

town Ohio roots—as a son whose father was a plumber, and whose mother was a schoolteacher. And he remained grounded by his love for his wife, his childhood sweetheart, Annie.

Much has been written about John and Annie. Both are just as in love with each other now in their 90s as they were as children when they met—as John says, in a playpen in New Concord.

He says of Annie, “that she was part of my life from the time of my first memory.”

It is fitting that in celebrating the 50th anniversary of John Glenn’s historic orbit of Earth, we honor his family—Annie and their children, Dave and Lyn who gave public blessing and private prayers and support during his service to our Nation.

I was fortunate to sit with Lyn and Dave and Annie in the Rotunda when John Glenn, with three other astronauts, received the Congressional Gold Medal for his flight aboard *Friendship 7*.

We also honor the thousands of dedicated and patriotic men and women of NASA’s Project Mercury Program.

It took a huge team of people as dedicated as John Glenn, and perhaps as courageous, who ensured the safety and security of their astronauts and preserved the pride of a grateful Nation. John will be in Florida on this weekend to meet with those who were part of that operation—the engineers, the scientists, the technicians—thanking them again for sending him up and bringing him down safely. Their service has inspired generations of future NASA technicians and mission control specialists—from Plum Brook Station in Sandusky, to NASA Glenn in Cleveland, to NASA centers around the country.

At one of the first press conferences of the Mercury 7 astronauts, Glenn said:

This whole project . . . stands with us now like the Wright Brothers—Ohioans also—stood at Kitty Hawk . . . I think we stand on the verge of something as big and expansive as that was 50 years ago.

It is that spirit of discovery, that conviction, duty, and faith that John Glenn embodies and that his flight aboard *Friendship 7* symbolizes. It is my honor to submit this bipartisan resolution celebrating such an important national and scientific achievement.

It is also my honor to be accompanied on the floor today by Nicole Smith, who is a fellow from NASA Glenn, an aeronautical engineer, who has done things as varied as having trained cosmonauts to the work she has done in our office, guiding the success of NASA Glenn, one of the best NASA centers in the country.

I am also joined on the floor by Laura Lynch, who has been with my office for 3 years—a Clevelander—who is actually leaving our office for bigger and better things in a couple of weeks. She has been part of this too.

In my last personal moment with this resolution, I remember 40-some

years ago—44 years ago, I believe—when John Glenn was not Senator Glenn but still Colonel Glenn. I received my Eagle Scout award in Mansfield earlier in the year, and COL John Glenn came to a dinner with a number of other Eagle Scouts in Mansfield. I have a picture in my office in the Senate Hart Building of me standing there in my Boy Scout uniform with my Eagle Scout pin with John Glenn, and next to that is a picture of John Glenn and me some 38 years later before he walked me down the center aisle to be sworn in to the Senate with the Senator from Rhode Island in January of 2007.

John Glenn is special to our Nation. He is special to my wife Connie and me because of our love for John and Annie and our respect for Dave and Lyn, their children. He has honored our country in so many ways, it is my honor to submit this resolution and I thank my colleagues.

I yield the floor and suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

ALASKA RURAL ROADS SYSTEM

Ms. MURKOWSKI. Mr. President, we are dealing with the Transportation bill, and let me say I hope we truly deal with the Transportation bill eventually because there has been a great deal of work on this measure by the chairman and the ranking members of the relevant committees, and I thank them for the hard work they have put into this. I support their efforts to give States long-term security for moving forward with Federal highway aid and transit programs. I support the efforts to give States that long-term security for planning purposes, improve the project approval process, and reduce duplicative and excessive programs. However, I do have very serious concerns with certain aspects of the legislation proposed. Most particularly, and the reason I have come to the floor this evening, is to discuss what this legislation does to the Indian Reservation Roads Program. This is the program known as IRR.

IRR is a jointly administered program between the Federal Highway Administration and the Bureau of Indian Affairs that addresses the transportation needs of our tribes by providing funds for the planning, the design, the construction, and the maintenance activities.

The Indian Reservation Roads are public roads. They provide access to and within Indian reservations, Indian trust land, restricted Indian land, and Alaskan Native villages. There are approximately 29,000 miles that are under jurisdiction of the BIA and the tribes, and another 73,000 miles are under

State and local ownership. IRR funds can be used for any type of title 23 transportation project that provides access to or within Federal or Indian lands and may be used as the State and local matching share for a portion of Federal aid highway funds. The IRR inventory is a comprehensive database of all transportation facilities that are eligible for IRR Program funding by tribe, reservation, BIA agency, region, congressional district, the State, and the county.

I think it is important to understand how we came to the position of where we are today with MAP-21. For years, Alaska received very little assistance from the IRR Program because we only have one reservation, a very small reservation down in southeastern Alaska, Metlakatla and, therefore, little to no BIA-owned roads. The BIA maintains a national database of roads, the IRR inventory, which is used to allocate IRR funds and determine locations where IRR funds can be used. State and county-owned roads comprise the majority of the road miles within the IRR system. A few decades ago, there were very few villages in Alaska that were putting any inventory into the system. TEA-21 gave the committee criteria in establishing the funding formula based on the needs of Indian tribes for transportation assistance, cost of road construction, geographic isolation, and difficulty in maintaining all-weather access to employment, commerce, health, safety, and education resources. With the passage of TEA-21, a rulemaking committee was established, the IRR Program Coordinating Committee, which helped to develop the funding formula which was published in 2004. The coordinating committee was made up of 12 primary members from Indian tribes, one from each region. There were 12 alternates and two nonvoting Federal representatives. Decisions that were made by the committee were reached by consensus. It was not a majority decision process.

