative clerk reads 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 the Reid amendment No. 1633 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Harry Reid, John D. Rockefeller IV, Kay R. Hagan, Patrick J. Leahy, Patty Murray, Sheldon Whitehouse, Richard Blumenthal, Herb Kohl, Ben Nelson, Jeff Bingaman, Jeanne Shaheen, Barbara A. Mikulski, Jack Reed, Max Baucus, Frank R. Lautenberg, Robert Menendez, Maria Cantwell.

Mr. REID. I ask that the mandatory quorum required under rule XXII be waived.

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

AMENDMENT NO. 1634 TO AMENDMENT NO. 1633

Mr. REID. Mr. President, I now have a second-degree amendment which is at the desk that I ask to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1634 to amendment No. 1633.

The amendment is as follows:

At the end, add the following:

(e) EFFECTIVE DATE.—This division shall become effective 4 days after enactment.

MOTION TO RECOMMIT WITH AMENDMENT NO. 1635

Mr. REID. Mr. President, I have a motion to recommit the bill with instructions 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 recommit the bill (S. 1813) to the Committee on Environment and Public Works with instructions to report back forthwith with an amendment No. 1635.

The amendment is as follows:

At the end, add the following new section:

SEC. \_\_\_\_.

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. 1636

Mr. REID. Mr. President, 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 1636 to the instructions on the motion to recommit.

Mr. REID. I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 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. 1637 TO AMENDMENT NO. 1636

Mr. REID. Mr. President, 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 numbered 1637 to amendment No. 1636.

Mr. REID. Mr. President, I ask unanimous consent that further reading be waived.

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

The amendment is as follows:

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

### EXECUTIVE SESSION

NOMINATION OF JESSE M. FURMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 366.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Is there objection?

Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion which is 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 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 the nomination of Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York:

Harry Reid, Patrick J. Leahy, Robert P. Casey Jr., Richard J. Durbin, Richard Blumenthal, Jeff Bingaman, Christopher A. Coons, Sheldon Whitehouse, Al Franken, Herb Kohl, Dianne Feinstein, Tom Udall, Mark Begich, Kent Conrad, Amy Klobuchar, Charles E. Schumer, Kirsten E. Gillibrand, Joseph I. Lieberman.

### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each, until 6:15 this evening.

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

### LEGISLATIVE SESSION

Mr. REID. Mr. President, has the Chair announced that we are resuming legislative session?

The PRESIDING OFFICER. The Senate will now resume legislative session.

### SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, I was going to ask a number of consent requests which I thought were important to present to the Senate, important issues that have not been resolved. I decided not to do that.

We have made some progress in working toward an end of the issues that are preventing us from moving forward on this bill. I hope we can continue to do that in the next 24 hours. There is certainly enough importance in this legislation to do just that. We are talking about more than 2 million jobs with this legislation, so I hope my friends, the Republicans, will figure out a way to help us move forward on this legislation.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to follow on to the comments made by the majority leader about the importance of the bill we are trying desperately to move forward here today and we tried to move forward yesterday. We had a good vote when we came back here on Monday night. Eighty-five of us said, Let's go do this highway bill. This is a key and important matter for the country.

In the 1950s, it was President Dwight Eisenhower, a Republican President, who said, We need an interstate highway system. We cannot move people, we cannot move commerce, we cannot be a great power. We have a great military, but we don't have a good road system. He moved forward not only with that but with the very first aid to schools at that time; because before he made the point that we needed to have a Federal program to help our schools, it was strictly a State matter. So we owe President Eisenhower a lot. And I will tell you, the way we are acting around here, if he were watching, he would be shocked. The first amendment to a highway bill is birth control. The second amendment the Republicans want after birth control is to talk about Egypt. It goes on and on, controversial drilling off our coast, and all of this list they came up with.

It is very clear we have a bipartisan bill. It will make sure that we build our roads, we fix our roads, we fix our freeways, we make sure our bridges are safe. Right now, we have a horrible situation with tens of thousands of bridges that are unsafe. Do we need to have another tragedy before we pass this highway bill?

Every committee has done its work, including the Finance Committee, to come up with the funds to fill the Highway Trust Fund so we can keep going at current levels plus inflation, and we have leveraged one program called TIFIA which leverages 30 times. So by putting \$1 billion into the TIFIA Program—and you know about it because you are a proud member of the EPW Committee—by putting \$1 billion into the TIFIA Program, it means \$30 billion out there, because the States and the localities will apply for this funding, they will match this funding, the private sector will match it, and we will create up to 1 million more jobs in addition to the 1.8 million we are protecting with the rest of the programs.

We are talking about a real shot in the arm to our economy. I am proud that Senator INHOFE—who is the mirror opposite of me in most issues. We do not agree on most issues. We do agree on this, the need to have a class-A infrastructure. We agree on that. We think it is critical. Yet here we sit, minute after minute, hour after hour, day after day, because Republican Senators do not want us to move forward on this bill. You have to ask why. Why? We are willing to take these amendments. We are willing to work on several of them. We cannot do 100 unrelated amendments. Come to us with a list that makes sense. But do not tell the people in your State you are working to get a highway bill done because I am here to put in the RECORD that the fact is, you are not helping. You are hurting us. You are hurting the hundreds of thousands of construction workers who need these good-paying jobs. You are hurting the tens of thousands of businesses that need to get back to work making the cement, laying the pavement, fixing the bridges, building the houses.

It is very distressing. When I go home and people say: What is happening, well, they have to have a vote on birth control. It is hard to find the words except to say: What are you thinking when we have a bill that is so important?

My Republican friends stand here, minute after minute and hour after hour—they are not here now—all day criticizing President Obama, who has turned this economy around—no thanks to them. When he took over, 800,000 jobs a month—bleeding. There was a contraction in economic growth. It was way down in the final quarter of the Bush years. There were huge deficits he inherited from Bush. He's turned it around. He said we need to save the auto industry, and we did. A lot of our friends on the other side said: Oh, don't do it. They were wrong. The President was right. We are recovering. Month after month we are adding jobs, after loss after loss of jobs. We have turned it around.

But I will tell you that this bill is, as the chamber of commerce and the AFL-CIO agree, the No. 1 jobs bill we can do. There is not much we do