

[Rollcall Vote No. 243 Ex.]

## YEAS—97

Ayotte	Gillibrand	Murkowski
Baldwin	Graham	Murphy
Barrasso	Grassley	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Paul
Blumenthal	Hatch	Portman
Blunt	Heinrich	Pryor
Booker	Heitkamp	Reed
Boozman	Heller	Reid
Boxer	Hirono	Risch
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Scott
Casey	Johnson (WI)	Sessions
Chambliss	Kaine	Shaheen
Coats	King	Shelby
Coburn	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Landrieu	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Udall (NM)
Crapo	Manchin	Vitter
Cruz	Markey	Walsh
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Merkley	Wyden
Flake	Mikulski	
Franken	Moran	

## NOT VOTING—3

Alexander	Roberts	Schatz
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The nomination was confirmed.

#### NOMINATION OF LARRY EDWARD ANDRE, JR., TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA

#### NOMINATION OF MICHAEL STEPHEN HOZA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON

#### NOMINATION OF JOAN A. POLASCHIK TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Larry Edward Andre, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania; Michael Stephen Hoza, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon; Joan A. Polaschik, of Virginia, a Career Member of the Senior Foreign

Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

## VOTE ON ANDRE NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the Andre nomination.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Larry Edward Andre, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania?

The nomination was confirmed.

## VOTE ON HOZA NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on the Hoza nomination.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael Stephen Hoza, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon?

The nomination was confirmed.

## VOTE ON POLASCHIK NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the Polaschik nomination.

Mr. REID. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Joan A. Polaschik, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to the consideration of H.R. 5021, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5021) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

## AMENDMENT NO. 3582

(Purpose: To Modify the Provisions Relating to Revenue)

Mr. WYDEN. Mr. President, I call up amendment 3582 from the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment number 3582.

Mr. WYDEN. Mr. President, I ask unanimous consent to dispense with the reading.

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

(The amendment is printed in the RECORD of Wednesday, July 23, 2014, under "Text of Amendments.")

Mr. WYDEN. Mr. President, the amendment that has just been offered is an amendment the distinguished senior Senator from Utah, Mr. HATCH, and I have worked on for many weeks. It is a bipartisan agreement on emergency transportation funding that the Senate Finance Committee reported virtually unanimously 2 weeks ago.

I urge our colleagues to support this amendment as a replacement for title II of the House legislation. I will briefly describe why.

As the Senate debates transportation funding, it is abundantly clear that all sides agree on the need for a long-term plan to rebuild the Nation's infrastructure. A number of our colleagues, led by Chair BOXER, a number of Republicans, Senator CORKER, and Senator CARPER have made that point repeatedly, and it is one I share.

We cannot have a big-league economy with little-league transportation, and the chair of the Environment and Public Works committee, Senator BOXER, has consistently been on target, calling for a long-term plan to rebuild the Nation's infrastructure. The reality is that every Member of this body has constituents who are driving on highways full of potholes and ruts, and our citizens end up having to write a big check for car repairs because of it.

The best way to fix America's transportation system is with a long-term plan. The reality, however, is that to get to the long-term plan, what is needed first is a short-term path so we do not have the transportation equivalent of a government shutdown where we don't have the contracts being let and thousands of our people are put out of work, and a big set of economic dominos starts to fall. We need a short-term solution to prevent that from happening. That is what the Senate has before us today under a proposal from the Senate Finance Committee which

Senator HATCH and I developed in a bipartisan fashion, working under the regular order. This bill is before the Senate under regular order and it includes with Democratic proposals and Republican proposals. Senator HATCH and I worked with every member of the committee to draft our bill.

The House has offered its own plan, and Senator HATCH and I agreed to incorporate to the greatest extent possible House ideas in drafting our alternative, including adopting a measure of customs user fees and some pension smoothing as revenue sources.

I would like to take a moment early on to highlight three major differences between what the Senate has done and what the House has done because I think they are at the heart of the bipartisan case for passing this amendment.

First, I think the other body simply overuses pension smoothing. I was struck in conversations with Senator HATCH and conversations with colleagues—one of our colleagues said: What is really striking about what the House is talking about today is that instead of having one problem, we would have two. We already know we have a huge challenge in paying for transportation long-term, as Senator BOXER has noted, but if you go with the House approach, it overuses pension smoothing. You are going to have two challenges—one, to pay for transportation, and second, what are you going to do with the hopes and aspirations of all those workers who are depending on their pensions?

The second is the House ignores the whole concept of tax compliance—something else that has had a strong bipartisan tradition here in the Congress. Tax compliance is not increasing taxes. It is not tax hikes. It is not somebody jacking up people's taxes in the dead of night. This is about collecting taxes owed under current law. Let me emphasize that. It is taxes owed under current law. Grover Norquist—somebody who is not exactly soft on taxes, and I probably wouldn't quote him on everything—makes that point as well, agreeing that what is in the Senate finance bill involves collecting taxes that are owed.

Finally, the House bill again ignores some of the important bipartisan legislation that Senator HATCH and I have included on matters that are of great interest to many Senators, including the distinguished President of the Senate.

Our bill promotes natural gas vehicles—natural gas, 50 percent cleaner than the other fossil fuels. Senator BENNET and Senator BURR came together with some very good ideas on that. Senator ISAKSON and Senator NELSON also came up with an approach to strengthen pensions and how they are accounted for. And I was very pleased that Senator CRAPO was very involved with Senator BENNET in improving water transportation—something hugely important for the West,

particularly right now when it is so dry back home and in all of the Western States.

So these are major differences between the House and the Senate efforts, and, again, each of those ideas I describe is a sensible, bipartisan approach that comes about because we used our regular order. For example, the Bennet-Burr amendment adjusts tax laws to treat liquid natural gas and diesel fuel on an energy-equivalent basis. That is going to reduce the tax on liquefied natural gas. That is going to help us encourage more use.

What Senator ISAKSON and Senator NELSON did clarifies pension rules and ensures that workers receive their earned benefits. Many of these individuals took their jobs in their teens and put in three decades of work by their late forties. When I look at what the House did in terms of pension smoothing, this raises real questions in my mind about whether the Congress, without really thinking through an alternative set of pay-fors, is going to cause those young workers additional problems.

Finally, as I have touched on, Senator CRAPO and Senator BENNET have done very good work. As we all know—particularly the chairman of the Environmental Public Works Committee—it is dry, dry, dry in the West, and what Senator CRAPO and Senator BENNET did was come up with a bipartisan proposal that Senator HATCH and I have included that is going to help deliver water to farmers across the West.

With those bipartisan initiatives, we were able to pick up support from such important groups as America's Natural Gas Alliance, the National Rural Electric Cooperative Association, and the Western Agriculture and Conservation Association. They know that the only way to advance these important ideas is by adopting the amendment the distinguished Senator from Utah and I have offered.

We have had some talk about how there is just not enough time to send a Senate amendment back to the House. I heard that statement made earlier today. I have made it clear to all concerned and I will state it again: This work is going to be done this week. This is non-negotiable. The Congress is going to get this resolved this week, and in no way, shape, or form are we going to have the transportation equivalent of a government shutdown. But the idea that the other body says, "Hey, it is our way or no highway," I don't think is a way to advance the kind of bipartisan, bicameral approach that is going to help us deal with the big challenges.

I have already indicated, as Senator BOXER, the chair of the Environment and Public Works Committee, has said so eloquently, we are going to have to deal with the long term. There are a lot of good ideas for the long term. I think Senator PAUL from Kentucky deserves to have his ideas on repatriation addressed. We have a number of col-

leagues who are interested in the innovative approach used in Virginia. So we are going to have a variety of ideas to look at transportation funding for the long term, but we have to get the short-term patch resolved in order to get to the long term.

That is why I think for the House to just say, Our way or no highway—I think for us to accept it today would simply be to abdicate our responsibilities. I don't think we are sent here to just wring our hands and say, Oh, my goodness, we can't do anything. There is no time.

We are going to get this done this week. I believe the approach we have built in the Finance Committee is a more responsible approach. There certainly is time to compromise. The reality is our staff—and Senator HATCH and I have had a number of conversations with Chairman CAMP on this, as I indicated earlier—Senator HATCH and I have agreed to adopt many of the House proposals. There is no reason this body can't quickly come to agreement with the House. The Congress has addressed much bigger pieces of legislation and differences between the Senate and the House on tight timeframes in the past. The reality is the Senate has to act first or we are sending a message—and I will close with this because my colleague from Utah has been very patient and the distinguished chair of the Environment and Public Works Committee has been very patient. If we simply say all we are going to do today is accept this House approach, this "our way or no highway" kind of approach, we are going to advance a bill that overuses pension smoothing, and we are going to move away from an approach both political parties have felt very strongly about, which is that tax compliance should be an ongoing part of our work. It should be a part of our work today and it should be part of the bipartisan efforts for tax reform that Senator HATCH and I are pursuing. It is not in the House bill. It is in the Senate bill. We would be walking away from that provision by accepting the House approach, and we also would, as I have indicated, be walking away from bipartisan efforts that are going to promote cleaner natural gas vehicles, bipartisan efforts that will promote water use, and the good work done by Senator ISAKSON and Senator NELSON on pensions at a time when we are very concerned about their future. We shouldn't do that today.

I am going to yield to my colleagues who have been doing very good work on this issue. I think our plan is now Senator HATCH will make remarks on behalf of the bipartisan efforts in the Finance Committee. Senator BOXER, the chair of the Environment and Public Works Committee, will speak after Senator HATCH. It is my intention to stay here throughout the afternoon. I think both sides would like to get this done expeditiously, and I hope we can.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I would be happy to allow Senator BOXER to go first.

Mrs. BOXER. No, not at all. Please proceed.

Mr. HATCH. Mr. President, I appreciate the comments of my distinguished colleague, the chairman of the Senate Finance Committee.

Today the Senate will vote on a short-term extension of funding for the highway trust fund.

While it remains to be seen what shape that extension will take, Congress appears to be poised to pass legislation that will ensure that the trust fund will not face a shortfall and that States will be able to continue to plan and implement their transportation projects. This is important. As many have noted, passing this extension will preserve thousands of jobs and prevent disruption of a number of different highway projects that are currently in existence.

It has taken a lot of work to get to this point. It has required the collective good will of Members of both parties and it has meant compromise on both sides.

In the Senate Finance Committee, both Chairman WYDEN and I worked together for weeks on a bipartisan Federal highway funding extension. At the outset of these negotiations, I stated that I hoped any agreement to extend the solvency of the highway trust fund would contain spending cuts and reforms to go along with any revenues. I fought hard on that point, but in the end that particular goal of mine, with one exception, had to be set aside in order for an agreement to be reached. Of course that is how we pass legislation. If everyone got everything they wanted out of a deal, it would not be a compromise. While I maintain that a deal to extend funding for the highway bill should include reductions in spending, I am willing to continue that particular fight on another day.

After weeks of negotiations—some of which were very hard fought—we were able to come to an agreement on a funding bill that I believe both parties can support. That, in my view, is more important than any individual demand I may have had going into the discussions.

I wish to take a few minutes to speak about the specifics of our proposal. Overall, our bill would provide nearly \$11 billion in funding for the highway trust fund, which is enough to extend its life until the middle of next year. Of that total, \$2.7 billion would be provided by pension smoothing. I do have to say I am not a fan of using pension smoothing as a pay-for on the highway bill or in any other context for that matter. We stated as much on the record numerous times. However, we do face a funding emergency with regard to the highway trust fund. That being the case, I was willing to compromise on that point.

Next, the bill provides an additional \$2.9 billion by extending Customs user fees. Once again, in other contexts, I

have been skeptical of using this tactic as a pay-for, mostly because it diverts necessary funding away from national trade priorities. However, we drafted the bill to ensure that enough money was left in future extensions to pay for things such as the Generalized System of Preferences, the African Growth and Opportunity Act, and the miscellaneous tariff bill, all of which are important to our Nation's trade agenda.

Our compromise bill also transfers \$1 billion from the leaking underground storage tank trust fund—called LUST—to the highway trust fund. The remaining funds would be raised through a variety of tax compliance measures, all designed not to raise taxes but to realize revenues already owed to the Treasury.

The Finance Committee bill does include a provision designed to claw back orphan earmarks. The provision deals with earmarks included in previous highway bills. I wish to thank Senator COBURN for the idea that was the basis of this provision, though in the end we didn't go as far as he or I would have liked.

As I said, all told, our bill will provide nearly \$11 billion in funding for the highway trust fund and prevent the funding crisis that is on the horizon if Congress does not act. Once again, this legislation represents a bipartisan agreement between Chairman WYDEN and myself. It was reported out of the Finance Committee by a voice vote, so it is an agreement by both sides.

I wish to thank Chairman WYDEN for his willingness to reach across the aisle in this effort. He has been a particularly good partner with whom to work. The Finance Committee has a long tradition of working on a bipartisan basis to provide funding for the highway trust fund, and I am glad we have been able to continue that tradition with this legislation.

My only regret is that we were not able to reach an agreement with Chairman CAMP of the House Ways and Means Committee, whom both the chairman and I highly respect. He has a tough job over there, and we have nothing but great respect for him.

The two committees met over the July 4 recess, and I believe both Chairman CAMP and Chairman WYDEN acted in good faith to try to reach an agreement, but in the end, it did not end up happening. In my view, this is unfortunate. Had we been able to reach a bipartisan, bicameral solution on this issue at the outset, it would have helped to speed this process along. Still, if we take a look at the bill the House passed earlier this month, we will find it is similar in many respects to the legislation Chairman WYDEN and I have put together. They provide virtually the same level of funding, so there is not a substantive difference in the amount of time they would extend the trust fund. The major funding pieces—pension smoothing, Customs user fees, and the LUST transfer—are all the same. The primary difference is

that the House bill does not include the tax compliance provisions.