The funding formula, which is known as the relative need distribution formula, adopted in the IRR Program final rule, reflects Congress’s intent that the funding distribution method balance the interests of all tribes and enable all tribes to participate in the IRR Program. I should note that 40 percent of all federally recognized tribes in the Nation reside in the State of Alaska—40 percent. I think that is something many of my colleagues are not aware of. That balancing of interests called for avoiding substantial allocations from the larger tribes while still addressing the central problem that historically left the smaller tribes out of the program. The prior formula distributed funds based on an inventory limited to roads built and owned by the BIA. But the new formula broadened tribal participation by allowing the inclusion of State, county, and municipally owned IRR-eligible facilities in the inventory so the actual IRR transportation needs could be counted for funding purposes.

In 2003, Loretta Bullard, who is with a regional nonprofit representing the Bering Straits region of northwestern Alaska, testified before the Senate Indian Affairs Committee saying that the BIA had never surveyed any villages to identify the roads that were eligible for support. So there just wasn't a complete inventory at that time because there had never been a survey up in Alaska. That was back in 2003. As a result of the 2004 rulemaking, which took 5 years, by the way, Alaska increased its inventory. Alaska benefited from a competitive grant program that was established under the rulemaking for smaller tribes called the High Priority Project Program. This legislation we are dealing with now seeks to undo all the gains Alaska made through TEA-21, through the 2004 rulemaking, and through SAFETEA-LU. It is all unraveled with this legislation. Alaska is unfairly harmed by MAP-21, more than any other region in the country. Alaska loses \$16 million a year under MAP-21 and tribes throughout the State will be effectively shut out of the program. This is not acceptable. The current negotiated regulation, which was developed, again, by consensus from tribes throughout the entire country, is focused on need. The new formula which we see reflected in this legislation was written behind closed doors by a handful of people with no government-to-government tribal consultation. Its focus is on the population and the urban areas. It disregards the trust responsibility that is owed to the 566 federally recognized tribes in our Nation, 229 of which reside in the State of Alaska—again, nearly half of all the recognized tribes in the Nation.

I think every time I come to the floor and talk about something, I have to put up the map of Alaska so we are all reminded how big it is. This is the proportional size when we superimpose Alaska over the rest of the lower 48. The red on this map is our road system. All these areas in white where we don't see anything, there are no roads there. Clearly our roads are pretty limited—our road system is centralized in the middle of the state, with a few scattered roads in other areas.

What is behind this kind of great shadow of Alaska? The States that are covered up behind it are North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, and Illinois. They are all kind of tucked under this great expanse. Just imagine if one is from Missouri, it would be like saying we have no roads in the state. That is what we are talking about. My map shows all the roads in Alaska, not the IRR roads. These are our State roads and our Federal highways. This is everything. So when we are talking about the IRR piece, it is even more minuscule in terms of comparison to what the Lower 48 has.

We have approximately 16,000 miles of road in Alaska, and 5,600 miles of those are unpaved. That sounds like a

lot, but keep in mind, we have 570,000 square miles of land to cover in my home state. When you put in perspective, that's not a lot of roads we are talking about—16,000 miles of road for 570,000 square miles of state.

I would like to highlight some of the things we have been able to do in the State of Alaska as a result of the IRR Program. The Indian Reservation Roads Program funds the construction and maintenance of roads and bridges within Alaska Native villages. In many cases, these are not roads you and I would think of as typical roads.

Mr. President, I ask unanimous consent for an additional 5 minutes from my colleague, if that is acceptable.

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

Ms. MURKOWSKI. Mr. President, most of our roads, when we are talking about the IRR roads, are not necessarily roads that are going to carry a vehicle. These are roads that will carry pedestrians, a four-wheeler, a snow machine. These are the ways that Alaska's Native people access our subsistence resources, haul their subsistence food home. These are the roads that form the link to the village airport, which is the only way out during the wintertime. If there are no roads, you have to be flying to all of these locations.

This is a picture of the village of Kwigillingok, which lies on the western shore of Kuskokwim Bay, 388 miles west of Anchorage. In this village, the primary mode of transportation is by foot, ATV, and snow machine in the wintertime. But you look at this picture, it is all nice, green—it looks beautiful. But it is tundra. It is wet and marshy. If you get down there in your rubber boots, you are going to be up to your knees in brush and water. You cannot walk through this and would not want to put a vehicle on it.

So what you see here is a real technological breakthrough in how to build rural roads in places where dirt and gravel either just do not exist out there or just do not work. This was built using IRR funds from the Native village of Kwigillingok, funding from the State of Alaska, and funding from the Denali Commission. This is construction of a geo-tech grid track. It looks like grading. It is like a plastic grading that overlays the ground and provides access over the tundra.

IRR funding and the Denali Commission funding were leveraged with other funding sources, and it provided jobs within the community.