Neither the House bill nor our bill is perfect, in my opinion, but they both accomplish the same goal and they do so in a way that under the circumstances I think both Democrats and Republicans can and should support.

So while some would say we failed to reach an agreement on the highway bill, I think it is pretty clear there is a lot of agreement on these matters and that one way or another we are going to get a solution soon.

In the end Chairman CAMP produced what I think is a good bill. I think Chairman WYDEN and I have done the same. I would vote for either approach because, as I said, they aren't all that different from one another. I reiterate that the funding levels in the House bill and the Finance Committee bill—and therefore the length of the two extensions—are virtually the same. That point is important, as there is an effort, as evidenced by another amendment we will be voting on today, to put an artificial deadline on the extension. I gather from the statements made by proponents of this approach that they hope this amendment will somehow force Congress to reach an agreement on a long-term extension before the end of this year. This effort is, in my view, misguided, and I would hope, given the fact that both the House of Representatives and the Senate Finance Committee have reached virtually the same conclusion on the length of the extension, Senators will think twice before voting to shorten it.

Ultimately, we all want to get to a long-term deal when it comes to the highway trust fund. That desire is shared across both Chambers and both parties. I think we can get there. I don't think we need to impose an artificial timeline or deadline—one that would create a similar crisis to the one we are facing now just a few months down the road—in order to do it.

There are other efforts out there that would seriously alter the trajectory of this bill. I wish to stress that what we are working on is a short-term extension. Once the highway trust fund has been funded by this bill, we will need to start working on a long-term bill that will give the transportation community stability and predictability, and I believe both the chairman of the committee and myself truly mean we will do so. We will need to be thoughtful in our approach and must consider every option to ensure that our Nation's infrastructure will be safe, efficient, and reliable well into the future. But before we discuss any fundamental changes to the structure of the highway trust fund, we need to get this step out of the way first.

As I conclude, I wish to take a moment to once again commend our chairman, Chairman WYDEN, for his efforts on this legislation. From the outset he was willing to reach across the

aisle on this bill and as a result the Finance Committee produced a viable, bipartisan product. His leadership in getting us to this point has been essential.

We are very close to solving this problem and avoiding a crisis. We just need to get a bill over the finish line, and I hope we can do that in short order. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to take my time off the general debate time; is that appropriate?

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. I thank the Chair. I am so pleased to be on the floor because the Senate has to be heard on this issue of the highway trust fund and our whole transportation system for that matter. I do wish to praise Senators WYDEN and HATCH for coming together across party lines and making some real improvements in the pay-fors that are associated with this extension. I am very much in favor of the way they handled this bill, and I am also very much in favor of the way the pension smoothing was handled in the Carper-Corker-Boxer amendment because that does away with it altogether, because we shorten the timeframe so we don't need any pension smoothing in there.

Before I speak specifically about the wisdom of what the Finance Committee did and my hope that we can get it over the finish line today, I want to give kind of an overview of where we are in general.

For 2 years we have known that our Transportation bill expired September 30. We have known this for 2 years. Yet, and still, here we are at the 11th hour with an extension.

This is probably, I think, the 12th extension in a few years. I think that is so unfair to the people of this great country who rely on their bridges and their highways and their transportation systems. It is so unfair to the thousands of businesses that work to rebuild our infrastructure, and it is very unfair to the millions of workers who work in construction.

We still have 700,000 unemployed construction workers. When we do a piecemeal bill like this, of course, it is better than doing nothing—there is no doubt about that; I would not argue that—but it still sends a message of indecision and, frankly, I think of incompetence on our part, and I step to the plate on that.

But I am very proud to say that my committee—100 percent bipartisan; we did not have a dissenting vote—passed the 6-year transportation bill. When we did that, I went to my colleagues and said: I know you have the hard job. You have to figure out the long-term funding. I want to help you. I came forward and I said: Why don't we look at several proposals. One is what they are doing in Virginia. This was a Republican idea. It is to do away with the gas tax completely and replace it with a fee at the refinery level. That would be

a more broad-based tax. We would do away with the gas tax. No more Federal gas tax at the pump. That would solve our problems. You set it at a rate where it floats, and we would have 100 percent certainty. Senator WYDEN was quite open to it. He took a look at it. I know he floated it. Clearly, we did not have the type of support we would need.

Then the Chamber of Commerce and the AFL-CIO said: Do you know what. We have not raised the gas tax in 21 years. Mr. President, we have not raised the gas tax in 21 years. I did a little reading and found out the first President to initiate the gas tax—and I say to Senator HATCH, he might be interested in this—the first President to formulate a gas tax—and it came in at a penny—was Herbert Hoover. The next President who raised it was President Eisenhower, who had that great vision to then put it into a trust fund for highways, and he raised it a couple of cents. So it was about 3 cents. The next President to raise it was President Reagan. And the next President to raise it was George Herbert Walker Bush. They were all Republican Presidents. Then President Clinton raised it.

Clearly the Congress supported it each and every time because it is a user fee. So that is an alternative. There are many other ideas. I know Senator WYDEN and Senator HATCH have a number of ideas, and I know Senator HATCH prefers a user fee. It makes sense. But because of the time crunch—because of, because of, because of—we did not get it done.

I am proud. Senator VITTER is proud. We got it out of our committee, a 6-year bill. It is not a great, massive bill. It just takes the current program, adds inflation, and extends it for 6 years. I can tell you, if Senator VITTER and I can agree, if Senator CARPER and Senator BARRASSO can agree, if Senator CARDIN can agree with Senator SESSIONS, and Senator SANDERS with Senator FISCHER—I could go on. Our committee goes from left to right, and everybody agreed we should have the 6-year bill.

So as I stand here today, I am distressed that we do not have that before us, but I am still grateful to my friends for doing what they could politically do. But I feel it is a sad day for us, and I know and I hope we pass this Wyden-Hatch substitute. It is a much-improved way to pay for the extension. But we are extending all the way to May, right up against the next construction season. Now, if you are a State—whether it is Utah or California or West Virginia or Maryland or Oregon; it does not matter—you are not going to enter into any agreement. No businessperson is going to take this on where you do not know what the future holds.

So we are putting it off again, and it is sad we are doing it, and we have 60, 70, 80 groups out there, which I will list later, that are supporting our shortening the timeframe.

Now, my friend says artificial deadlines are bad. But let's face it. Their bill raises—I think it is \$11 billion. Am I right on that? So we know it takes it to May 31. That is their deadline. Our bill, in the Carper-Corker-Boxer rewrite, takes it to December. We cut it back. We totally eliminate pension smoothing—totally eliminate it—and we take it back to \$8 billion, and that forces us to do the job in December.

Look, this Congress has to do its work. The trust fund expires during this Congress. Now we are kicking it down the road to the next Congress.

Whatever the Senate wishes, I will go along with it. If the Senate says, no, we are going to go with that longer term extension, so be it. I will fight just as hard to move forward with a 6-year bill, I say to my colleagues, when we get back or in a lameduck.

I want to close by talking a little bit about pension smoothing for just a minute because I so agree with Senator HATCH when he says this is not his favorite thing. It is not my favorite thing either, and we come from different sides of the aisle.

So just to be clear, what we are saying to companies is, you can set aside less money for your pension requirements to your employees. Now, I have to admit in the light of day, I voted for that the last time when Senator Baucus brought that forward. I did. But it also was a company buy, an increase in the amount of money companies had to pay into the Pension Benefit Guaranty Corporation. If a company goes broke and they cannot pay their pensions because they have not set aside enough—and with our help they are not having to set aside enough—what happens then? The Pension Benefit Guaranty Corp kicks in, and that is funded by the companies. But if that does not have enough—and my information is it is short \$34 billion, as we speak—the taxpayers will have to bail it out. So this pension smoothing is really, really dangerous. It is an offset that is not a good one.

Now, the Wyden-Hatch proposal is much, much better than the House proposal because it cuts it basically in half. The Carper-Corker bill cuts it out completely. So we just have to step to the plate. I think Senator WYDEN is right. Here we are bailing out—if I could use those terms—the highway trust fund until May, while we set up another potential weakness in our pension system. It is not smart. It should not be done. We had 2 years to figure this out.

But no question—no question—the Wyden-Hatch proposal is a far better proposal. Just making sure people pay their taxes, that is something we should all believe in, and, for the first time, the two Senators brought that issue forward to a successful conclusion. I am very, very grateful to them for that. So I very strongly support this.

I hope we will see a lot of support for the amendment that Senators CARPER,

CORKER, and I brought forward because we do away with pension smoothing. So if you do not like pension smoothing, vote for that one; and we cut back the money so we can take this whole thing up in December and give some certainty to all the groups out there, whether it is the Chamber of Commerce or the general contractors or the cement people or the gravel people or the AFL-CIO or the laborers. All these folks want to make sure we are not just doing a little cut and paste and get us up against the next thing.

I keep saying “in closing,” but I really mean it now. What you are dealing with here, if you want to use an analogy, is: You find a house you really like, so you go to the bank, and the bank looks at you and says: Well, you are a good risk. Yes, we will definitely give you a mortgage, but it is only for 9 months. Nobody is going to take that mortgage. Our States are not going to enter into 3-year contracts when they know they only are going to get the funding for 9 months. We have an amendment by Senator LEE which would cut the Federal Government's ability to help the States and wind up with an 80-percent cut in funding. So it is very risky moving out with all these things hanging over our head.

But I am still pleased with what the Finance Committee did. I thank Senators REID and McCONNELL for allowing us to have this time on the floor and all of my colleagues for agreeing, because this is a debate that has to start somewhere. So it is starting today. We know whatever happens, we are just doing a patch, and we are going to have to sit down together with good will and good ideas and solve this problem for the good of our country.

Ms. MIKULSKI. Mr. President, I rise in support of the Carper, Corker and Boxer amendment to the highway trust fund extension Bill before us today. This amendment will provide certainty and a guaranteed funding stream that our State departments of transportation and the construction industry desperately need. It provides a short-term extension through December 19, 2014, which will allow Congress to complete its work on a multi-year bill this year. The underlying bill only prolongs uncertainty by extending the solvency of the trust fund to May of 2015.

In the last transportation authorization bill, I fought for a Federal formula that gives the State of Maryland approximately \$780 million annually from the highway trust fund: \$580 million for highway funding and \$200 million for transit funding. The Maryland Department of Transportation's, MDOT, average weekly expenditure of these Federal funds is \$10 to \$12 million. Right now during construction season, MDOT is submitting reimbursements to the U.S. Department of Transportation for \$20 million a week.

Without this extension, the Federal highway trust fund will go bankrupt in a matter of weeks. What does this mean for my home State of Maryland? I am advised that MDOT will not meet its commitments. The Department would be unable to begin new projects. It would be forced to focus on safety

and system preservation instead of putting shovels into the ground. Existing projects will slow down or stop. The State of Maryland would have to find bond or State revenues to pay existing contracts. Most importantly, over 9,000 construction jobs will be in jeopardy.

This is why MDOT, other State departments of transportation, and the construction industry support a multi-year bill. Enacting a long-term bill this year will provide certainty with a guaranteed funding stream, allow MDOT to plan for the future, and provide stability to the construction industry. Projects take time and thoughtful planning averaging approximately 10 years to complete through construction.

In addition, a multi-year bill will strengthen our transportation networks improving safety and reducing congestion. It also will create 3 million jobs and support our economy.

I urge all my colleagues to vote for the Carper, Corker and Boxer amendment. I also ask unanimous consent that the op-ed Senator CARDIN and I wrote in the Baltimore Sun be printed in the RECORD.

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

TIME TO END THE GRIDLOCK THAT TAKES ITS TOLL ON MARYLAND'S HIGHWAYS  
(By U.S. Senators Barbara A. Mikulski and Ben Cardin (Both D-Md))

It is now peak construction season and without congressional action the federal highway trust fund will go bankrupt (expenditures will exceed receipts) in August—next month. As the Senators for Maryland, we are fighting for a multi-year transportation bill to provide planning and funding certainty to our state.

Federal gas and diesel taxes paid at the pump are the primary revenue streams for the highway trust fund, which provides formula funding to states for both highway and transit projects.

We fought for a formula that provides Governor Martin O'Malley and Maryland Transportation Secretary Jim Smith approximately \$780 million annually to spend across the state: \$580 million in highway formula funding and \$200 million in transit formula funding.

The cause of the Highway Trust Fund's insolvency is threefold: big improvements in vehicle fuel efficiency; reduced driving; and inflation. The last time Congress increased the gas tax was in 1993 from 14.1 cents per gallon to 18.4 cents per gallon. These three factors have resulted in lower gas tax revenues, reduced purchasing power, and trust fund receipts not keeping up with demand.

A bankrupt Highway Trust Fund means the Maryland Department of Transportation (MDOT) would stop receiving \$80 million a month in reimbursements from the U.S. Department of Transportation. As a result, MDOT will have to use state money obligated for other project to cover its federal expenditures. In other words, MDOT will be forced to rob Peter to pay Paul. New projects will not be initiated and existing projects will slow down or stop. The Department also will be forced to focus solely on system preservation instead of new construction needed to improve safety and modernize our transportation network.

Maryland needs a multi-year bill that ensures the solvency of the federal highway trust fund. A multi-year transportation bill is estimated to create two million jobs nationwide and transportation loans and grants create another million. Doing nothing is utterly unacceptable, and short-term ex-

tensions do not provide the planning and funding certainty states need to put those three million workers on the jobs necessary to maintain and improve our nation's essential transportation assets. In an uncertain economic climate, investments in transportation infrastructure creates jobs in construction, engineering, and manufacturing right here in the United States.