The next picture we have is a boardwalk, a board road that was built in Nunam Iqua, which is on the south fork of the Yukon River, about 500 miles northwest of Anchorage. Again, this project was made possible by leveraging funds from the Denali Commission, the State of Alaska, and Nunam Iqua's tribal shares from the IRR Program.

It is just a boardwalk, but you look at this picture, and you can see it is

kind of rippled and wavy. Well, that is what happens when you put boards on top of wet, marshy tundra, but at least you can walk on it. At least you can access it by your four-wheeler without doing damage to the area and it connects your schools and health clinics to the homes. This project created jobs within the community and a safe road system for the residents to access public facilities.

This picture is from one of my visits down in the Y-K Delta. You can see, this is their road system. It provides a connection to homes and to community facilities. This is the means of transportation here. You go out on the tundra there and, again, you sink.

I took Secretary Paige, the Secretary of Education, out there to one of our smaller villages, Tuntutuliak, and we got out and got on the boardwalk, and he said: When does it dry out here?

I said: Sir, this is as dry as it gets.

He said: Where do the children play?

I said: Well, this is it.

In the Lower 48 children play on the sidewalks and quiet neighborhood streets, in rural Alaska children play on the boardwalks.

We also have some challenging conditions in other parts of our State.

In southeastern Alaska, we do not have to worry about the tundra, but we do have some challenging conditions. The Craig Tribal Association down in Craig has been working on the reconstruction of the Port Saint Nicholas Road for the past 4 years. The road has several bridges that are being replaced concurrent with the road construction.

Again, "the Denali Commission has been a committed, critical partner," in the words of the tribe. In this picture, you can see Dog Salmon Creek Bridge prior to the construction. This was a dilapidated, rotting, wooden bridge. Then, in the next picture, you can see what \$1.7 million from the Denali Commission and from IRR does—a modest investment that really comes together. You have a paved road and a solid bridge that is going to last for decades.

But these projects could not be built under the reduced funding levels for small tribes that we have proposed in MAP-21. Tribal transportation funding in the bill is directed toward populated areas, and roads that are more established receive greater amounts of funding.

So again, when you take into account an area such as Alaska, where we have many miles but few people, and a formula that is designed to work against us, how do we ever make headway, how do we ever connect these communities, how do we ever allow for a transportation system to progress and be developed?

I have submitted an amendment I hope we will have an opportunity to bring up. It restores current law and current regulations with respect to the funding formula that was developed, again, after years of negotiation in a very open and transparent process.

Just yesterday, at the Intertribal Transportation Association meeting in

Minnesota, we had tribes from the Rocky Mountain region, the Great Plains region, the Midwest region, and the Navajo Nation who all agreed that MAP-21 sets a dangerous precedent to allow Congress to overturn the tribal rulemaking process, as it is a threat to tribal sovereignty, and we are hearing more and more concerns every day about the opposition coming from those who feel they have been circumvented by Congress in this act.

In the past couple days, I have received letters from tribes from California, as well as Alaska. I have a letter from the Susanville Indian Rancheria, one from the Ramona Band of Cahuilla, who wrote: Under MAP-21, smaller urban tribes with paved roads garner a significant increase in funding while tribes such as the Ramona Band which are rural and have poor roads, arguably those with the most need and no other access to transportation funding, will see significant decreases.

What I am trying to do is restore some parity.

I ask unanimous consent that these letters from not only the Alaskan tribes but from the Californian tribes I just mentioned be printed in the RECORD.

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

SUSANVILLE INDIAN RANCHERIA,
Susanville, CA, February 13, 2012.

Re Murkowski Amendment to MAP-21's Tribal Transportation Program.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER, I write to you today on behalf of the Susanville Indian Rancheria to encourage you to co-sponsor and support the attached amendment to S. 1813, the Moving Ahead for Progress in the 21st Century ("MAP-21") legislation proposed by Alaska Senator Murkowski. The amendment would remove the population based Tribal Transportation finding formula and replace it with the funding presently in SAFETEA-LU.

Based on the data provided by the Bureau of Indian Affairs ("BIA"), Tribes throughout Indian Country (California, Alaska, New Mexico, Michigan, Minnesota, Utah, the Dakotas, and Wisconsin) would lose millions in program funds under the MAP-21 funding formula.

Under the proposed legislation, the current Indian Reservation Roads Program (IRR) would be discarded and replaced with what is called the Tribal Transportation Program (TTP). The current IRR program is how federal transportation funding is filtered to tribes. The TTP was created to address what is argued to be the flawed IRR program.

The great majority of Tribes strongly oppose MAP-21, including 189 Alaska Tribes, the Navajo Nation, and the majority of Tribes in California New Mexico, Michigan, Minnesota, Utah, the Dakotas, and Wisconsin.

Unlike the original IRR formula distribution that was ultimately finalized by negotiated rule making with tribes, no tribes were consulted in the creation of the TTP. The new TTP under MAP-21 was created without any tribal consultation, and the program is based on population and not road needs. This sort of formula would never be used by states in their determination of road funding.

Tribes recognize that the current IRR formula has imperfections; however, the TTP does nothing more than exacerbate the issue and creates even greater problems than before.

Under MAP-21, small urban tribes with paved roads garner a significant increase in funding—while rural tribes with poor roads, arguably those with the most need and no other access to transportation funding, will see significant decreases. While funding for California tribes would be increased by a minimal \$192,000 for 110 tribes, the California tribes with the greatest needs and poorest roads would suffer significant funding decreases.