A multi-year transportation bill will help businesses succeed by making sure goods and products get to where they need to go. U.S. trade is expected to double in the next thirteen years and our national transportation assets must serve the growing economic demands for U.S. goods and services. We must modernize and maintain our infrastructure or we risk diminished profits and falling behind our international competitors in the global marketplace.

It also creates certainty for commuters and families. Traffic congestion wastes over 2.9 billion gallons of fuel each year. Maryland commuters have the longest commutes in America.

Unfortunately, the gridlock in Congress only leads to more gridlock on our nation's roads. When it comes to funding our nation's infrastructure, we've suffered from roadblocks and standstills. Despite our calls for more funding our roads, highways, bridges and railways are in dire need of repair.

That's why we work hard as Maryland's one-two punch for transportation funding Senator Cardin serving on the Environment and Public Works, and Finance Committee creates the policy and authorizes the programs that guide infrastructure investments for Maryland and the nation. Senator Mikulski as Chairwoman of the Appropriations Committee puts the funds in the federal checkbook to keep Marylanders moving.

We know strong transportation infrastructure is a key ingredient to economic growth. It protects the safety and reliability of travel and transportation. It also supports our economy with investments in the highways, public transit, airports, passenger rail and ports. This money creates engineering and construction jobs today and prepares us for jobs tomorrow bringing growth to our economy. The \$13.1 billion Maryland spent in transportation over the last five years has generated \$29.3 billion in business output, including \$12.9 billion in wages and nearly 35,000 jobs per year.

We also know that infrastructure projects don't just happen but they require smart planning. It's why we are united with the U.S. Chamber of Commerce, the American Society of Civil Engineers, and the American Association of State Highway and Transportation Officials in fighting for a multi-year transportation this year.

Mr. LEAHY. Mr. President, our tight knit communities in Vermont are part and parcel of my State's culture of neighbors helping neighbors. Our neighbors are not just next door; they are often in the most rural parts of the State, which can be difficult to reach. Our roads and our bridges connect us in a most basic way, and Hurricane Irene was a stark reminder that our infrastructure connects us not only in commercial ways, but in practical social ways that are integral to the spirit of Vermont communities. After Irene, with some of our roads and bridges completely destroyed, we saw, felt and lived what it truly meant to be cut off and isolated from our surrounding communities.

As Congress faces a deadline in the Highway Trust Fund, we are facing yet another artificial, made-in-Congress crisis for our States, their people, and for the Nation. Congress is senselessly imposing these strains and lost opportunities on this country. There are

those in Congress in recent years whose approach to governing is “my way, or the highway.” This time, even the highway is not safe from their obstructionism. This is a crisis we can avert if we would only work together to agree on a long-term funding plan for the Nation’s transportation programs. I commend the Committee on Environment & Public Works for their hard work on legislation to reauthorize the Moving Ahead for Progress in the 21st Century Act, MAP-21, and I commend the Committee on Finance for its hard work in trying to solve the funding issues we face in developing and improving our country’s infrastructure.

However, I had hoped the Senate would have responsibly agreed to a long-term plan to give State and local governments the certainty and stability they need to plan. Unfortunately, that was not the case. And while a short term fix avoids a transportation catastrophe this summer, it will also increase costs of transportation projects, limit the ability of State and local governments to plan infrastructure improvement, and ultimately result in the degradation of our country’s infrastructure. Start-and-stop highway construction is even more wasteful than start-and-stop driving is on our roads. It is wasteful, it hurts our communities and our economy, and it is needless.

The Highway Trust Fund is a critical asset for Vermont, as it is for every State. It provides millions of dollars to repair our roads and bridges and creates jobs for thousands of Vermonters. According to the State of Vermont, every \$1 million of transportation funding supports about 35 jobs in Vermont, directly and through the maintenance of the State’s transportation infrastructure. Construction companies, sign-makers, State employees, and every citizen will suffer the consequence of the inability to make progress on this vital issue.

While this short-term fix has become necessary, we must acknowledge what long-term funding for infrastructure represents: opportunity. Large, long-term investments in infrastructure have paid off in the past. President Eisenhower’s “grand plan” for the Interstate Highway System was an ambitious project that many questioned at the time. Today, it is indisputable that the vision of President Eisenhower and the foresight of the legislators in Congress who authorized the Interstate Highway System have strengthened our economy in every corner of the Nation, providing the opportunity for the American people and their families and businesses to grow, travel, and invest in the future. There are many Vermonters, and citizens all across the Nation, who are counting on us to provide a comprehensive, long-term solution to this problem. By coming together, we have an incredible opportunity to invest in the wellbeing of future Americans, and of our country.

Let us not continue this latest made-in-Congress crisis. Let us pass the reauthorization of MAP-21 before the new December deadline.

I thank the Presiding Officer very much and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 3585

Mr. TOOMEY. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 3585, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 3585.

Mr. TOOMEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ease Federal burdens on State and local governments recovering from catastrophic events)

At the end of subtitle A of title I, add the following:

**SEC. 10. EMERGENCY EXEMPTIONS.**

Any road, highway, railway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State and concurred in by the Secretary of Homeland Security or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that is in operation or under construction on the date on which the emergency occurs—

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(D) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(E) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(F) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetland); and

(I) any Federal law (including regulations) requiring no net loss of wetland.

Mr. TOOMEY. Mr. President, let me start by complimenting my colleagues, the chairman and the ranking member of this committee, for a genuine, sincere effort at a bipartisan solution to a difficult problem. There are provisions I like in this legislation. There are provisions I do not like. But I do like the fact that at least with respect to this

legislation at the moment the Senate is functioning. The committee was functioning and had a vigorous debate and discussion and came up with a reasonable approach. I thank Chairman WYDEN and Ranking Member HATCH for their cooperative effort to do this.

But I want to address this particular amendment, amendment No. 3585. I thank my cosponsor on this amendment, Senator MCCONNELL. What this amendment does, in short, is it allows communities that are recovering from a natural disaster to rebuild damaged infrastructure without having to acquire—or maybe I should say reacquire—Federal environmental permits.

Now, there is no question we all agree it is vitally important we protect our environment. I should point out there is nothing in my amendment that would change Federal environmental permitting requirements for any new construction—nothing at all. We should also recognize that States have their own very substantial standards in place to protect their environments, including during the construction of transportation infrastructure projects. There is nothing in my amendment that would weaken in any way or change in any way any State environmental laws or regulations.

The fact is our Federal environmental permitting process for infrastructure is broken. It is too cumbersome. It takes too long. It is too costly. It is a huge problem. I think the most damning statistic I can think of—that I am aware of anyway—is from the Federal Highway Administration itself, which in fiscal year 2011 estimated that on average transportation projects required 79 months to complete the National Environmental Policy Act review process, the NEPA review process—79 months. That is 6½ years to get permission from the Federal Government to build a road or a bridge or to rebuild an existing road or bridge that has been damaged—6½ years. That is often longer—sometimes a lot longer—than it takes to actually do the construction, and that is a problem. It is a problem because it just drives the costs up dramatically and unnecessarily.

Two weeks ago, constituents of mine in Northampton County, PA, reported to my office that just one environmental survey for a small bridge repair—we are not talking about some massive, new “Golden Gate Bridge” here; we are talking about a little bridge that is just going to be repaired—just one of the environmental surveys was \$21,000 alone.

Senator ROB PORTMAN reports that in Ohio Federal environmental permitting alone increases project costs on average by 20 percent.

The reason these delays are so expensive is all of these delays, all of these permitting requirements, require consultants to carry it out, and there are all kinds of engineering and consulting fees that get paid, often on retainer over time; it also means that while



waiting for a road or a bridge to be rebuilt or restored, there are longer commutes, there is a big detour, there is more consumption of gas. That is all a waste of time and money. The bottom line is that projects cost more the longer they take. That is the reality. The fact is, recovering communities do not need to have to incur this extra cost.

I will give you an example, again in Pennsylvania. Since 2010, Federal environmental permitting has delayed nine projects by over a year. The Cherry Creek Bridge in Monroe County, PA—this is an area that is flood prone; it was struck by Tropical Storm Lee and Hurricane Irene in 2011—the reconstruction for the damaged transportation infrastructure should have started pretty much right away, but Fish and Wildlife review delays alone cost us 2 years before construction could even begin. Senator Ben Nelson recognized this problem—a Democrat from Nebraska who served in this body—and offered a bipartisan amendment to the last highway bill, MAP-21.

What his amendment would have done would have been to exempt roads and bridge repair projects from Federal environmental permitting if the roads and bridges were destroyed by a declared emergency, such as Superstorm Sandy, for instance, and provided that the reconstruction would occur entirely within the footprint of the existing structure, the original footprint.

Unfortunately, Senator Nelson never got his vote. He was denied a vote. Instead, he got a watered-down provision put into the final bill that allows the Department of Transportation, under certain circumstances, to exclude certain repair projects from this whole process. But they cannot make that exclusion if the project is deemed to be “controversial.” Undefined. I do not know what that means. The exclusions do not apply to the Army Corps of Engineers or the Fish and Wildlife Service, the reviews of which constituents tell me are the most time consuming, cumbersome, and costly to comply with.

The result is that recovering communities today, after they have been hit hard by a natural disaster, after they have incurred damage to their roads, their bridges, their infrastructure, do not know what environmental standards are going to apply to them, except that some certainly will, and others may or may not be exempted.

It still leaves them subject to a lengthy, costly, and unnecessary procedure. Because, once again, let me emphasize, we are talking about roads and bridges that are already there. We are not talking about new infrastructure, new capacity. We are talking about rebuilding what was there already and what was damaged.

This amendment I am offering is almost identical to the Nelson amendment. The difference is, at the request of SPTA, which is the Southeast Pennsylvania Transit Authority, it has been

expanded to include not just roads and bridge but also rail and transit facility repair projects. That is it. So it simply says: These existing transportation infrastructure facilities, if they are damaged or destroyed by a declared natural disaster, the rebuilding, the identical rebuilding in that very same footprint should not be subject to going through the whole environmental permitting process all over again. That is all it says.

I am glad to have the endorsement of a number of organizations and groups: Associated General Contractors, National Association of Counties, Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste.

I argue this is just common sense. This is a modest, narrow amendment. As I say, it does not in any way, shape, form, or fashion change any regulations or permitting requirements for any new construction. It says nothing whatsoever about the extensive State requirements. It is silent about all of that. It simply says: With respect to Federal environmental permitting, if you are rebuilding an existing road or bridge because it has been damaged in this way, you do not have to go through this costly, lengthy process that is costing us time, money, jobs, and infrastructure.

I urge my colleagues to support my amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I thank my colleague from Pennsylvania for his comments and the manner in which we are proceeding.

I rise in strong opposition to the amendment offered by my friend from Pennsylvania, and for many reasons.

First, let me compliment Senator BOXER and the leadership on the Environment and Public Works Committee. Because when we approved MAP-21, we took up this issue. We dealt with it. It was not without controversy. We had strong views on both sides of this issue. Because what the Senator from Pennsylvania is doing is removing completely replacement facilities from any—not just the NEPA procedures, but also from the Endangered Species Act, from the Clean Water Act—basically putting a dome over the process so anything goes, basically. Anything.

We debated that issue in the Environment and Public Works Committee. There were different views. Quite frankly, Senator BOXER was extremely accommodating to the legitimate concerns the Senator from Pennsylvania has raised. That is why there is an expedited procedure already in law, passed in MAP-21, that deals with this issue. The Senator talks about using the proper legislative process. We did that. The committee of jurisdiction debated it. We had difficult compromises, but we reached these compromises.

Let the process work, because the process is working. Let me point out, I

was one of those who was not excited about giving up any of our environmental protections on replacement facilities, because I pointed out the fact that when we had a bridge collapse in Minnesota, that bridge was replaced within a matter of a very short period of time, before we did our compromise, which now expedites the process. My point is, in emergencies we seem to work things out. But in order to deal with the concerns the Senator has raised, we put into the law this expedited procedure for replacement facilities. It is in MAP-21. It is the law.

This amendment would open it to significant abuse. It is very conceivable that when you give this type of an exemption, you basically are exempting a geographical spot so that anything goes. It could be a total ending of the protections that we have in the Federal Clean Water Act. It could be eliminated.

I would urge my colleagues to reject this amendment. It is unnecessary. It certainly opens it to tremendous abuse. We have a process in place. It was negotiated. I would urge my colleagues to accept it.

Before I yield the floor, I want to thank Senator WYDEN. I want to thank Senator BOXER and Senator HATCH—I see them on the floor—and Senator CARPER for their incredible work on this bill. I agree with Senators Boxer and WYDEN. It is very important that we pass a bill before we leave this week so that there is no delay in making sure the Federal Government pays its bills to our State and local governments on transportation projects.

I strongly support Senator WYDEN and Senator HATCH's effort in our committee to get a better funding flow for the patch so we deal with collecting the taxes that should be paid, rather than causing a disruption in some of the revenue sources that are in the House bill. I strongly support Senator WYDEN and Senator HATCH's efforts in our committee.

I certainly support Senator CARPER's amendment that would say it is our responsibility to act in this Congress.

Let me point out, we have 5 months left before this Congress goes out of business. It would be wrong for us to pass just a patch and not to do the 6-year reauthorization. The Environment and Public Works Committee, by unanimous vote, recognized that we could get a 6-year bill done. We have already talked about from where revenues can come. There are bills we could take up dealing with supplemental ways to fund infrastructure, infrastructure banks, using the Tax Code. I am sure we can get bipartisan agreement on some of these issues.