The proposed solutions within MAP-21 do not adequately address the problems inherent within Indian Country transportation funding. The solution is not for Congress to impose a flawed funding formula on Tribes and overturn the SAFETEA-LU funding formula that was agreed upon by all Tribes in negotiated rulemaking. While federal agencies may believe they are smarter than Tribes and know better how to resolve the funding formula imperfections, we disagree and believe the consensus among Tribes achieved in the negotiated rulemaking that approved the funding formula under SAFETEA-LU must prevail if tribal consultation is to have real meaning.

The same proposed amendment herein included was added to H.R. 7 in amendments offered by House Transportation and Infrastructure Committee Congressman Don Young during that committee's markup of H.R. 7 on February 2, 2012.

Please support this fair and common sense amendment to MAP-21 and let us know how we may assist you to increase support for this in the Senate.

Sincerely,

MR. STACY DIXON,
Tribal Chairman.

RAMONA BAND OF CAHUILLA,
A SOVEREIGN NATION,
Anza, CA, February 13, 2012.

Re: Submission of Request to Support Amendment to MAP-21

Senator LISA MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the Ramona Band of Cahuilla, a federally recognized Tribe located in California, Chairman Joseph Hamilton submitted requests to Senator Boxer and Senator Feinstein requesting their support for your proposed amendment to MAP-21.

Attached is a copy of the request letters to each Senator. As you can see, the requests were also forwarded to the Senate Committee on Indian Affairs. Additionally, the Ramona Band will forward copies of the requests and a letter stating the Tribe's support for the proposed amendment to Congresswoman Mary Bono Mack, our Representative in the House.

The Ramona Band supports your proposed amendment as a fair and common sense approach to address a critical issue in MAP-21 that would negatively impact numerous Tribes and hinder us in our collective efforts to provide for the health and safety of our communities.

Place feel free to contact the Ramona Band if you have any question or wish to discuss this issue.

Respectfully,

JOHN GOMEZ, Jr.,
Project Coordinator.

RAMONA BAND OF CAHUILLA,
A SOVEREIGN NATION,
Anza, CA, February 13, 2012.

Re: Murkowski Amendment to MAP-21's Tribal Transportation Program

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: On behalf of the Ramona Band of Cahuilla, a federally recognized Indian Tribe located in Riverside County, California, I write to you today to encourage you to co-sponsor and support the attached amendment to S. 1813, Moving Ahead for Progress in the 21st Century ("MAP-21").

The attached amendment, as proposed by Alaska Senator Murkowski, would remove the population based Tribal Transportation funding formula found in MAP-21 and replace it with the funding formula presently found in SAFETEA-LU. The amendment mirrors that which was added to H.R. 7 by Congressman Don Young in the House Transportation and Infrastructure Committee markup of H.R. 7 on February 2, 2012.

Under MAP-21, the current Indian Reservation Roads Program (IRR) would be discarded and replaced with what is called the Tribal Transportation Program (TTP). The current IRR program is how federal transportation funding is filtered to tribes. The TTP was created to address what is argued to be the flawed IRR program.

Unlike the original IRR formula distribution that was ultimately finalized by negotiated rulemaking with tribes, no tribes were consulted in the creation of the TTP. The new TTP under MAP-21 was created without any tribal consultation, and the program is based on population and not road needs. This sort of formula would never be used by states in their determination of road funding.

Under MAP-21, small urban tribes with paved roads garner a significant increase in funding—while tribes such as the Ramona Band which are rural and have poor roads—arguably those with the most need and no other access to transportation funding—will see significant decreases.

Based on a comparison of the funding formulas, funding for California tribes would be increased by a total of \$192,000 for the 110 tribes under the MAP-21 formula. However, the Ramona Band's funding would be reduced by nearly \$70,000.00 (more than 70% of our current funding). California tribes with the greatest needs and poorest roads would suffer significant and disproportionate funding decreases which would cripple their ability to address necessary planning maintenance, and construction projects of their outdated and/or damaged roads. While the current formula is not perfect, it properly considers the needs of tribes and tribal communities, the conditions of their current inventories, and their desire to provide adequate, safe, and secure routes. Changes to the current IRR funding formula, such as those proposed in MAP-21, would greatly damage small, rural tribes and have long-term negative impacts on their communities and roads systems.

Furthermore, the proposed solutions within MAP-21 do not adequately address the problems inherent within Indian Country transportation funding. The solution is not for Congress to impose a flawed funding formula on Tribes and overturn the SAFETEA-LU funding formula that was agreed upon by all Tribes in negotiated rulemaking. While federal agencies may believe they are smarter than Tribes and know better how to resolve the funding formula imperfections, we disagree and believe the consensus among Tribes achieved in the negotiated rulemaking that approved the funding formula under SAFETEA-LU must prevail if tribal consultation is to have real meaning.

Please support this fair and common sense amendment to MAP-21 so that tribes like the Ramona Band can plan for the future and provide for the health and safety of our community.

Sincerely,

JOSEPH D. HAMILTON
Tribal Chairman.

WRANGELL COOPERATIVE ASSOCIATION,
Wrangell, AK, December 12, 2011.