The Carper amendment says we are going to get our job done in this Congress and we are not going to subject our States to the uncertainty of just a patch. In my State of Maryland, we have many long-term commitments that we are trying to get funded. A short-term patch will put us in a hole.

We are okay to the end of the year, but let's make sure we enact a 6-year bill before this Congress leaves.

Mrs. BOXER. Would the Senator yield for a question?

Mr. CARDIN. I would be glad to yield to my colleague from California.

Mrs. BOXER. I thank my friend. I wanted to ask him a question. Because I think the way the Senator responded to the Toomey amendment was exactly right on point. It was almost a *deja vu* as I listened to my friend from Pennsylvania, because he is not on the committee of jurisdiction. But we had this debate, as my friend pointed out. As a matter of fact, I started to get a little stressed as he related what we went through to get to the point where we have an expedited procedure that takes care of the problems my friend from Pennsylvania talks about.

But we do not throw out every landmark environmental law. That would be a disaster. I can give you an example and ask my friend if he agrees with this example.

I also want to point out the American Public Health Association strongly opposes Senator TOOMEY's amendment, because they know the health of the people is at stake.

But let's say you had a situation where you brought in a contractor to clean up after there was a disaster, collapse, let's say, of a highway. There was a body of water nearby. The contractor came in. Instead of having a good clean operation, he started dumping his fuel and chemicals and everything else into this waterway. Mind you, under our law he has already got an expedited permit, he is ready to roll. But he or she, they have to be good citizens and not make matters worse.

Does my friend not agree that these landmark laws, such as the Clean Water Act, the Safe Drinking Water Act, should be respected, and the Toomey amendment throws them out the window, and we can endanger the health of the people?

Mr. CARDIN. I say to Senator BOXER, through the Chair, she is absolutely right. It is even worse than that, because the contractor could be using a subcontractor whose principal work may not even be directly related to the replacement. It would be virtually impossible to detect what they are doing on the replacement site as to what they are doing on other sites. So it could be absolutely used as a shield in order to avoid the laws that we have to protect public health, protect our clean waters, our drinking water, et cetera. It opens a huge potential abuse. It is throwing out the laws, rather than making the laws work. That is exactly what our committee did after a very lengthy debate and which, quite frankly, we did certain things that make it a lot easier for a replacement facility to be done in an expedited process.

Mr. CARDIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I would like to address another issue connected to

this debate. Before I do so, I would yield a moment of my time to my distinguished colleague, the junior Senator from Pennsylvania.

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

Mr. TOOMEY. Mr. President, I thank the Senator from Utah. Let me respond to my colleagues from Maryland and California briefly.

First of all, I am perfectly glad that the committee of jurisdiction addressed this. One of the great things about the Senate is when it is actually functioning. Members who are not on a particular committee still have the opportunity to weigh in on an issue and have that debate on the Senate floor. That is exactly what we are doing today. I am glad we are doing that.

I would also observe that my colleagues seem to have very little faith in the ability and willingness of States to protect their own environment. They should spend some more time in Pennsylvania. We care a lot about our environment in Pennsylvania. We have a Department of Environmental Protection that takes that responsibility very seriously.

Finally, I would point out that the so-called fix in MAP-21 is extremely incomplete. It is incomplete because, first, it occurs at the discretion of the Department of Transportation. They can simply choose not to have an expedited process. If they deem the project to be "controversial"—undefined. Who knows what that means.

Secondly, the Department of Transportation is not permitted to exclude from this process compliance with the Army Corps of Engineers or the Fish and Wildlife Service reviews, which altogether are extremely time consuming and expensive and costly. Again, we are just talking about repairing existing infrastructure. We are not talking about waiving these requirements for new capacity, for new infrastructure.

I urge my colleagues to support the amendment.

I thank the Senator from Utah.

#### AMENDMENT NO. 3584

(Purpose: To empower States with authority for most taxing and spending for highway programs and mass transit programs)

Mr. LEE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I can call up my amendment No. 3584, which is at the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3584.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of July 23, 2014, under "Text of Amendments.")

Mr. LEE. Mr. President, we are here today because our Federal highway

policy status quo is not working, and it hasn't been working for a long time. This is the sixth time American taxpayers have been asked to bail out the highway trust fund since 2008—the sixth time since 2008.

None of those patches, \$52 billion worth of bailouts in 7 years, fixed the problem, and neither will the \$10.8 billion authorized by the bill that is before us today. It will buy us only a few months before we are right back in the same place once again, the same place where we are now.

Indeed, this debate is itself the dysfunction of Washington, DC, in miniature. Here—as in health care, higher education, assistance for the poor, energy, and so many other areas—the Federal Government has created a permanent structural problem, and it responds with duct tape. Worse, this bill solves only Washington problems, only the problems of Washington, DC, not those of the American people.

Under the broken status quo this bill not only protects but also extends, in 6 months—and in 6 years—our roads will still remain congested. Too many single moms will still live on a knife's edge trying to make it to their second jobs all the way across town. Too many dads will still have to leave for work before breakfast just to make it to their job and then do the same thing again as they try to make it home for dinner. Children will still look in vain into the empty seats at their piano recitals and at their Little League games. Commuters will still squeeze onto overcrowded subway cars, hold their breath, and hope they don't break down again. Young families will still be unfairly priced out of neighborhoods near the best jobs and the best schools, and diverse communities will still be subject to the monotonous inefficiency of an outmoded Federal bureaucracy.

But it doesn't have to be this way. There is a better way. The Interstate Highway System is one of the greatest achievements not only in the history of the Federal Government but in all of American history. It unified a sprawling continental nation by investing in our common destiny. It simultaneously met the economic, social, cultural, and security needs of an emerging superpower. It was and it remains a wonder of American innovation and self-government.

More than that, the Interstate Highway System was the daring, audacious work of a young nation literally on the move, bristling with confidence in its future and in its people. With the Federal-Aid Highway Act of 1956, Congress threw off the yoke of the status quo and it met the emerging needs of a new generation.

Yet today, some 58 years later, in a new century with new needs, new technologies, and a new economy, Congress anxiously clings to that exact same policy like some kind of a tattered security blanket.



Six decades ago, Federal highway policy represented a triumph of imagination. Today, our refusal to modernize that same policy represents a failure of imagination. So we are here with the duct tape and WD-40 trying to keep this 20th century bureaucracy in place, rather than embracing the worthy challenge of building a new mobility policy, one that is well suited for the 21st century. That is exactly what my amendment, the Transportation Empowerment Act, would do.

In 1956, it made sense for the Federal Government to collect the majority of gas taxes from around the country and then coordinate the construction of a national system. We needed it. But with the interstate system now largely complete and most transportation issues that we see today existing at the local level, there is no longer the same need for Washington to serve as the central coordinator. We have become an intrusive middleman. We need to refocus the Federal Government solely on interstate priorities and to empower a diverse, flexible, open-source transportation network controlled by the States.

My amendment would empower States and communities to customize their own infrastructure according to their own needs, their own values, and their own imagination.

It would, over 5 years, gradually transfer funding and spending authority over local transportation infrastructure projects to the States.

Today the Federal gasoline tax stands at 18.4 cents per gallon. My amendment would lower it by 2019 to 3.7 cents per gallon.

In the interim, we would gradually send States more of their allotment without strings to prepare them for the eventual transfer of this differential. After this gradual transition, Congress would retain enough revenue to continue to maintain the Interstate Highway System, which rightfully, properly remains a Federal priority and a core competence of our government at a national level, but States and communities would be newly empowered to launch a new era of local investment and local innovation.

The idea behind this plan is not only that there is a better way to improve America's infrastructure, there are 50 better ways and even thousands of better ways. In our increasingly decentralized world, there are as many ideal transportation policies as there are communities across this great country.

Washington is standing in the way, imposing obsolete conformity on a vibrant, diverse society. For if we truly love local transportation infrastructure—and who doesn't—we should set it free.

Under the Transportation Empowerment Act, Americans could finally enjoy the local infrastructure they want. More environmentally conscious States and towns could finally have the flexibility to invest in more green transit projects and bike lanes. Re-

gions reaping the benefits of America's recent energy renaissance could accelerate their own infrastructure and their own buildouts to keep up with their explosive growth. Dense cities could invest in more sustainable public transit networks. Meanwhile, surrounding counties could reopen the frontiers of the suburbs to a new generation of far more livable communities. State and local governments will also be free to experiment with innovative funding mechanisms not necessarily tied to the unreliable, unpredictable, gasoline tax. By cutting out the Washington middlemen, all of those States, communities, and taxpayers will be able to get more for less.

My amendment would not reduce America's investment in infrastructure any more than Uber reduces America's investment in car services. In the real world, value is not a cost. Rather, my plan would empower a nation hungry for greater mobility to spend its infrastructure dollars on steel and on concrete instead of on bureaucracy and special interests.

Some of my colleagues oppose this plan. Some will offer Washington's eternal promise. The status quo will work, it just needs more money. That is all it needs, and it will work. The Federal gasoline tax has not changed since 1994, they will say. We are starving the trust fund, they will add.

But it is not true—at least it is an inaccurate and incomplete picture. For in the 12 years prior to 1994, the gasoline tax skyrocketed by an alarming 460 percent from 4 cents per gallon to 18.4 cents per gallon.

Put another way, since 1982, the Federal gasoline tax has grown by an equivalent of 6.1 percent per year. Chasing ever more money will not solve this problem. That is what we have been doing, and the bill before us today is incontrovertible proof that it hasn't worked.

Others argue that reducing Washington's role in local transportation would invite economic and infrastructural catastrophe. This makes two very peculiar assumptions.

First, it assumes that Washington is uniquely competent in the area of local transportation, even as a long train of abusive boondoggles and bridges to nowhere tell us exactly the opposite.

Even more bizarrely, this argument assumes that the 50 States of our exceptional Republic, many of which would rank among the wealthiest nations in the world on their own, are unstable banana republics nursing the development of primitive hunter-gatherer societies whose only transportation services involve the clearing of woodland paths for their pig-drawn carts.

State and local governments already pay for 75 percent of all surface transportation infrastructure projects in this country.

In my home State of Utah, one of the best run in the country, only 20 percent of our transportation money comes

from Washington. The other 80 percent we raise ourselves. Of course, we raise most of that 20 percent too. It is just that under the broken status quo, Washington middlemen take their cut before sending that back to us.

Why not just leave that extra 25 percent to the States and communities who need and use it in the first place?

The States already own and maintain the highways and local transit projects that are inherently local. So why not let the Federal Government focus on interstates and let Oregonians plan, finance, and build their bike paths; San Franciscans their green energy transit experiments; and Texans their eight-lane expressways, in their own way, tailored to their local needs and their own local values? All we add to the process in Washington, DC, is unnecessary overhead and self-congratulating press releases, trying to take credit for it all.

Finally, many who admit that the status quo is unsustainable nonetheless support it because they believe their particular State benefits by receiving more money back from the highway trust fund than it puts in. Washington perpetuates the myth that transportation money is free, especially for these so-called net donee States. But as in every other middleman arrangement, the status quo policy ensures that States actually get less value back than they should.

Federal regulatory strings not only make infrastructure projects unnecessarily expensive, they specifically divert resources away from actual infrastructure and waste it on special interests and bureaucratic redtape.

The Federal Davis-Bacon Act, for instance, costs States an additional 10 cents for every single dollar they spend on infrastructure construction projects.

Numerous regulations under the National Environmental Policy Act—or NEPA, as it is frequently called—collectively cost State governments an additional 9 cents on the dollar. No wonder the trust fund needs to be bailed out every year. Washington is charging taxpayers a 20-percent processing fee off the top.

I encourage my colleagues to work out the math for their own States.

But for Utah, that means that of the \$335 million we receive annually from the highway trust fund, nearly \$64 million goes to political overhead instead of steel and concrete.

Everything in our economy and our society today is moving away from rigid, centralized, bureaucratic control and toward flexible, open-sourced community and individual empowerment. This is a simple question of old versus new, of bold versus unimaginative.

The Interstate Highway System met a crucial need in its time and represented a wonder of innovation, but so did Borders bookstores at one time, so did Blockbuster Video at one time, so did record stores, and so did rotary telephones.

America still needs books, movies, music, and communication, and it still gets those things. Today those goods are just delivered more efficiently, more affordably, through flexible models customized to the needs of individual customers. In the very same way Americans still need highways, bridges, subways, and bike paths. Indeed, we need them now more than ever, but Federal policy hasn't kept up with the times. That is why, even without my amendment, more than 30 States have begun or are considering their own transportation modernization programs.

This is just one more piece of evidence that the transportation renaissance America needs is one that our centralized bureaucratic status quo cannot deliver—not with another \$10.8 billion or 10 times as much.

After six decades and historic successes, the time has come for a new Federal transportation policy—one that taps the creativity of our diverse Nation. Today, Americans are unnecessarily stuck in traffic, stuck in overcrowded subway cars, missing their kids' games and recitals, priced out of neighborhoods close to their jobs, and they spend almost a full 40-hour workweek per year stuck in gridlock. They deserve better than what Washington is offering—which is just the status quo, plus a little more money. A new era demands a new approach.

The Interstate Highway System is a success, and the people who created it deserve our great admiration and gratitude. But the way to honor their legacy is to stop imitating them and start emulating them by investing in an innovative transportation network for our own era, just as they did for theirs. Just as it was in 1956, the status quo is once again no longer good enough. We need to transcend it.

The future of America's mobility is not a rigid, monolithic, centralized bureaucracy frozen in amber; it is a flexible, organic, open-sourced network of empowered individuals and communities as diverse as the Nation itself.