Re: MAP-21 "Moving Ahead for Progress in the 21st Century Act"

SENATOR LISA MURKOWSKI,
*Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR MURKOWSKI, The Wrangell Cooperative Association (hereinafter referred to as the WCA) has reviewed the Senate Minority Environmental Public Works proposed legislation MAP-21, "Moving Ahead for Progress in the 21st Century Act" and shares the following concerns.

Previous legislation, which you were instrumental in authoring, "SAFETEA-LU", provided the opportunity for Alaska and Federally Recognized Tribes to participate in the transportation program at 100%. Proposed legislation, "MAP-21", takes a step backwards and decreases funding for tribes significantly, basically uprooting their transportation programs.

Under Section 1116, Federal Lands and Tribal Transportation Programs, these are a few of the programs to be affected should the MAP-21 legislation be passed: Indian Reservation Roads Bridge Program (IRRBP), Tribal Scenic Byways, Indian Reservation Road High Priority Project Program (IRRHPP), Tribal Transit Program, Tribal Safety Programs.

The National Bridge and Tunnel Inventory Identified within MAP-21 have already been completed as a result of SAFETEA-LU. Having separate inventory developed with another set of standards will be time consuming and costly to tax payers. Currently an AASHTO standard is being used to assure that everything is designed and built properly.

National Facility Inventory identified in MAP-21 has already been established per SAFETEA-LU and the Final Rule 2004, 25CFR, PART 170 Indian Reservation Roads Program.

Returning prior to October 1, 2004 would take away the ability of Alaskan Tribes, established by SAFETEA-LU, to participate in the Transportation Program at 100% and would NOT capture the transportation needs within Alaska; therefore, we strongly oppose this legislation.

The Funding Formula identified in MAP-21 will not work because it only calculates population and lane miles. Here in Alaska, tribes would not be able to sustain building roads at the local level because our populations would not generate enough funding to create a local match for projects. We need to keep the current formula or the relative need distribution formula (RNDF) that is currently in the regulations of 25 CFR, PART 170.

The proposed legislation goes away from the Average Daily Traffic (ADT), Cost to Construct (CTC), and Vehicles Miles Traveled (VMT) of the equation in which is valuable in developing design standards when planning, designing, and constructing roadways.

Since SAFETEA-LU, many Alaskan communities have built very successful tribal transportation programs and have had, do have and will continue to have great projects if MAP-21 does NOT pass. This Proposed legislation is a huge threat to our transportation programs, specifically Alaska.

WCA/ANTTC just finished our first IRR Program project this past summer. IRR HPP Funding was an integral part of the funding that was put together to finance the project. Under MAP-21 IRR HPP is gone. We are sure there are other components of MAP-21 that will hurt Alaska and Alaska Tribal Governments in this proposed legislation. Attached are pictures of before the project began and after the project was finished. Quite a contrast in what was there before and what is here now. WCA encourages you to come up with a longer term solution to the overall picture within the Transportation and Infrastructure picture throughout our great country and not support MAP-21.

Thank-You,

DAWN HUTCHINSON,
WCA President.

ASSOCIATION OF VILLAGE COUNCIL
PRESIDENTS, ADMINISTRATION,
Bethel, AK, December 8, 2011.

Re: EPW MAP-21

INTER-TRIBAL TRANSPORTATION ASSOCIATION,
*c/o John Healy, President,
Harlem, MT.*

DEAR PRESIDENT HEALY AND ITA MEMBERS: The Association of Village Council Presidents (AVCP) is a Native Non-profit organization comprised of 56 federally-recognized Indian Tribes in southwest Alaska. On behalf of AVCP's member Tribes, we wish to convey concern over certain provisions of Section 1116 of the proposed MAP-21 bill.

As background, the AVCP Tribes are not connected by any road system and are scattered over an area approximately the size of Oregon. The Tribes transportation needs are significant and framed against the backdrop of significant challenges, including short building seasons, shipping costs that reach 40% of total project budgets, building in remote locations without any road infrastructure, and no access to very basic human needs, such as health care and education. A large portion of the AVCP region has no roads at all, and that fact is critical to understanding its member Tribes' transportation plans. It wasn't until approximately 10 years ago that, by statute, Alaska Tribes were allowed to participate in the Indian Reservation Roads program. Since that time, they have been vigorously developing transportation programs on the premise of meeting very basic but essential needs. The struggles over having to choose between purchasing food or purchasing gasoline and figuring out how to get to the nearest health facility for basic health care were beginning to be resolved through road building. Having a better understanding of the underlying realities facing Alaska Native Tribes will lead to a better understanding of their unique challenges and a fair and equitable solution to any proposed legislation.

With respect to our objections to MAP-21, our concerns include the following. The Bill sets a dangerous precedent by tearing apart formulas that were developed during an extensive negotiated rule-making process, opening the door to disassembling other Tribal programs, such as Housing and the reauthorization for NAHASDA. The Bill further eliminates entirely the High Priority Program, which has provided an enormous amount of support for Alaska Tribes, who have just begun developing their infrastructure.

The Bill further eliminates the Population Adjustment Factor. Because the average population number, at least in the AVCP region, for our Tribes is 200, only those Tribes with large population numbers will benefit.