My amendment would empower Americans to start to build that future together, and I respectfully ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is really almost hard to know where to start in my opposition to this amendment, but let me say that some people call it devolution, meaning you devolve all responsibility for the highways and transits to the States. I call it not devolution but complete and utter destruction of a system that has been in place that the States have grown to count on. That is why the States that my friend speaks from, the States' point of view—they oppose this amendment strongly. AASHTO—they represent not one State but every single State.

There are so many things my friend said that we can't refute—that a State

should have the right to spend whatever they want. Sure, they can. They can spend anything they want right now. But they count on the basic bread and butter of these grants.

If we look at history, it has been Republican Presidents who have stepped to the plate on this all through history. That is why I think this is so radical. It is shocking to me. It is shocking to me because some of the biggest proponents of the Interstate Highway System and aid to the States have been Republican Presidents.

Let's be clear. If, God forbid, this were to become the law, immediately the States would see a cut in their transportation funding of 80 percent. That is my friend's answer to gridlock—cut the funding to the States by 80 percent.

The last time I heard and listened, we were one nation under God, indivisible. That is why the visionary Dwight Eisenhower saw this. He knew we had to be able to move equipment. He knew logistics because he was a general. He knew we were one Nation, sea to shining sea. And my friend would have us lose that.

I really wish my colleague Senator INHOFE would come to the floor because I think he has a voting record that is as conservative as any, and he feels transportation is a basic function, along with defense.

I think it is important to note that counties and cities and States depend on this program, and they have for years. Again, this is a national interest, to have this one Nation.

If we really want to see Republicans and Democrats united around the country, look at who is opposing the Lee amendment: the American Trucking Association, the American Road and Transportation Builders Association, the American Society of Civil Engineers, the American Highway Users Alliance, the National Stone, Sand, and Gravel Association, the general contractors, the Associated Equipment Distributors, and the Association of Equipment Manufacturers. And if they agreed with Senator LEE—set us free; set us free; we are going to build so much—I don't know what he is talking about, set us free. Set us free with 80 percent less money? That is really great. What are we going to build? Nothing. We are going to have to raise taxes. I was a county supervisor. That doesn't work.

Proponents of this amendment weakly claim that with the completion of the interstate system, we don't need a Federal role in transportation. Well, guess what. We have to maintain our Federal highways even though they have been built. We have to maintain our bridges even though they have been built.

I said on a TV show the other day: I know I have gotten a little older. I need more maintenance. That is just the way it is. I am not happy about it.

Stop laughing. But that is a fact of life.

So don't tell me "we are free at last; do away with this" and then think the States are going to be happy when the very States my friend says he speaks for are totally against his amendment. We would be massively cutting transportation infrastructure spending.

Let's talk about the impact on thousands of businesses and millions of workers. I don't know if we have the picture of the stadium. I wish to show my friend—when he comes here and makes an ideological speech, I like to talk about the real world. Here is the real world. This is a Super Bowl game. This is a stadium that holds 100,000 people. We have seven stadiums full of unemployed construction workers. He wants to cut the Federal involvement by 80 percent. Just don't see some of these workers. It started out that we filled 20 of these stadiums in the height of the recession. Now we have got it down to seven, and we still don't have enough work.

And this isn't make work. This is work our American businesspeople want. This is work our American workers want. This is work that can't be outsourced. This is work that pays a good wage. What a time to cut back our investment by 80 percent and sock it to the workers.

The same people who vote for this amendment won't raise the minimum wage—support this pension smoothing that is taking away dollars from our employees' pensions.

So I am at my wit's end to understand. My friend is a nice man, and I know he believes this. But don't come on the floor and say let's forget about Eisenhower's vision and have a new vision, which is that there is no more Federal role.

Some will get up and say: Maybe it is better to do this than to do nothing. Maybe this is better.

No. We have to do our job around here, and that is a multiyear bill. We are faced with a short-term extension because we haven't done our work.

Senators CARPER and CORKER and I are going to put forward an amendment that is going to force us to do our work in December if we are lucky enough to have it passed. We hope it will pass because if we vote for that amendment, we are cutting back the short-term money we have to pay, and we are cutting back the time. And that is good. But we are not walking away from the responsibility we have as a nation, one nation under God, indivisible, from sea to shining sea, a vision of America that my friend's amendment would destroy. It is not devolution, it is destruction, and I hope we will vote no.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I strongly, respectfully disagree with the characterization my distinguished colleague from California has made suggesting that this somehow represents an 80-

percent cut in the transportation funding. That simply is not true. The idea here is to transfer both the revenue collection authority and the spending authority back to where most of it belongs, which is at the State and the local level.

There isn't a State in the Union that wants to do away with transportation infrastructure spending. Quite to the contrary, our States and localities and those who assist the contractors, who provide the services, provide the gravel and other materials that go into these roads and bridges and transit projects—they want to get to work, but they want to put this money into steel and concrete in the ground rather than spending so much of it on lobbying, rather than spending so much of it on things that have nothing to do with steel and concrete in the ground.

I also wish to refer to something my colleague said with regard to the fact that it costs money to maintain the Interstate Highway System. I absolutely agree—I could not agree more—which is exactly why I wrote this amendment so as to retain a 3.7-cent-per-gallon gasoline tax that would be collected and spent better to make sure we would maintain the Interstate Highway System. That is exactly what we do.

A reference was made to my distinguished colleague from Oklahoma, Mr. INHOFE, expressing remorse over the fact that he is not here with us at this moment to have a discussion and wondering what he would say about it. To respond to my colleague's point, Senator INHOFE has voted for this provision in the past. In fact, in the past Senator INHOFE himself has introduced a version of this very piece of legislation.

My colleague also referred to groups that happen to oppose this legislation. I would encourage those groups to learn more about it and also point out that there are lots of groups that support my legislation, including Americans for Prosperity, Americans for Tax Reform, Heritage Action, Club for Growth, National Taxpayers Freedom, Freedom Works, and the list goes on and on.

It is also important to remember that our Federal gasoline tax did increase substantially between 1992 and 1994, increased from just 4 cents per gallon to 18.4 cents per gallon. During that time period we were told that if the gasoline tax was increased at the Federal level, we would be backing up the highway trust fund, that we would make sure it was secure.

Did that happen? No. What happened instead was the Federal Government overreached. The Federal Government started getting more and more involved in surface streets and things that have nothing to do with our Interstate Highway System. That is why we are here today.

I therefore yield back the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I will be very brief. I know my colleagues want to present the Carper-Corker-Boxer amendment. I will just say that we just did the math. The Senator cuts the gas tax to such a degree that the States would get an 80-percent cut. The Senator can do the math himself, but I am happy to work with the Senator on it.

It is not convenient—it is not right to speak about another Member when they are not here, but my understanding is Senator INHOFE does not currently support this. I could be wrong. We will find out in a couple hours. One of us can apologize. But I will apologize if I misstated his objection to this.

I yield the floor.

AMENDMENT NO. 3583

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that our amendment, the Carper-Corker-Boxer amendment 3582, be made pending and that it be reported by number at this time.

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. CORKER, and Mrs. BOXER, proposes an amendment numbered 3583.

(The amendment is printed in the RECORD of Wednesday, July 23, 2014, under "Text of Amendments.")

Mr. CARPER. Mr. President, I will make some comments to lead off and then will yield to Senator CORKER and back to Senator BOXER, and we have others who would like to speak on behalf of this amendment.

I wish to start off by saying to the Senator from Tennessee who is here with us, the lead Republican on the amendment, how grateful I am to have this opportunity to work with you on an important issue. Thank you for your courage. One of the definitions of leadership is the courage to stay out of step when everyone else is marching to the wrong tune. In this case, not everyone else is marching to the wrong tune, but a few people are. I thank you for showing that courage and standing up to do what we believe is the right thing to do.

I would like to give a big shout-out to Senator BOXER. She chairs the Environment and Public Works Committee on which I serve as the subcommittee chair for transportation and infrastructure. She and Senator VITTER and Senator BARRASSO and I worked to fashion a 6-year transportation plan for our country that is a very well thought out, excellent roadmap for the future of transportation in America, and what we now need to do is to fund it. It is great to have a plan. How about some money to make it happen? That is what this is all about.

This is the question: At the end of the day, how do we best ensure that we actually fund the 6-year plan Senator BOXER and others helped us develop?

I thank not just Senators CORKER and BOXER for their great support and for their leadership, I also thank the

Democrats and Republicans and even an Independent or two for their support of our amendment.

I will yield the time now to Senator CORKER and Senator BOXER, and I will take some time out. Senator KING is welcome to speak as well.

UNANIMOUS CONSENT REQUEST

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order with respect to H.R. 5021 be modified to allow for 2 minutes equally divided in the usual form between the votes and that all after the first vote be 10-minute votes, with all other provisions of the previous order remaining in effect.

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. I thank the Senator from Delaware and the Senator from California for going ahead with this amendment. I thank Senator CARPER for this leadership not just on this issue but other issues. I know we are working with other long-term issues that need to be resolved, and I thank him for the way he is going about doing that.

If I could just lay out what is happening today, a House bill is coming over here today that is a short-term extension. Mr. President, I don't know if you know this, but this will be the 11th short-term extension since 2008. Let me say that one more time. This will be the 11th short-term extension that has occurred since 2008.

This is the fifth time we have taken money out of the general fund—taken money out of the general fund—to fund the highway trust fund, which is supposed to be funded through user fees. So what I would like to say to my friends on this side of the aisle is that this is the fifth time for the highway trust fund, which builds highways and bridges around our country, that we are engaging in generational theft—generational theft—where we take money out of the general fund. Everyone knows it is not paid for. We use gimmicks to pay for something that the Constitution says we are actually supposed to deal with.

The House sent over a bill, and there has been a lot of consternation on the floor about that. They used \$6.4 billion worth of pension smoothing. Everyone in this body knows it is not a real pay-for. All it does is move revenues up a decade. And because it uses \$6.4 billion worth of pension smoothing, it has a \$5 billion budget point of order against it. Let me say that one more time—a \$5 billion budget point of order against the House bill that is coming over. So there has been some consternation.

People say: Well, if you don't take up the House bill, the road program is going to fall apart, and we are going to go home for the August recess and everybody is going to be blamed.

Well, fortunately—fortunately—today Speaker BOEHNER said: No. If the

Senate sends something over, we are going to send something right back.

So everybody ought to be relieved. So it doesn't matter today that many of our Finance Committee members who serve with Chairman WYDEN—they have made commitments to him that we are going to get on the Senate Finance Committee, and they should all know it is not a problem now. The House today said they are going to send something right back.

So the first vote that is going to take place today is a vote to strip out the House bill, which has \$6.4 billion worth of pension smoothing—a total gimmick. Everyone knows it is not a pay-for. It loses money—loses money. And the Senate Finance Committee bill is going to—the first vote is to replace the House bill with the Senate Finance Committee bill—by the way, which was done under regular order, done the way bills are supposed to be done. Unfortunately, it also is a short-term fix. I have never voted for a short-term fix for the highway trust fund because it is so simple for us to resolve. The only issue is we haven't been willing to address it. There are no new ideas that I am aware of.

I am going to have to vote against a short-term extension. But we have an amendment to improve it, and what that amendment does is it takes out all of the pension smoothing that unfortunately is in the Finance Committee bill. I thank them for doing their work, but it has \$2.9 billion worth of pension smoothing, which, again, is a gimmick. In other words, it moves up revenues. It weakens, by the way, the pension system in our country. You ought to know that. It weakens our pension system. It moves money into this decade, but from then on it loses even more money. It is absolute—no offense to those who put it in place—generational theft. So what this amendment does is it takes pension smoothing out of the Senate finance bill and leaves everything else in place.

The secondary benefit is that it means the highway trust fund will not have funding except to make it through this year. What that means is that this body in 2014 will have the opportunity to actually deal with this issue.

I have to tell you, seriously, I am embarrassed. I have been here in the Senate 7½ years—7½ years—and we have yet to deal with one of our long-term issues. I cannot remember a single issue this body has come together on to deal with one of our long-term structural issues. It is an embarrassment. They really aren't new ideas around here; there has just been a lack of willingness to deal with it.

I thank the Senator from California, the Senator from Delaware, and others who will join in this amendment. And all we are doing is one thing: We are taking a gimmick out of the Senate finance bill and forcing this body to act responsibly before year-end. That is all.

I would urge my colleagues to come to the floor and say: Look, it has been a long time, 11 short-term reauthorizations.

By the way, think about the economic issues that come with this. We do these reauthorizations, and departments of transportation around the country have no idea whether there is going to be funding in place. What do the contractors do? They don't hire people long-term. They don't buy equipment. Yet we come and do this 11 times since 2008. Five times, again, transferring money out of our general fund—the greatest generational theft that can occur—taking money out of the general fund and spending it over a 6-month period, paying for it over 10 years.

To my Republican friends who railed against the President over the health care bill because he was using 6 years' worth of costs—by the way, I was one of those railers—6 years' worth of costs, 10 years' worth of revenues—we couldn't get off of it because it was so irresponsible. Yet in this bill we are going to spend the money over 6 or 7 months and pay for it over 10 years. It is an order of magnitude worse.

I know that a lot of people have worked and they have said: No, there is no way we can come up with a solution by year-end.

You have got to be kidding me. How could we not come up with a solution to such a simple issue—a trust fund that has been funded by user fees. How could we not figure out some way in 5 days? The Senate Finance Committee has some of the smartest people in the Senate on it. They know there are no new real options. The chairman has floated some ideas as to how to get there, and I applaud him for it.