The Bill also changes the ability for Alaska Tribes to participate in a meaningful way by altering the distribution formula. Alaska

Tribes were only recently allowed to participate in the IRR Program, which means that only a scant number of roads prior to 2004 were entered into the system. This proposal would essentially obliterate Alaska Tribes' existing programs. Moreover, as a large portion of the roads in Alaska are not paved, Alaska Tribes would further suffer from the lane mile formula, counting unimproved roads as one lane mile and paved roads as 2-lane miles. The proposed funding formula contained in MAP-21 would result in an 85% reduction to our Tribes' programs. Alaska Tribes together own 44 million acres of land with little to no roads within them. The inventory they have built up in efforts to building an infrastructure to improve the health and safety of their members will disappear, funneling those funds to Tribes with a decades-long road systems and larger populations.

The Bill is inequitable, and we urge the ITA to take a serious look at the unfair consequences it places on Alaska Tribes.

Sincerely,

MYRON P. NANENG, Sr.,
President.

KLAWOCK COOPERATIVE
ASSOCIATION, TRIBE,
Klawock, AK, December 5, 2011.

Re: MAP-21 "Moving Ahead for Progress in the 21st Century Act"

Hon. Senator LISA MURKOWSKI,
*U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR MURKOWSKI: The Klawock Cooperative Association (KCA) has reviewed the Senate Minority Environmental Public Works proposed legislation Map-21, "Moving Ahead for Progress in the 21st Century Act" and shares the following concerns.

Previous legislation, "SAFETEA-LU", provided the opportunity for Alaska and Federally Recognized Tribes to participate in the transportation program at 100%. Proposed legislation, "MAP-21", takes a step backwards and decreases funding for tribes significantly, basically uprooting their transportation programs.

Under Section 1116, Federal Lands and Tribal Transportation Programs, these are a few of the programs to be affected should the Map-21 legislation be passed: Indian Reservation Roads Bridge Program (IRRBP), Tribal Scenic Byways, Indian Reservation Road High Priority Project Program (IRRHPP), Tribal Transit Program, Tribal Safety Programs.

The National Bridge and Tunnel Inventory Identified within MAP-21 have already been completed as a result of SAFETEA-LU. Having separate inventory developed with another set of standards will be time consuming and costly to tax payers. Currently an AASHTO standard is being used to assure that everything is designed and built properly.

National Facility Inventory identified in MAP-21 has already been established per SAFETEA-LU and the Final Rule 2004, 25 CFR, PART 170 Indian Reservation Roads Program. Returning prior to October 1, 2004 would take away the ability of Alaskan Tribes, established by SAFETEA-LU, to participate in the Transportation Program at 100% and would NOT capture the transportation needs within Alaska; therefore, we strongly oppose this legislation.

The Funding Formula identified in MAP-21 will not work because it only calculates population and lane miles. Here in Alaska, tribes would not be able to sustain building roads at the local level because our populations would not generate enough funding to create a local match for projects. We need to keep the current formula or the relative

need distribution formula (RNDF) that is currently in the regulations of 25 CFR, PART 170. The proposed legislation goes away from the Average Daily Traffic (ADT), Cost to Construct (CTC), and Vehicles Miles Traveled (VMT) of the equation which is valuable in developing design standards when planning, designing, and constructing roadways.

Since SAFETEA-LU, many Alaskan communities have built very successful tribal transportation programs and have had, do have and will continue to have great projects if MAP-21 does NOT pass. This Proposed legislation is a huge threat to our transportation programs, specifically Alaska, therefore; we encourage you to vote against it and come up with a long term solution to the overall picture within the Transportation and Infrastructure in our great state.

Sincerely,

A. WEBSTER DEMMERT III,
Tribal President.

Ms. MURKOWSKI. Mr. President, I have other concerns with this Transportation bill. I have mentioned the Denali Commission several times today. I have joined my colleague, Senator BEGICH, in filing an amendment to this bill that would restore the Denali Commission's transportation program—an incredibly important program to our State. I have also raised concerns about a provision within the banking title that relates to our Alaska Railroad.

These are concerns that, while they might not register fully with all of our colleagues here in the Senate, to Alaska they are critical. Our transportation needs are different. Some might say they are unique. But we have risen to the challenge with limited funding and smart people trying to do good things to connect us in ways that make sense.

Through the work of the Denali Commission, our IRR funding, and our Alaska Railroad, we have been engaged in building up the transportation infrastructure of the Last Frontier. In order to continue the progress that we've made thus far, I ask for your support and consideration to address the problems I've outlined with this legislation.

With that, I thank my colleague from Oregon for giving me some additional time this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I too wish to address transportation infrastructure. I enjoyed the presentation of my colleague from Alaska. Her State certainly has some unique challenges in terms of creating a way for goods and people to move around the State effectively. I look forward to hearing the details of her amendment when we get to the Transportation bill.

Meanwhile, we are sitting here in this Chamber—both of us—unable to present our amendments before this body because we are not yet on the Transportation bill. Why would that be?

Well, apparently, there are Members of this body who have decided to obstruct the normal ability to assemble

the bill that comes from four committees on this floor in order to do non-germane amendments that have nothing to do with transportation and to hold this entire body hostage, to hold hostage those on the left side of the aisle and to hold hostage those on the right side of the aisle, to hold transportation hostage, to hold, if you will, jobs across America hostage. This hostage-taking is just not right. It is just not right that when we should be building infrastructure in America, which is right in the short term for jobs and in the long term for our economy, we are instead sitting here talking about the amendments we would like to offer to make the transportation system work better, to improve upon the bill as it came out of committee.

Now, just to refresh the memories of my colleagues, this Transportation bill has gone through four committees successfully. It has gone through Commerce. It has gone through Finance. It has gone through Banking. It has gone through Environment and Public Works. In the course of that, in two of these committees, the bill was unanimous. And in the other two committees, it was not unanimous, but it was bipartisan. So we have had this bill come to the floor with the support of 85 Senators in the four committees. Yet we cannot get the conversation on the floor started. This is enormously frustrating to everyone across America.

I found it interesting to see this letter from 2 days ago. I thought I would just read it to you. It has a list of about 20 organizations that are appealing for the commonsense deliberation of transportation infrastructure. It is dated February 13, 2012.

It says:

To Members of the United States Senate:

The time is now to pass S. 1813, [the] Moving Ahead for Progress in the 21st Century [bill], the bipartisan highway bill crafted by the Environment and Public Works Committee. Last Thursday, eighty-five Senators voted to invoke cloture on the motion to proceed to S. 1813, clearly demonstrating bipartisan support for passing the highway and transit bill. While we are encouraged by this show of support, the undersigned organizations are concerned that progress may be impeded if non-germane amendments are offered as part of the deliberations on this bill.

The organizations that we represent may hold diverse views on social, energy, and fiscal issues, but we are united in our desire to see immediate action on the Senate's bipartisan highway and transit reauthorization measures.

This does come from a broad array of organizations. It comes from the AAA, the American Automobile Association. It comes from the American Association of State Highway and Transit Officials. It comes from the American Bus Association. It comes from the American Concrete Pavement Association. It comes from the American Council of Engineering Companies. It comes from the American Highway Users Alliance. It comes from the American Moving & Storage Association, from the American Public Transportation Association, from the Road and Transporta-

tion Builders Association, from the American Society of Civil Engineers, from the American Traffic Safety Services Association, from the American Trucking Associations, from the Associated General Contractors of America, the Associated Equipment Distributors, the Associated Equipment Manufacturers, the Association of Metropolitan Planning Organizations, the Commercial Vehicle Safety Alliance, the Governors Highway Safety Association, the Intelligent Transportation Society of America, the International Union of Operating Engineers, the Motor & Equipment Manufacturers Association, the National Asphalt Pavement Association, the National Association of Development Organizations, the National Construction Alliance II, the National Stone, Sand & Gravel Association, the Portland Cement Association, and the U.S. Chamber of Commerce.

That is an extraordinary array of groups that are saying: Enough with the posturing on social issues. Let's get to work building the infrastructure of America.

Now, one of the amendments a colleague wants us to spend our time on is an amendment that says: If you are the owner of a business, anything you consider to be a health care perspective, you can impose on your employees. There is some interesting humor on this on late-night television.

I believe it was Jon Stewart's show, "The Daily Show," in which he said: You know, in my business, I happen to think that humor is the best medicine. So I am going to impose a health care bill or a health care policy on all the folks who work for me that says, if you get sick, you have to go to a comedian for therapy or you have to read a joke book or something like that.

I mean, this is not a serious amendment, and it is not about highway infrastructure.

While we sit here doing nothing in this Chamber, China is spending 10 percent of its gross domestic product on infrastructure. I had a chance to go to China 14 years ago and then once again last year. In the intervening timespan, they went from a couple ring roads and virtually no connecting roads between major cities to an enormous highway system, an enormous expansion of the infrastructure in major cities, light rail systems, high-speed trains. It was enormously strange to get on a train in Beijing and go at 200 miles per hour to Tianjin. I cannot get on a train here in DC and go 200 miles per hour anywhere. There are vast infrastructure projects across that nation in cities we have never even heard of because they are spending 10 percent of their gross domestic product building the infrastructure that will be the foundation of a future thriving economy.

Europe is spending 5 percent—half of what China is spending but still substantial. What are we spending here in America? And when I ask this question in townhalls, normally folks say 1 percent or maybe they venture 5 percent.

But depending on how you count it, the answer is 2 percent. So it is a fraction of what Europe is spending and one-fifth of what China is spending. Thus, we are barely able to repair the infrastructure we have, let alone build the infrastructure for the economy of tomorrow.

Now here we are, spending our time awaiting the opportunity to have the highway and transit bill here on the floor of the Senate so that we can direct resources to build that infrastructure. But instead of debating, we wait.

So I say to my colleagues across the aisle, who somehow have lost sight of the fact that infrastructure is essential for building America, who have lost sight of the fact that the construction industry is flat on its back and ready to go to work, who have lost sight of the fact that right now with low interest rates and an unemployed construction business this is the best time to be investing in infrastructure, the most cost-effective time to be investing in infrastructure, I say to my colleagues who have lost sight of the fact that there is a responsibility to spend a dollar wisely, in construction and infrastructure, now is the time when you get the biggest bang for the buck, now is the time when it is wise.

This is not just about the infrastructure that makes our economy work better, it is about creating jobs. Maybe some folks in this Chamber say: Well, we want to play politics with jobs. We do not want people to go back to work. We want America to be broken so we can promote our Presidential candidate over someone else's Presidential candidate.