By the way, I know that the Senate Finance Committee is only doing its job today. In other words, you have to come up with a short-term solution. I got it. I cannot support it. I cannot support it. I cannot support another kicking of the can down the road on one of the simplest issues we have to deal with in the Senate because elections are coming. Let's face it. Every time it is the election. We can't deal with this issue, so what we said is: OK. We got it. We realize that during elections people don't really want to show their cards, apparently. So we are saying, hey, let's strip the gimmick that is in this bill—the pension smoothing that we all know is not a pay-for. It is a gimmick. Let's strip that and let's force the Congress before the end of this year to actually deal with an issue that is very important to our Nation.

I hope people will support it. I have heard people say: Well, I just don't see how we can figure out a solution.

You have got to be kidding me. I mean, how many new ideas are there relative to this?

So, look, I thank my colleagues for joining in this amendment. I hope we will have support. Again, this amendment lessens the kicking of the can

down the road. It takes out a gimmick. It forces us to deal with a long-term solution, which we should have done a long time ago.

I thank all of those Senators who support this amendment. I hope others will consider it before they come down to the floor. I hope this Senate will have the opportunity—and the House—before year-end to actually deal with this issue.

Again, let me say this: The kick-the-can down-the-road that is occurring takes us into next May and June. Think about it. So we are going to have a Presidential race underway. So then people are going to say: Oh, we can't deal with this issue. We don't want our nominees to have to deal with this issue.

Remember, the primaries this year are early. So our Republicans will say: Well, we don't want to deal with this issue in May or June because a Presidential race is coming up. And the Democrats will say the same thing: We don't want our candidate to have to talk about this issue. So again and again we will kick the can down the road. We will engage in generational theft. We will weaken our economy. We won't do the things we should be doing with our infrastructure. It is the wrong thing to do.

Please support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank Senator CORKER for his remarks because I have been here a while, and I haven't heard a more honest speech in my life on the Senate floor. I haven't heard a more passionate speech, a speech in which the Senator just spoke from his heart and with his brain, which is quite competent. I thank the Senator for it because there are some times when you do feel like shouting. I guess that was a movie, "I Can't Take It Anymore."

It is ridiculous that we are where we are. We knew for 2 years—2 years—that the highway trust fund was going to run out of money. We knew it for 2 years. That is why in May Senator VITTER and I, Senator CARPER, Senator BARRASSO, and others on both sides of the aisle passed a 6-year bill. We knew it was coming. We wanted to wake up our colleagues. And we did wake them up but, sadly, to a short-term fix instead of a long-term fix, a multiyear bill.

I so agree with my friend. It is the political will that is lacking. There is always an excuse followed by an excuse. The next thing we know they will say: The dog ate my homework. We have heard every excuse. And the Senator is so right. We will be in Presidential races, and then we will start with more Senate races and more congressional races, and people won't want to take a tough vote again.

This is the greatest Nation on Earth, but we have to reflect the greatness in our work here, and we are not.

The one thing I disagree with my friend on—he said we are only doing one thing in this amendment. We are actually doing two things in this amendment. One is we are getting rid of that gimmick called pension smoothing. I have kind of studied it over the last few weeks to really understand what we are doing, which is when you use this pension smoothing, you are saying to companies: Don't put any money into your pension obligations. And through some smoke and mirrors—because then it means they get to pay a little more income taxes—by the way, some don't pay more income taxes—it comes out a plus. The fact is, it is in essence telling companies they don't have to set aside money for their workers' pensions. That is not something that is good, especially since the pension guaranty corporation is short \$34 billion.

I don't know if my friend knows this. The last time we used pension smoothing for a short-term fix, at least we had in the committee a comparable measure that ensured that companies gave more to the pension guaranty corp. So although they had a chance not to put the money into the pensions, they did have to pay more to the pension guaranty corp. If the pension guaranty corp. isn't there—the Pension Benefit Guaranty Corp. is broke—the taxpayers have to pick up the tab. I am looking at my friend in the Presiding Officer's chair, the Senator from Massachusetts, Ms. WARREN, who knows what happens when everybody is broke and the Federal Government says: Oh my God. That is too big to fail.

So this attack that you make on smoothing as a gimmick—it is worse than a gimmick because it has real-life impacts, and those real-life impacts are that the companies aren't putting aside enough money. So let's think about what we are saying. We are saying the highway trust fund is going broke, so to fix it we are going to endanger another fund, the pension funds of our workers. That is terrible.

That is why I love the Carper-Corker-Boxer amendment, and I thank my friends for their leadership on the pay-for. It does two things, this good amendment. It says we are not going to use the smoothing; we are going to protect our pensions. Secondly, we are going to attack the long-term issues of the highway trust fund in December, in the lameduck, after the elections, and everybody knows that is the best time to do it.

So I stand proudly with my friends. I hope we pass this. I don't know what happens or what the House will do, but my dad used to say you can only control what you can control. We can't control them, but we can control us.

So I hope anyone listening to this debate—I am going to support the Wyden amendment because it does strip some of the pension smoothing. I am going to oppose the Toomey amendment and the Lee amendment because I think they are dangerous, and I am going to

strongly support the Carper-Corker-Boxer amendment.

I thank my colleagues. I know there is some very important business about to come to the floor, so I will yield the floor at this time.

The PRESIDING OFFICER (Ms. WARREN.). The Senator from Maryland.

MILCON—VA APPROPRIATIONS

Ms. MIKULSKI. Madam President, we have just listened to a very lively debate on the highway trust fund, which is certainly a great issue confronting our Nation because our infrastructure is crumbling.

But we also know another great infrastructure has really been crumbling, and that is our VA infrastructure, including the ability to deliver health care to our veterans as promised, as well as to meet their claims when they file for their benefits, particularly those poignant, compelling claims around disability benefits.

I come to the floor today to see if we can't do a trifecta this week by passing the serious reform bill advocated by Senators SANDERS and MCCAIN—

The PRESIDING OFFICER. Senators will take their conversations out of the Chamber.

Ms. MIKULSKI. These are excellent Senators whose voices are heard and heard and heard, as is mine.

In addition to the Sanders-McCain bill that comes as a result of the conference, really what that bill does is focus primarily on the health care issues facing us. What concerns me is also the fact that we need to eliminate the VA disability claims backlog for which there is also a compelling need.

Now, what I am advocating is that we do a trifecta this week; that is, we pass the conference report that has been advocated by Senator SANDERS and Senator MCCAIN that will deal with the important reforms, including adding new personnel. We have given the VA a new chief executive officer to bring about the reforms with the know-how of business. I also wish to bring to the floor the VA-MILCON appropriations bill.

This is a fantastic bill that moves from the subcommittee, led by my very able subcommittee chairman, Senator TIM JOHNSON, with the help of the ranking member, Senator MARK KIRK of Illinois. They have done such incredible diligence on how we can use the taxpayers' dollars wisely to really provide the services we promised the veterans—yes, health care, but also that veterans shouldn't stand in line for health care and veterans also shouldn't stand in line and wait in line and then hope the line gets smaller for disability benefits.

What the VA-MILCON bill does this year, under the very able leadership of Senator JOHNSON, with the cooperation of Senator KIRK, is to implement these very important reforms, and the committee responded. I wish the Presiding Officer could have been in the full committee that day. We passed it on a bipartisan basis of 30 to 0.

Now I want to be able to bring this bill to the floor so this week we could

do all three of these and make sure that the Sanders-McCain conference report bill is not on a weak foundation. We need to modernize our VA infrastructure.

There is over \$10 billion of backlog in crumbling physical infrastructure at the VA. Its technology is dated. We want them to have great technology. Most of all, we finally want to crack this veterans backlog.

So I am going to propound shortly a unanimous consent request. I talked about it earlier. But before I make this request—I have spoken about this bill—I would like to yield to my colleague and my very able subcommittee chairman, Senator TIM JOHNSON, who has spent more than a decade working on these issues, and now, on a bipartisan basis, we have such a splendid bill—so wise, so prudent, so effective—that I wish we could do it.

I yield the floor for Senator JOHNSON and then I will reclaim the floor for my unanimous consent request.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. Madam President, I thank the chairwoman for her strong leadership on the Appropriations Committee and her unfailing dedication to our Nation's vets. She is absolutely right in pointing out that passage of the fiscal year 2015 MILCON-VA bill is crucial to implementing the Sanders bill. The Sanders bill provides funding and expanded access for medical care for vets, but the MILCON-VA bill provides a far broader range of funding and oversight that covers every aspect of VA operations.

By a unanimous vote, we just confirmed Robert McDonald to be Secretary of the VA. He is assuming the leadership of an agency in crisis, and he will need every resource available to him if he is to succeed in turning the VA around.

The Senate has given him the job, and the Senate should now give him the resources to accomplish that job. This is no time to delay or shortchange VA funding.

For the sake of the Nation's vets, we must keep our focus on the full scope of VA operations, including but not limited to access to medical care. The disability claims backlog is a perfect example. In the past year, with the resources and oversight provided in the fiscal year 2014 MILCON-VA bill, VA has made great progress in reducing the backlog. The fiscal year 2015 bill provides additional resources for claims processing to sustain this momentum. The move to paperless claims was key to streamlining and expediting claims processing, and it was made possible by improvements to VA Information Technology systems—improvements which were funded in the MILCON-VA bill.

IT is the backbone of virtually every program the VA administers. An antiquated and cumbersome electronic scheduling system was a key factor in the patient scheduling scandal. The VA

is in the midst of an entire overhaul of its electronic health record system to make it more accessible to patients and to exchange information with DOD. This effort is crucial to the VA's ability to deliver timely care and benefits to vets.

The MILCON-VA bill also provides the funding to implement a wide array of programs that are crucial to the health and well-being of vets. Many of these aren't the kinds of programs or initiatives that make splashy headlines, but they are essential in delivering timely care and benefits. For example, the fiscal year 2015 MILCON-VA bill contains \$7.8 million for a centralized mail system at the VA. The VA estimates that once the centralized program is implemented, it will take as many as 10 to 15 days off the time it takes to process a disability claim. The bill also provides increased funding to expand the Access Received Closer to Home program for vets in rural areas. These are just a few of many examples I could cite.

The Sanders bill and the MILCON-VA bill are separate components of a single requirement and they should move forward at the same time. I hope we can pass these bipartisan bills before we adjourn for recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—H.R. 4486

Ms. MIKULSKI. Madam President, I am really eager to bring at least one appropriations bill to the floor. There are only 72 hours left before we break for August.

I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 400, H.R. 4486, the Military Construction-VA appropriations bill; that the Committee-reported substitute amendment be agreed to; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; that there be up to 1 hour for debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill, as amended, be read a third time and the Senate proceed to vote on the passage of the bill, as amended; that if the bill, as amended, is passed, the Senate insist on its amendment, request a conference with the House, and authorize the Chair to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object, our side is eager to schedule floor consideration of appropriations bills with a full and open amendment process, and the MILCON-VA bill would be at the top of our list.

Would the Senator from Maryland agree to modify this consent request as follows: that following disposition of the highway bill this evening, the mo-

tion to proceed to S. 2648, the Senate border supplemental bill, be withdrawn and the Senate proceed to the immediate consideration of H.R. 4486, the MILCON-VA bill; I further ask that the first amendment in order be offered by the Republican leader or his designee, and that the two sides then offer amendments in alternating fashion; that following the disposition of all amendments, the bill, as amended, be read a third time and the Senate proceed to vote on passage.

The PRESIDING OFFICER. Does the Senator from Maryland so modify her request?

Ms. MIKULSKI. The answer is no, I will not modify my request. But my response should not be interpreted as a pugnacious rejection.

I appreciate the civil and courteous way the Senator from Alabama has responded. But in a nutshell, what the Senator from Alabama is requesting is that we not pick up the supplemental, we bring up the VA-MILCON instead. I would like to bring up both bills, which is why I am asking that there be no amendments on VA-MILCON. They are practically identical between the House and the Senate. There were no amendments except a few perfecting ones in the Senate. We could get this done in an hour. So, therefore, I will not modify my request.

The PRESIDING OFFICER. Is there objection to the original request?

The Senator from Alabama.

Mr. SHELBY. Madam President, I object to my distinguished chair's motion to consider and pass the MILCON-VA appropriations bill. This is not because I oppose the underlying bill, as I have said. This a bill that has wide bipartisan support. Its support is predicated upon the premise that we will engage in what we call "regular order" here. Regular order, by its very nature, includes the ability to offer, consider, and to vote on amendments.

If we were to agree to this unanimous consent request by the Senator from Maryland, we would be trading away every Member's prerogative on both sides of the aisle to offer and to vote upon amendments. I would, therefore, encourage the chair and the majority leader to revise their unanimous consent request to allow for an open amendment process. Until then, we will be compelled to object.

Thank you.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Madam President, I know my friends Senator MIKULSKI and Senator SHELBY are doing everything they can to work the will of the Senate. I know how they both want to get something done on this appropriations bill.

I simply want to say that I looked at the modification of my Republican friend—and he is my friend—that he offered, and I think for the good of America, who could be watching, I want to make a couple of points that will take me 30 seconds.

First of all, there is no limit on the number of amendments. We do not know if it will be 5, 10, 20 or 1,000 or 2,000 or 1 million. We have no idea. They would not even have to be related to the bill at hand, and they will not tell us what this list of amendments is.

I have looked back at some recent requests, and I want to be very honest with my friend. The recent requests I have seen before have been attacks on the Clean Air Act, attacks on the Clean Water Act, attacks on the Safe Drinking Water Act, attacks on women's health care. Frankly, that is not something I can agree to.

So I just want to say I am so saddened that we cannot seem to take up the most popular bill. I know how hard everybody has worked on MILCON-VA, and my friend, Senator SHELBY, said: Our side is eager to schedule floor consideration of appropriations bills. Well, if they are really eager, they should work together with Senator MIKULSKI. You could not find anyone more fair. Get a finite list of amendments. If they are controversial, we have the 60-vote threshold. We know how to do our work around here.

So I am sorry it has come to this, and I appreciate the leadership of both Senators.

The PRESIDING OFFICER. The senior Senator from Maryland.

Ms. MIKULSKI. Madam President, first of all, I thank all of those advocating the highway bill for their courtesy in letting us bring this to the floor. Senator JOHNSON and I are deeply appreciative.

I think we have just had a very good discussion. We have stated what we would like to do to move VA-MILCON in the most time-efficient way possible—with the least controversial bill. I am not going to have anything more to say about this tonight, but now that we have kind of put a lot of ideas out there, we have heard what the expression is of the vice chairman of Appropriations, I would hope that over the next 36 hours perhaps we could find a way forward to do the trifecta I am hoping for to serve America's veterans: pass the conference report that helps improve veterans health care—we have done one part of that now by approving Mr. McDonald—and all we would have to do before Thursday night is to finish VA-MILCON.

So I intend to reach out across the aisle, and I appreciate the effort and courtesy and the cooperation of the highway Senators, who are moving this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Thank you very much, Madam President.

I know we have a number of colleagues who still want to speak, and we want to get to votes tonight, so I want to be very brief speaking in opposition to the Lee amendment and in support of the amendment of my friends Senator CARPER, Senator BOXER, and Senator CORKER.



Madam President, I want to quickly tell you about the Norwalk River Bridge, which is a bridge in the State of Connecticut, which is pretty important to the transit of people and goods throughout the Northeast because it spans the Norwalk River and allows for trains—Amtrak trains, Metro-North trains—to be able to transit millions of people over millions of trips up and down the Northeast Corridor. Without the Norwalk River Bridge, you cannot get from New Haven to New York, but you also cannot get from Washington, DC, to Boston.

That bridge is 118 years old, and it is a miracle that it opens at all. It needs to open in order to allow maritime traffic to go up and down the Norwalk River. It is a miracle that it opens at all. But, in fact, on 16 of its 271 openings last year, it did not open and it interrupted Metro-North service 175 times.

The result for not just Connecticut but the entire region is hundreds of thousands of dollars in lost productivity. Our inability to pass a long-term transportation bill means that big projects like the replacement of the Norwalk River Bridge cannot get done. Why? Because when you only budget for 12 months or 24 months at a time—or in this instance only 6 months or 4 months at a time—there is no way for a State to be able to plan to do that kind of massive work.

So I am here on the floor to beg my colleagues to support the amendment from Senator BOXER and Senator CARPER because it is time we started to get some political courage and admit that the emperor has no clothes when it comes to Federal transportation policy. Yes, it is politically difficult to make the choices necessary to come up with the funding to fill that gap.

Senator CORKER and I have one particular idea, but we would love to hear others. But it is time for us to sit down and have that honest conversation because you cannot do projects like this if you do not.

But to Senator LEE's amendment, this is exactly why you need a Federal commitment to transportation funding. The idea that you are just going to devolve all of these projects down to the local level is preposterous. Why? Because this is a regional asset. The Norwalk River happens to be located in the State of Connecticut. But if all transportation funding came from the States, and Connecticut, for one reason or another, decided not to spend money on replacing the Norwalk River Bridge, it is not just Connecticut that is affected by that; transit stops in Massachusetts, in New York, in New Jersey, in Delaware, all the way down to Washington, DC.

So the reason we have made a robust commitment to Federal funding for both highways and mass transit is because the benefits accrue to all of us.

Senator LEE said that this is just an innovation in the way we fund transportation, like, as he said, the innova-

tion in the way in which people buy books. That analogy speaks to our imperative for Federal funding because the way that books have been sold is different. It used to be that you just used the local roads to drive down and buy your book from the local bookstore. Today, you buy at amazon.com, and it is the Interstate Highway System, the interstate rail system that is used to get your book from a warehouse somewhere out in the Midwest to you after you ordered it online in Connecticut. If you want to talk about the great innovations of the last 20 to 30 years, they all buttress the idea that we live in an interconnected, interstate world in which we need a Federal commitment to highway funding—one that does not just parse out funding one month at a time.

My State is particularly dependent on this kind of funding. Connecticut only survives if we are able to unlock the congested highways and byways and rail lines that connect my State to New York and to Boston in particular. But this Nation as a whole will not succeed, will not survive economically if we do not grapple with the fact that as China spends 12 percent of its GDP on infrastructure, Europe spends 6 percent of its GDP on infrastructure, even if we just held the line, we would still only be spending 3 percent of our GDP on the most important asset to the future of America's economy.

So I hope we reject the Lee amendment. I hope we pass the Carper-Boxer-Corker amendment. I am glad to join them in support of it this evening.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, just for purposes of making a unanimous consent request, I ask unanimous consent that the only remaining time be 5 minutes each for the following Senators and the Senate then proceed to vote on the amendments and the bill as provided under the previous order: Senator CARPER, Senator FLAKE, Senator WYDEN, and Senator KING. The unanimous consent request is for 5 minutes each, and then the votes.

Mrs. BOXER. Madam President, reserving the right to object, will we still have 2 minutes before each amendment then? It will be in between?

The PRESIDING OFFICER. Yes, we will.

Mrs. BOXER. I thank the Chair.

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

The Senator from Delaware.

Mr. CARPER. Madam President, I understand in the unanimous consent agreement I have 5 minutes.

The PRESIDING OFFICER. Yes, that is correct.

Mr. CARPER. I yield 1 minute of that to Senator KING. Oh, great, he has 5 minutes. I would like to have 4 of his minutes.

I will start by saying my thanks to Senator WYDEN for his leadership as well. I am pleased to be able to support

his amendment. I am grateful he is supporting ours.

I say to some of our Republican colleagues, I have talked to most of you in the last several weeks about this approach that Senator BOXER and Senator CORKER and I are proposing; that is, to lower from \$11 billion to \$8 billion the amount of money that would go into the transportation trust fund. That would force us to come back and make a decision by the end of this calendar year. That would force us to do something real, do our job during the lameduck session.

One of the reasons Republicans have said to me is: We can't do that because then that would force the bill to go back to the House from which it has emanated. Well, let me just say the bill is going back to the House. The Wyden amendment is going to pass. So get over it. The bill is going to go back to the House. It is not going to die there. They will do something with it. They may send it back to us in that same form or some different form. But for Republicans who have said: I understand the importance of doing something in a lameduck session, and we know we need to be compelled to do that but I just can't do it, well, you can.

For the folks, our Republican friends who say: I don't like that pension smoothing at all, the idea of mucking with people's pensions in order to fund something entirely unrelated—and that is building roads, highways, bridges, and transit systems—well, you do not have to do that. You can use an honest pay-for, an honest set-aside, and feel good about doing that.

We are going to be here, maybe, Friday night, December 19, and if we have provided \$11 billion to carry us to fund programs through the end of next May, I promise you, if we have not worked out a 6-year transportation funding plan by December 19, that Friday night, we are going to be gathered right here and people will say: What are we doing here? It is almost Christmas. I want to go home or go somewhere to be with my family. We have money to run these programs until the end of May, so let's just kick the can down the road and come back a little bit before May and we will do it then.

One problem with that: We did something like that 5 years ago, and we did it again and again and again and again—11 times. This will be the 12th time we do it.

Why am I concerned we will do it again?

I say to Senator DURBIN, let me ask, what did Albert Einstein say about the definition of "insanity"? He said: It is the notion that we are going to do things the same way we have always done them and we get a better result or a different result. We will not. We will do it again.

All over this country, State and local governments, mayors, Governors, people who build roads, people who run contracting companies, the truckers,

all kinds of people are saying to us one message: Do your job. Our job is to provide transportation infrastructure. Do it in a time-responsible way so that States and local governments that have these programs, that have them on the drawing boards can build them or the ones that are underway, they want to complete them.

We can help them do that. We can do that by voting for the Carper-Corker-Boxer amendment.

Let me close with another great quote from another great guy who used to criticize this place, Mark Twain. He was always saying bad things about the Congress, even then when he was around. But one of the things he said is relevant today. Here is what he said: When in doubt, do what is right. You will confound your enemies and amaze your friends.

I will just say to my Republican colleagues, especially: We love you. We want you to join us in doing what is right, and you will confound your enemies and you will amaze your friends, and not only that, you will do the right thing for our country, strengthen our economic recovery, do what we are supposed to do, providing strong transportation infrastructure for this Nation.

The people of this country are counting on us. Let's not let them down.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, in just a short time we are going to have some votes—five—and we have been very lackadaisical. We have waited for people to come here to vote for up to 25, sometimes 30 minutes. We are not going to do it. We have first a 15-minute vote, and then we have four 10-minute votes, and we are going to cut off the time. We will have the 5-minute period we always have at the end of these votes, but, everyone, there is no excuse. It is not fair to everybody to wait around here while you are doing whatever you are doing. It is impolite, and it is not courteous, and we need to move things along. People have things to do tonight. So when we finish the speeches, we are going to move to the voting, and we are going to stick to the times. So, everybody, there are no excuses. Everybody should understand that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I will be brief in support of the amendment by the Senator from Utah to devolve highway trust fund spending to the States. I want to correct something that was said earlier. It was said that all money would be devolved to the States and it would be up to the States to maintain the Interstate Highway System. That is not the case.

This amendment is similar to many that have been submitted over the years, myself included. I have submitted some in the House to do this very thing.

I think we can all agree that the highway trust fund is in need of a

major overall. Since 2008, we have taken, I think, \$53 billion from the general fund to replenish the highway trust fund because cars have better gas mileage, and when we have recessions, less driving is done and less money goes into the trust fund, and we are trying to make that up now.

In the future, it simply is not going to meet the need out there. So we have got to do something to make sure we get more bang for the buck for highway spending. One way to do that is to allow States greater flexibility to use these moneys and give the States those responsibilities as well. When you do that, you can increase the bang for the buck. When you look at what a lot of the money is now spent on—the Federal money—instead of putting it toward highways, it is diverted to mass transit, bike paths, ferry boats, streetscaping, and countless other projects that are, at best, very local in nature and, at worst, very wasteful.

The States generally have a better idea of what their needs are and are better stewards of taxpayer money in that respect. I have been told that if you build two bridges—if a State has two bridges to be built, they are next to each other across the same river and about the same location, if you build one with Federal funds and one with State funds, the one with Federal funds will cost you about 20 percent more, when you take into account the Davis-Bacon requirements and other mandates and lengthy approval processes. So States simply get a lot more bang for the buck. If we want highway dollars to go farther, we ought to do this.

In an issue brief by Common Good, it states, "The environmental review process has grown onerous and expensive, adding years to the length of infrastructure projects without improving environmental outcomes." That is another thing that Federal laws require oftentimes is lengthy environmental reviews.

We can correct a lot of this by devolving some of these responsibilities to the States. I think the Lee amendment goes a long way toward doing that.

I want to say that I appreciate some of the amendments that are being brought forward today. Some of them are a lot less gimmicky than we are used to dealing with on the highway trust fund. But the Lee amendment is one that actually deals with the highway trust fund long term and offers a long-term solution to the problem of not enough money in the fund and misplaced priorities with some of the spending.

I urge my colleagues to support the Lee amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise to address the highway funding issue we are discussing today. Four or five years ago, Tom Brokaw wrote a book called "The Greatest Generation." He was

talking about the generation that sacrificed—I repeat sacrificed—on our behalf. They struggled through the Depression, they fought World War II. Then when it was over, they paid the debt from World War II and built the Interstate Highway System. I hate to think what Tom Brokaw would call the book written about our generation, which has, in effect, rebuilt the World War II debt, which we are passing on to our children. We cannot even keep the Interstate Highway System fixed. This is shameful.

I am here to support the Carper-Boxer-Corker amendment, because it forces us to deal with it in this Congress. It is not going to be any easier to deal with next May. Let's get it done. We have the answers. We know what we have to do. The highway system is a pay-as-you-go system. The problem is, now we are going more than we are paying. The gasoline tax has not been raised since 1993, 21 years ago. But the cost of maintaining the highways, of course, has been raised precipitously.

Not fixing infrastructure is debt. A lot of people around here talk about debt, and we are worried about the debt we are passing on to our children. I am worried about it too, but I want to make the point that if you do not fix a bridge or do not fix a highway or do not fix an airport, that is debt too because our children are going to have fix them. When they get around to it, they are going to have to pay more for it.

Senator CORKER used the term "generational theft." That is what it is. Our generation is giving ourselves tax cuts borrowing the money to pay for those tax cuts, and our kids are going to have to pay it. That is not a tax cut, that is a shift of a tax from us to our children and our grandchildren. It is wrong.

To think that generation went through the Depression, fought World War II, paid for World War II, and then built the Interstate Highway System in the 1950s and 1960s, and then we cannot even keep it paved, and we have rebuilt the debt from World War II with nothing much to show for it, is unconscionable.

There are a lot of problems we deal with here that are hard and complicated. I deal with, on Armed Services and Intelligence, some very complicated problems that are troubling and difficult to figure the right thing to do. This one is simple: Pay your bills. It could not be more straightforward. Pay your bills. If you want to drive on the highways, have the potholes filled, we have to pay for it. To delay this into next May is just that much easier, and then we are going to start talking about Presidential campaigns and other campaigns and 2016 is going to be coming up. There are always reasons not to do it.

This is the 11th time we have punted on this issue. This is what the American public is sick and tired of. They are sick and tired of us not doing our basic job. There could not be a more

basic job than fixing and paying for and maintaining your infrastructure. So I hope we can pass this amendment.