I say that is irresponsible. It is absolutely irresponsible to be playing these political games with the livelihood of working Americans.

The bill that came out of the House or the bill that was proposed in the House was a 35-percent reduction in highway spending, infrastructure spending. What would that mean for my State back home? Well, it would mean projects all over the State that address critical chokepoints in transit and transportation will not get addressed.

I have a 36-county tour. Every year I go and listen to folks in every one of my 36 counties, and I talk, and I have a special meeting with the county and city officials beforehand. Inevitably, they say: Here are our infrastructure challenges. Please go back and fight to do something so that we have the resources to tackle these challenges and make our economy stronger.

So I am here on the floor awaiting the embargo imposed by my colleagues who are not so concerned about infrastructure, who apparently have not talked to their city and county officials who are desperate to take on these chokepoints in their local economy. So I say to them: Stand aside. If you cannot get on board with making America work, stand aside so the rest of us can put America to work.

In Oregon, this is also 7,000 living-wage jobs—the difference between the vision the House had on the other side of this building and the vision the Senate had. The Senate vision is not, quite frankly, that ambitious. The Senate vision simply says that we are going to maintain the fiscal 2011 support for the transportation process, for the transportation infrastructure. It is not building beyond that. It should be, but it is not. So it is a modest vision. But compare it to the vision on the other side of the Capitol and the other side of the aisle which says: Let's not only not spend 2 percent, let's cut the entire budget by one-third—let's put 7,000 people out of work in Oregon who are not only building a foundation for their families, they are building the foundation for the future economy. I know that in every State there are similar portions of workers who want to be at work, getting up with a mission in their life to go out and do something useful for their society, to build something useful, and to have a paycheck to put the foundation under their family.

The time has long passed for us to be fully debating this bill. I urge my colleagues to come and do the work the American citizens expect of us all.

RECOGNIZING INDIANA UNIVERSITY CHEERLEADERS

Mr. LUGAR. Mr. President, I rise today to recognize the Indiana University Crimson All-Girl Cheerleading Team in honor of their being named the 2012 Division I UCA College National Champions.

This national distinction has brought well-deserved attention and accolades to these young women, whose hard work and dedication helped them rise to the top. This is the first national championship for IU's all-girl team, and their hard-earned victory lays the foundation for many future successes.

I congratulate these young women on their outstanding achievement and wish them every continuing success in their academic and athletic endeavors. I am pleased to submit for the record the names of the championship team members and coaching staff.

2012 NATIONALS TEAM MEMBERS

Abby Markowitz, Adina Johnson, Alex Martin, Angela Stilwell, Brooke Carlin, Caity Hinshaw, Chelsea McMullen, Chrissy Day, Courtney Byrne, Elizabeth Cross, Halle Hill, Hannah Cox, Heather Barton, Jena Hecht, Kari Hellman, Kari Swartz, Kirby Lynch, Kristen Fischer, Natalie Skizas, Samantha Dewling.

Coaching Staff: Julie Horine, Chuck Crabb, Hank Light, Jeff Cox, Tony Nash.

REMEMBERING FRANK MARTIN CUSHING

Ms. MURKOWSKI. Mr. President, it is with great sadness that I come to the floor concerning the passing of Frank Cushing, one of the true public servants that the Congress has known. Frank served as a legislative aide to

Senator Jim McClure of Idaho prior to joining the Appropriations Committee staff as director of the Subcommittee on Interior and Related Agencies in 1981. In 1984 he became the staff director of the Committee on Energy and Natural Resources, a post he held until 1991. Although he left briefly for the private sector, public service remained an integral part of his commitment to the Congress and this Nation. His expertise, command of the appropriations, authorizing, and budget processes, and his exceptional talent and ability to work with others was missed, and he returned to the Congress as staff director of the House Appropriations Committee under Congressman LEWIS.

It takes exceptional abilities to be a good staff director, especially with the strong personalities that come with the experts who serve on the staff of our committees. Frank had the ability to work across the aisle and with other committees as few have ever done. His knowledge of the appropriations process and budgeting provided a unique depth to the consideration of authorizing legislation. He was able to challenge the staff, improve the work product, and set a high standard for quality and substance that we still strive to maintain. Much of the work of the Energy and Natural Resources Committee is bipartisan and often nonpartisan, reflecting regional interests and concerns, and Frank understood how those interests and concerns could fit within the overall policies that we tried to set for our energy, public lands, and resource goals.

During his tenure on the committee, Frank in many ways was responsible for the close working relationship between Senator McClure and Senator Johnston as they switched from their roles as chairman and ranking member. Frank was extraordinarily helpful when Senator McClure was chairman in resolving the budgetary issues that threatened to hold up the Compacts of Free Association that, when finally enacted, led to the termination of the Trusteeship of the Pacific Islands the last of the U.N. Trusteeships. When Senator Johnston announced at the beginning of one Congress that he thought the committee should consider and report legislation dealing with Puerto Rico as well as national energy policy, Frank was in large measure responsible for negotiating and constructing the framework and process that enabled the committee to successfully report both measures with bipartisan support, although I should mention that there were also bipartisan concerns as well.

Those are details, however, and do not convey what a warm and generous person Frank was. They do not convey the respect and admiration that those who worked with him had for his ability to negotiate without rancor and without being disagreeable. They do not tell of his concern for his staff and their problems or his interest in their