Yes, it is going to go back to the House. The House has said: Well, we are not going to accept it. But let's see. Let's put something good over there, shorten the time, get to it this year, in December, November or December, and let's solve it. It is not going to be any easier to solve in May. I would argue it would probably be harder.

I think it is time for us to start talking straight to the American people and say: We have to pay our bills. That is what this amendment and that is what this bill is all about. I want that book to talk about another greatest generation, not the worst generation that just passed all the bills on to our kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, this debate has shown the urgency of moving on both a short-term patch for funding transportation and a long-term solution. Senator HATCH and I, with the first amendment, offer a bipartisan path forward. We take ideas from the other Chamber. We take ideas from both parties. We take ideas that both sides can build on for the long term, as Chairwoman BOXER has recommended.

There are important differences between the other body and the Senate. The other Chamber overuses pension smoothing. That creates two problems rather than solving one: They ignore the issue of tax compliance. That has always been bipartisan—paying taxes on taxes owed. Not tax hikes, not increases, not jacking revenues through the stratosphere, paying taxes on what is owed.

The other body abandons important bipartisan initiatives, initiatives from Senator BARR and Senator BENNET to promote natural gas vehicles; from Senator ISAKSON and Senator NELSON to protect earned pension rights; and Senators Bennet and Crapo to make sure we can deliver water to farmers across the Nation. The American Farm Bureau has endorsed this amendment.

The other body is saying: It is our way or no highway. I would ask colleagues, is that what we are sent here to the Senate to do, that we accept every dotted I and every crossed T from the other body and say that is just fine?

Colleagues, we talk about regular order. How is it regular order to be a rubberstamp for the other body?

This is going to be done this week. That is nonnegotiable. This bill will be finished this week. What should be negotiable is that the Senate and the other body should have a chance to work out differences. Working that out is as much a part of regular order as voting on amendments. So let's vote to be the Senate, and not have the other body dictate that it is either their way or no highway.

I urge my colleagues strongly to support the first amendment. It is a bipar-

tisan amendment from Senator HATCH and me. It passed with virtual unanimity in the finance committee.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mrs. BOXER. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Have the votes been set for a certain time?

The PRESIDING OFFICER. All time has expired except for the 2 minutes before the vote on the Wyden amendment.

Who yields time?

Mrs. BOXER. Madam President, if Senator WYDEN would like this time, I think that would be really appropriate to sum it up in the 1 minute we have. If there is an opposition person, they can speak. I think the Senator should sum it up in 1 minute.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as Senator HATCH and I—very briefly—offer a bipartisan amendment, it is a bipartisan amendment based on the ideas from both bodies. It reflects the fact that we have tried to come up with an approach we can finish this week that does not overuse pension smoothing, that ensures we comply with our tax laws, and includes bipartisan initiatives that promote natural gas vehicles, help our farmers, and ensure that earned pension rights are protected.

The other body offers what amounts to our way or no highway. We offer a bipartisan alternative. I hope all of my colleagues will support it. It is the first vote at hand.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3582.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—71

Ayotte	Cardin	Franken
Baldwin	Carper	Gillibrand
Barrasso	Casey	Graham
Begich	Coats	Grassley
Bennet	Collins	Hagan
Blumenthal	Coons	Harkin
Booker	Corker	Hatch
Boxer	Donnelly	Heinrich
Brown	Durbin	Heitkamp
Burr	Enzi	Hirono
Cantwell	Feinstein	Isakson

Johnson (SD)  
Kaine  
King  
Kirk  
Klobuchar  
Landrieu  
Leahy  
Levin  
Manchin  
Markey  
McCaskill  
Menendez  
Merkley

Mikulski  
Murkowski  
Murphy  
Murray  
Nelson  
Portman  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen

Stabenow  
Tester  
Thune  
Toomey  
Udall (CO)  
Udall (NM)  
Walsh  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden

NAYS—26

Blunt	Flake	Moran
Boozman	Heller	Paul
Chambliss	Hoeven	Risch
Coburn	Inhofe	Rubio
Cochran	Johanns	Scott
Cornyn	Johnson (WI)	Sessions
Crapo	Lee	Shelby
Cruz	McCain	Vitter
Fischer	McConnell	

NOT VOTING—3

Alexander	Roberts	Schatz
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 3583

The PRESIDING OFFICER. There is now 2 minutes of debate prior to the vote on the Carper amendment.

The Senator from Delaware.

Mr. CARPER. Madam President, let me say to our Republican colleagues, this bill is going back to the House. We can send it back to the House correcting what I think is a misguided approach on pension smoothing. We can knock out that \$3 billion pension smoothing. We can set a dynamic that will ensure we do something this year—that we do our jobs this year and get it done.

Across the country, AAA, American Trucking Associations, Governors, Senators, want us to do our job and finish it this year. Let's vote yes on the Carper-Corker-Boxer amendment and do our job this year.

I yield for the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, to my colleagues, we are now on the Senate Finance Committee bill. There is one major flaw in this bill. It has \$2.8 billion worth of pension smoothing. This amendment does away with that. What it means is it would be a better bill, but we would also have to solve this problem.

We have had 11 short-term reauthorizations of the highway bill. It is unbelievable. We have had five general transfers such as this, which is nothing but generational theft. So what this amendment will do is cause us to do our job by year-end.

I urge a "yes" vote. I thank our co-sponsors and hope this amendment will pass.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 245 Leg.]

#### YEAS—66

Baldwin	Franken	Mikulski
Barrasso	Gillibrand	Murphy
Begich	Graham	Murray
Bennet	Grassley	Nelson
Blumenthal	Hagan	Paul
Blunt	Harkin	Pryor
Booker	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Hirono	Rockefeller
Cantwell	Johnson (SD)	Sanders
Cardin	Kaine	Schumer
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coats	Landrieu	Thune
Coburn	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Manchin	Walsh
Donnelly	Markey	Warner
Durbin	McCain	Warren
Enzi	McCaskill	Whitehouse
Feinstein	Menendez	Wicker
Flake	Merkley	Wyden

#### NAYS—31

Ayotte	Heller	Portman
Boozman	Hoeven	Risch
Burr	Inhofe	Rubio
Chambliss	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shaheen
Cornyn	Kirk	Shelby
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Fischer	Moran	
Hatch	Murkowski	

#### NOT VOTING—3

Alexander	Roberts	Schatz
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

#### AMENDMENT NO. 3584

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Lee amendment.

The Senator from Utah.

Mr. LEE. Madam President, the amendment we are about to consider would empower States to collect and spend on the transportation infrastructure they need. We have a desperate need within our transportation infrastructure system that is not being satisfied by our current Federal system, one that has been bloated over the years and has centralized too much power within Washington, DC. This has resulted in gridlock within our transportation infrastructure projects. We increased the Federal gasoline tax by 460 percent between 1982 and 1994. Instead of using that to back up and secure the Federal highway trust fund,

we instead overreached. We instead expanded dramatically the power of the Federal Government and the expenses we incur.

I encourage all my colleagues to support this measure which would re-empower States and move our interests further in the 21st century.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I wish to speak to Senators for a minute and tell Members this amendment is the end of the Federal highway system. The States oppose it.

My friend from Utah gave a very impassioned speech earlier in which he essentially said: Free the States. Let them be free. But the States oppose this amendment. The American Association of State Highway and Transportation Officials strongly oppose it and so does the U.S. Chamber of Commerce, the American Trucking Associations, American Society of Civil Engineers, the National Stone, Sand, and Gravel Association. The fact is it would result in an immediate 80-percent cut to our States at a time when we still have 700,000 unemployed construction workers and thousands of businesses that are waiting—just waiting—to rebuild the infrastructure.

I hope Members will vote no on this radical amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 246 Leg.]

#### YEAS—28

Ayotte	Fischer	Paul
Boozman	Flake	Portman
Burr	Graham	Risch
Chambliss	Grassley	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	
Cruz	Moran	

#### NAYS—69

Baldwin	Bennet	Booker
Barrasso	Blumenthal	Boxer
Begich	Blunt	Brown

Cantwell	Hoeven	Nelson
Cardin	Johanns	Pryor
Carper	Johnson (SD)	Reed
Casey	Kaine	Reid
Cochran	King	Rockefeller
Collins	Kirk	Sanders
Coons	Klobuchar	Schumer
Donnelly	Landrieu	Shaheen
Durbin	Leahy	Shelby
Enzi	Levin	Stabenow
Feinstein	Manchin	Tester
Franken	Markey	Thune
Gillibrand	McCaskill	Udall (CO)
Hagan	McConnell	Udall (NM)
Harkin	Menendez	Walsh
Hatch	Merkley	Warner
Heinrich	Mikulski	Warren
Heitkamp	Murkowski	Whitehouse
Heller	Murphy	Wicker
Hirono	Murray	Wyden

#### NOT VOTING—3

Alexander	Roberts	Schatz
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

#### AMENDMENT NO. 3585

There will now be 2 minutes of debate prior to a vote on the Toomey amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, in 2011 the Federal Highway Administration estimated the average transportation project in America takes 79 months to go through the National Environmental Policy Act review process—6½ years to get permission to build a road or a bridge. Ben Nelson, a Democrat from Nebraska, recognized the problem and suggested an amendment. The amendment simply says if a bridge or a road is damaged or destroyed by a declared natural disaster or emergency and we rebuild the bridge or road in the exact same place, with the same footprint, the same dimensions—everything is the same—then we don't have to go through the entire environmental permitting process again. This would save a lot of time and money and allow us to maintain our roads and bridges.

I know my friends on the other side think this problem was solved. It was not solved. The Department of Transportation can exclude certain projects, but can choose not to, and does not have the discretion to provide an exclusion for the Army Corps of Engineers or the Fish and Wildlife Service—the very reviews that take the most time and cost the most money. So I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, this issue was dealt with in MAP-21 in the committee. My friend from Pennsylvania talks about using regular order, and we did. We had a very serious debate and we had many different views and we compromised, and there is an expedited process to deal with replacement facilities. It is in MAP-21. It deals with a way to get this done.

The problem with the amendment of the Senator from Pennsylvania is it totally eliminates all of the protections that are in the law. It eliminates all of the protections under the Clean Water Act and under the NEPA process.

We handled this in the committee. It was bipartisan. It was done. There is no need for this amendment.

I urge my colleagues to reject the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 247 Leg.]

#### YEAS—47

Ayotte	Fischer	McCaskill
Barrasso	Flake	McConnell
Begich	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Burr	Heitkamp	Portman
Chambliss	Heller	Risch
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	Manchin	Wicker
Enzi	McCain	

#### NAYS—50

Baldwin	Harkin	Pryor
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	Menendez	Walsh
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Hagan	Nelson	

#### NOT VOTING—3

Alexander	Roberts	Schatz
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The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on passage of H.R. 5021, as amended.

Mrs. MCCASKILL. I yield back time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. MCCASKILL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 248 Leg.]

#### YEAS—79

Ayotte	Gillibrand	Mikulski
Baldwin	Graham	Moran
Barrasso	Grassley	Murkowski
Begich	Hagan	Murphy
Bennet	Harkin	Murray
Blumenthal	Heinrich	Nelson
Blunt	Heitkamp	Pryor
Booker	Heller	Reed
Boozman	Hirono	Reid
Boxer	Hoeven	Rockefeller
Brown	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Johanns	Shaheen
Carper	Johnson (SD)	Stabenow
Casey	Kaine	Tester
Chambliss	King	Thune
Coats	Kirk	Udall (CO)
Cochran	Klobuchar	Udall (NM)
Collins	Landrieu	Vitter
Coons	Leahy	Walsh
Corker	Levin	Warner
Donnelly	Manchin	Warren
Durbin	Markey	Whitehouse
Enzi	McCaskill	Wicker
Feinstein	McConnell	Wyden
Fischer	Menendez	
Franken	Merkley	

#### NAYS—18

Burr	Hatch	Risch
Coburn	Johnson (WI)	Rubio
Cornyn	Lee	Scott
Crapo	McCain	Sessions
Cruz	Paul	Shelby
Flake	Portman	Toomey

#### NOT VOTING—3

Alexander	Roberts	Schatz
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The PRESIDING OFFICER. The 60-vote threshold having been achieved, the bill, H.R. 5021, as amended, is passed.

#### PROVIDING FOR THE CORRECTION OF THE ENROLLMENT OF H.R. 5021

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 108, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 108) providing for the correction of the enrollment of H.R. 5021.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to and the motion to reconsider is considered made and laid upon the table.

The concurrent resolution (H. Con. Res. 108) was agreed to.

#### SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST HAMAS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 526.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 526) supporting Israel's right to defend itself against Hamas, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 526) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ISRAEL

Mr. REID. Mr. President, this resolution is sponsored by me, the Republican leader, Senator MENENDEZ, Senator CORKER, and others.

I want the record to reflect that Senator MCCONNELL and I have talked about this personally and we have agreed, without any hesitation, about this legislation.

I have always been a supporter of the United Nations my whole career.

What I saw last week disgusted me. As the U.N. Human Rights Council in Geneva voted to adopt a resolution accusing Israel of human rights violations in the ongoing Gaza conflict, the resolution was so incredibly one-sided and anti-Israel biased that it makes zero—none—mention of Hamas and the atrocities Hamas has committed by indiscriminately barraging Israel and using Palestinian civilians as human shields.

Hamas perpetrated this conflict. They wantonly fire rockets, and they don't care where the rockets go. Hamas has fired almost 3,000 missiles during a 3-week conflict.

In fact, the very day the U.N. Human Rights Council exonerated Hamas, it fired dozens of rockets into Israel the same day.

These aren't firecrackers. These are very violent, powerful weapons. They